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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1151

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State of Washington

58th Legislature

2004 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Lovick, Lantz, Jarrett, Miloscia, Delvin, Moeller, Wallace, G. Simpson and Upthegrove)

READ FIRST TIME 02/06/04.

1 AN ACT Relating to the keeping of dangerous wild animals; adding a  
2 new chapter to Title 16 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** It is the intent of the state of Washington  
5 to protect the public against the serious health and safety risks that  
6 dangerous wild animals pose to the community.

7 NEW SECTION. **Sec. 2.** (1) "Animal control authority" means an  
8 entity acting alone or in concert with other local governmental units  
9 for enforcement of the animal control laws of the city, county, and  
10 state and the shelter and welfare of animals.

11 (2) "Potentially dangerous wild animal" means one of the following  
12 types of animals, whether bred in the wild or in captivity, and any or  
13 all hybrids thereof, which is capable of inflicting serious or fatal  
14 injuries:

15 (a) Class mammalia

16 (i) Order carnivora

17 (A) Family felidae, only lions, tigers, captive-bred cougars,  
18 jaguars, cheetahs, and leopards;

- 1 (B) Family canidae, only wolves;  
2 (C) Family ursidae, all bears;  
3 (D) Family hyaenidae, such as hyenas;  
4 (ii) Order perissodactyla, only rhinoceroses;  
5 (iii) Order primates, such as lemurs, monkeys, chimpanzees, and  
6 gorillas;  
7 (iv) Order proboscidae, such as elephants;  
8 (b) Class reptilia  
9 (i) Order squamata  
10 (A) Family varanidae, only water monitors and crocodile monitors;  
11 (B) All venomous species, such as boomslangs, African twig snakes,  
12 coral snakes, cobras, mambas, keelback snakes, copperheads,  
13 cottonmouths, and rattlesnakes; and  
14 (ii) Order crocodilia, such as crocodiles, alligators, caimans, and  
15 gavials.  
16 (3) "Person" means any individual, partnership, corporation,  
17 organization, trade or professional association, firm, limited  
18 liability company, joint venture, association, trust, estate, or any  
19 other legal entity, and any officer, member, shareholder, director,  
20 employee, agent, or representative thereof.  
21 (4) "Possessor" means any person who owns, possesses, keeps,  
22 harbors, brings into the state, or has custody or control of a  
23 potentially dangerous wild animal.  
24 (5) "Wildlife sanctuary" means a nonprofit organization as  
25 described in RCW 84.36.800, that operates a place of refuge where  
26 abused, neglected, unwanted, impounded, abandoned, orphaned, or  
27 displaced animals are provided care for their lifetime or released back  
28 to their natural habitat and, with respect to any animal owned by the  
29 organization, does not:  
30 (a) Conduct any activity that is not inherent to the animal's  
31 nature, natural conduct, or the animal in its natural habitat;  
32 (b) Use the animal for any type of entertainment;  
33 (c) Sell, trade, or barter the animal or the animal's body parts;  
34 or  
35 (d) Breed the animal for any purpose.

36 NEW SECTION. **Sec. 3.** (1) The provisions of this chapter do not  
37 apply to:

1 (a) Institutions authorized by the Washington department of fish  
2 and wildlife to hold, possess, and propagate deleterious exotic  
3 wildlife pursuant to RCW 77.12.047, such as zoos and aquariums  
4 accredited by the American zoo and aquarium association;

5 (b) Duly incorporated nonprofit animal protection organizations,  
6 such as humane societies and shelters, housing an animal at the written  
7 request of the animal control authority or acting under the authority  
8 of this chapter;

9 (c) Animal control officers, law enforcement agents, or county  
10 sheriffs acting under the authority of this chapter;

11 (d) Licensed veterinary hospitals or clinics;

12 (e) A holder of a valid wildlife rehabilitation permit issued by  
13 the Washington department of fish and wildlife;

14 (f) Any wildlife sanctuary;

15 (g) Any licensed or accredited research or medical institution;

16 (h) Any licensed or accredited educational institution;

17 (i) Any lawfully operated circus or rodeo;

18 (j) An individual who is in possession of a monkey that has been  
19 obtained through and trained by a licensed and accredited nonprofit  
20 organization dedicated to improving the quality of lives for  
21 quadriplegic individuals;

22 (k) A person temporarily transporting and displaying a potentially  
23 dangerous wild animal through the state if the transit time is not more  
24 than twenty-one days and the animal is at all times maintained within  
25 a confinement sufficient to prevent the animal from escaping;

26 (l) Domesticated animals subject to this title or native wildlife  
27 subject to Title 77 RCW; and

28 (m) A person displaying animals at a fair approved by the  
29 Washington department of agriculture pursuant to chapter 15.76 or 36.37  
30 RCW.

