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**SUBSTITUTE HOUSE BILL 2043**

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**State of Washington**                      **58th Legislature**                      **2003 Regular Session**

**By** House Committee on Judiciary (originally sponsored by Representatives Kirby, Campbell and Carrell)

READ FIRST TIME 03/04/03.

1            AN ACT Relating to dangerous or potentially dangerous dogs; and  
2 amending RCW 16.08.070 and 16.08.090.

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

4            **Sec. 1.** RCW 16.08.070 and 2002 c 244 s 1 are each amended to read  
5 as follows:

6            Unless the context clearly requires otherwise, the definitions in  
7 this section apply throughout RCW 16.08.070 through 16.08.100.

8            (1) "Potentially dangerous dog" means any dog that when unprovoked:

9            (a) Inflicts bites on a human or a domestic animal either on public or  
10 private property, or (b) chases or approaches a person upon the  
11 streets, sidewalks, or any public grounds in a menacing fashion or  
12 apparent attitude of attack, or any dog with a known propensity,  
13 tendency, or disposition to attack unprovoked, to cause injury, or to  
14 cause injury or otherwise to threaten the safety of humans or domestic  
15 animals.

16            (2) "Dangerous dog" means any dog that (a) inflicts severe injury  
17 on a human being without provocation on public or private property, (b)  
18 kills a domestic animal without provocation while the dog is off the  
19 owner's property, or (c) has been previously found to be potentially

1 dangerous because of injury inflicted on a human, the owner having  
2 received notice of such and the dog again aggressively bites, attacks,  
3 or endangers the safety of humans.

4 (3) "Severe injury" means any physical injury that results in  
5 broken bones or disfiguring lacerations requiring multiple sutures or  
6 cosmetic surgery.

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

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

17 (6) "Animal control officer" means any individual employed,  
18 contracted with, or appointed by the animal control authority for the  
19 purpose of aiding in the enforcement of this chapter or any other law  
20 or ordinance relating to the licensure of animals, control of animals,  
21 or seizure and impoundment of animals, and includes any state or local  
22 law enforcement officer or other employee whose duties in whole or in  
23 part include assignments that involve the seizure and impoundment of  
24 any animal.

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

28 (8) "Dog" includes wolf-dog hybrids.

29 **Sec. 2.** RCW 16.08.090 and 1987 c 94 s 3 are each amended to read  
30 as follows:

31 (1) It is unlawful for an owner of a dangerous dog to permit the  
32 dog to be outside the proper enclosure unless the dog is muzzled and  
33 restrained by a substantial chain or leash and under physical restraint  
34 of a responsible person. The muzzle shall be made in a manner that  
35 will not cause injury to the dog or interfere with its vision or  
36 respiration but shall prevent it from biting any person or animal.

1 (2) Potentially dangerous dogs shall be regulated only by local,  
2 municipal, and county ordinances. Nothing in this section limits  
3 restrictions local jurisdictions may place on owners of potentially  
4 dangerous dogs.

5 (3) Dogs shall not be declared potentially dangerous or dangerous  
6 if the threat, injury, or damage was sustained by a person who, at the  
7 time, was committing a wilful trespass or other tort upon the premises  
8 occupied by the owner of the dog, or was tormenting, abusing, or  
9 assaulting the dog or has, in the past, been observed or reported to  
10 have tormented, abused, or assaulted the dog or was committing or  
11 attempting to commit a crime.

12 (4) The breed of a dog shall not be a determining factor when  
13 declaring a dog potentially dangerous or dangerous.

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