
SECOND SUBSTITUTE HOUSE BILL 1151

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.

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

18 (a) The animal is possessed after July 1, 2009, and the possessor
19 has not been granted permission to maintain possession after July 1,
20 2009, as allowed under section 4 of this act; or

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

24 (2) A potentially dangerous wild animal that is confiscated under
25 this section may be returned to the possessor only if the animal
26 control authority establishes that the possessor had possession of the
27 animal prior to the effective date of this act and if the return of the
28 animal does not violate section 4 of this act.

29 (3) The animal control authority shall serve notice upon the
30 possessor in person or by regular and certified mail, return receipt
31 requested, notifying the possessor of the confiscation, that the
32 possessor is responsible for payment of reasonable costs for caring and
33 providing for the animal during the confiscation, and that the
34 possessor must meet the requirements of subsection (2) of this section
35 in order for the animal to be returned to the possessor.

36 (4) If a potentially dangerous wild animal confiscated under this
37 section is not returned to the possessor, the animal control authority

1 may release the animal to a facility such as a wildlife sanctuary, zoo,
2 or aquarium. If the animal control authority is unable to relocate the
3 animal within a reasonable period of time, it may euthanize the animal.

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

8 NEW SECTION. **Sec. 7.** A person who acquires possession of a
9 potentially dangerous wild animal after the effective date of this act,
10 or who possesses a potentially dangerous wild animal after July 1,
11 2009, in violation of section 4 of this act, is liable for a civil
12 penalty of not less than two hundred dollars and not more than two
13 thousand dollars for each animal with respect to which there is a
14 violation and for each day the violation continues.

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

18 NEW SECTION. **Sec. 9.** If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 remainder of the act or the application of the provision to other
21 persons or circumstances is not affected.

22 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act constitute
23 a new chapter in Title 16 RCW.

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