31 (2) This chapter does not require a city or county that does not  
32 have an animal control authority to create that office.

33 NEW SECTION. **Sec. 4.** (1) A person shall not own, possess, keep,  
34 harbor, bring into the state, or have custody or control of a  
35 potentially dangerous wild animal, except as provided in subsection (3)  
36 of this section.

37 (2) A person shall not breed a potentially dangerous wild animal.

1 (3) A person in legal possession of a potentially dangerous wild  
2 animal prior to the effective date of this act and who is the legal  
3 possessor of the animal may keep possession of the animal until July 1,  
4 2009. The person must maintain veterinary records, acquisition papers  
5 for the animal, if available, or other documents or records that  
6 establish that the person possessed the animal prior to the effective  
7 date of this act. The person shall have the burden of proving that he  
8 or she possessed the animal prior to the effective date of this act.

9 (4) A person who possesses a potentially dangerous wild animal as  
10 allowed under subsection (3) of this section may, prior to July 1,  
11 2009, apply to the animal control authority for permission to maintain  
12 possession of the animal after July 1, 2009. The animal control  
13 authority may allow the possessor to maintain possession of the animal  
14 for a time period determined by the animal control authority and under  
15 conditions specified by the animal control authority. The animal  
16 control authority shall not unreasonably deny permission for a person  
17 to maintain possession of a potentially dangerous wild animal after  
18 July 1, 2009, if the person has proper documentation establishing that  
19 the potentially dangerous wild animal was lawfully possessed by the  
20 person prior to the effective date of this act.

21 NEW SECTION. **Sec. 5.** (1) The animal control authority may  
22 immediately confiscate a potentially dangerous wild animal if:

23 (a) The animal is possessed after July 1, 2009, and the possessor  
24 has not been granted permission to maintain possession after July 1,  
25 2009, as allowed under section 4 of this act; or

26 (b) The animal control authority has probable cause to believe that  
27 the animal was acquired after the effective date of this act in  
28 violation of section 4 of this act.

29 (2) A potentially dangerous wild animal that is confiscated under  
30 this section may be returned to the possessor only if the animal  
31 control authority establishes that the possessor had possession of the  
32 animal prior to the effective date of this act and if the return of the  
33 animal does not violate section 4 of this act.

34 (3) The animal control authority shall serve notice upon the  
35 possessor in person or by regular and certified mail, return receipt  
36 requested, notifying the possessor of the confiscation, that the  
37 possessor is responsible for payment of reasonable costs for caring and

1 providing for the animal during the confiscation, and that the  
2 possessor must meet the requirements of subsection (2) of this section  
3 in order for the animal to be returned to the possessor.

4 (4) If a potentially dangerous wild animal confiscated under this  
5 section is not returned to the possessor, the animal control authority  
6 may release the animal to a facility such as a wildlife sanctuary, zoo,  
7 or aquarium. If the animal control authority is unable to relocate the  
8 animal within a reasonable period of time, it may euthanize the animal.

9 (5) An animal control authority may euthanize a potentially  
10 dangerous wild animal under this section only if all other reasonable  
11 placement options, including relocation to a wildlife sanctuary, zoo,  
12 or aquarium, are unavailable.

13 NEW SECTION. **Sec. 6.** A city or county may adopt an ordinance  
14 governing potentially dangerous wild animals that is more restrictive  
15 than this chapter. However, nothing in this chapter requires a city or  
16 county to adopt an ordinance to be in compliance with this chapter.

17 NEW SECTION. **Sec. 7.** A person who acquires possession of a  
18 potentially dangerous wild animal after the effective date of this act,  
19 or who possesses a potentially dangerous wild animal after July 1,  
20 2009, in violation of section 4 of this act, is liable for a civil  
21 penalty of not less than two hundred dollars and not more than two  
22 thousand dollars for each animal with respect to which there is a  
23 violation and for each day the violation continues.

24 NEW SECTION. **Sec. 8.** The animal control authority and its staff  
25 and agents, local law enforcement agents, and county sheriffs are  
26 authorized and empowered to enforce the provisions of this chapter.

27 NEW SECTION. **Sec. 9.** If any provision of this act or its  
28 application to any person or circumstance is held invalid, the  
29 remainder of the act or the application of the provision to other  
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act constitute

1 a new chapter in Title 16 RCW.

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