
HOUSE BILL 1400

State of Washington 58th Legislature 2003 Regular Session

By Representative Grant

Read first time 01/24/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to controlling dogs that are a threat to public
2 safety; amending RCW 16.08.070 and 16.08.030; and creating new
3 sections.

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

5 NEW SECTION. **Sec. 1.** This act may be known and cited as the
6 marauding dog protection act.

7 NEW SECTION. **Sec. 2.** The legislature finds that during the period
8 of March 1, 2002, through July 31, 2002, two hundred eighty dogs were
9 impounded by the animal control unit in Snohomish county. It is the
10 purpose of this act to better protect the residents of this state and
11 their animals and property. The legislature intends to require the
12 sheriff or any deputy sheriff to kill any dog without an identification
13 tag running at large after August 1st of any year and before March 1st
14 of the following year.

15 **Sec. 3.** RCW 16.08.070 and 2002 c 244 s 1 are each amended to read
16 as follows:

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout (~~RCW 16.08.070 through 16.08.100~~) this
3 chapter.

4 (1) "Potentially dangerous dog" or "marauding dog" means any dog
5 that when unprovoked: (a) Inflicts bites on a human or a domestic
6 animal either on public or private property, or (b) chases or
7 approaches a person upon the streets, sidewalks, or any public grounds
8 in a menacing fashion or apparent attitude of attack, or any dog with
9 a known propensity, tendency, or disposition to attack unprovoked, to
10 cause injury, or to cause injury or otherwise to threaten the safety of
11 humans or domestic animals.

12 (2) "Dangerous dog" means any dog that (a) inflicts severe injury
13 on a human being without provocation on public or private property, (b)
14 kills a domestic animal without provocation while the dog is off the
15 owner's property, or (c) has been previously found to be potentially
16 dangerous because of injury inflicted on a human, the owner having
17 received notice of such and the dog again aggressively bites, attacks,
18 or endangers the safety of humans.

19 (3) "Severe injury" means any physical injury that results in
20 broken bones or disfiguring lacerations requiring multiple sutures or
21 cosmetic surgery.

22 (4) "Proper enclosure of a dangerous dog" means, while on the
23 owner's property, a dangerous dog shall be securely confined indoors or
24 in a securely enclosed and locked pen or structure, suitable to prevent
25 the entry of young children and designed to prevent the animal from
26 escaping. Such pen or structure shall have secure sides and a secure
27 top, and shall also provide protection from the elements for the dog.

28 (5) "Animal control authority" means an entity acting alone or in
29 concert with other local governmental units for enforcement of the
30 animal control laws of the city, county, and state and the shelter and
31 welfare of animals.

32 (6) "Animal control officer" means any individual employed,
33 contracted with, or appointed by the animal control authority for the
34 purpose of aiding in the enforcement of this chapter or any other law
35 or ordinance relating to the licensure of animals, control of animals,
36 or seizure and impoundment of animals, and includes any state or local
37 law enforcement officer or other employee whose duties in whole or in

1 part include assignments that involve the seizure and impoundment of
2 any animal.

3 (7) "Owner" means any person, firm, corporation, organization, or
4 department possessing, harboring, keeping, having an interest in, or
5 having control or custody of an animal.

6 (8) "Stray" means any domesticated dog wandering unattended and
7 without identification in any public area.

8 **Sec. 4.** RCW 16.08.030 and 1929 c 198 s 7 are each amended to read
9 as follows:

10 (1) It ((shall be)) is the duty of any person owning or keeping any
11 dog or dogs ((which shall be)) found killing any domestic animal to
12 kill ((such)) that dog or those dogs within forty-eight hours after
13 being notified of that fact, and any person failing or neglecting to
14 comply with ((the provisions of)) this section ((shall be deemed)) is
15 guilty of a misdemeanor ((, and)).

16 (2)(a) It ((shall be)) is the duty of the sheriff or any deputy
17 sheriff to kill any dog found running at large ((+)) after the first day
18 of August of any year and before the first day of March in the
19 following year ((+)) without a metal identification tag.

20 (b) It is the duty of the sheriff or any deputy sheriff to kill any
21 marauding dog or stray, but the stray dog may only be killed if it is
22 demonstrating a propensity, tendency, or disposition to attack
23 unprovoked.

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