
HOUSE BILL 2090

State of Washington

58th Legislature

2003 Regular Session

By Representatives Clements, Sump and Orcutt

Read first time 02/25/2003. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to search and rescue dogs; and amending RCW
2 9.91.170.

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

4 **Sec. 1.** RCW 9.91.170 and 2001 c 112 s 2 are each amended to read
5 as follows:

6 (1)(a) Any person who has received notice that his or her behavior
7 is interfering with the use of a dog guide ~~((~~or~~))~~ service animal, or
8 search and rescue dog who continues with reckless disregard to
9 interfere with the use of a dog guide ~~((~~or~~))~~ service animal, or search
10 and rescue dog by obstructing, intimidating, or otherwise jeopardizing
11 the safety of the dog guide ~~((~~or~~))~~ service animal, or search and
12 rescue dog user or his or her dog ~~((~~guide~~))~~ or service animal is guilty
13 of a misdemeanor punishable according to chapter 9A.20 RCW, except that
14 for a second or subsequent offense it is a gross misdemeanor.

15 (b) Any person who, with reckless disregard, allows his or her dog
16 to interfere with the use of a dog guide ~~((~~or~~))~~ service animal, or
17 search and rescue dog by obstructing, intimidating, or otherwise
18 jeopardizing the safety of the dog guide ~~((~~or~~))~~ service animal, or
19 search and rescue dog user or his or her dog ~~((~~guide~~))~~ or service

1 animal is guilty of a misdemeanor punishable according to chapter 9A.20
2 RCW, except that for a second or subsequent offense it is a gross
3 misdemeanor.

4 (2)(a) Any person who, with reckless disregard, injures, disables,
5 or causes the death of a dog guide ((~~or~~)) service animal, or search
6 and rescue dog is guilty of a gross misdemeanor punishable according to
7 chapter 9A.20 RCW.

8 (b) Any person who, with reckless disregard, allows his or her dog
9 to injure, disable, or cause the death of a dog guide ((~~or~~)) service
10 animal, or search and rescue dog is guilty of a gross misdemeanor
11 punishable according to chapter 9A.20 RCW.

12 (3) Any person who intentionally injures, disables, or causes the
13 death of a dog guide ((~~or~~)) service animal, or search and rescue dog
14 is guilty of a class C felony.

15 (4) Any person who wrongfully obtains or exerts unauthorized
16 control over a dog guide ((~~or~~)) service animal, or search and rescue
17 dog with the intent to deprive the dog ((~~guide~~)) or service animal user
18 of his or her dog guide ((~~or~~)) service animal, or search and rescue
19 dog is guilty of theft in the first degree, RCW 9A.56.030.

20 (5)(a) In any case in which the defendant is convicted of a
21 violation of this section, he or she shall also be ordered to make full
22 restitution for all damages, including incidental and consequential
23 expenses incurred by the dog guide ((~~or~~)) service animal, or search
24 and rescue dog user and the dog ((~~guide~~)) or service animal which arise
25 out of or are related to the criminal offense.

26 (b) Restitution for a conviction under this section shall include,
27 but is not limited to:

28 (i) The value of the replacement of an incapacitated or deceased
29 dog ((~~guide~~)) or service animal, the training of a replacement dog
30 guide ((~~or~~)) service animal, or search and rescue dog, or retraining
31 of the affected dog ((~~guide~~)) or service animal and all related
32 veterinary and care expenses; and

33 (ii) Medical expenses of the dog guide ((~~or~~)) service animal, or
34 search and rescue dog user, training of the dog ((~~guide~~)) or service
35 animal user, and compensation for wages or earned income lost by the
36 dog guide ((~~or~~)) service animal, or search and rescue dog user.

37 (6) Nothing in this section shall affect any civil remedies
38 available for violation of this section.

1 (7) For purposes of this section, the following definitions apply:

2 (a) "Dog guide" means a dog that is trained for the purpose of
3 guiding blind persons or a dog trained for the purpose of assisting
4 hearing impaired persons.

5 (b) "Service animal" means an animal that is trained for the
6 purposes of assisting or accommodating a disabled person's sensory,
7 mental, or physical disability.

8 (c) "Notice" means a verbal or otherwise communicated warning
9 prescribing the behavior of another person and a request that the
10 person stop their behavior.

11 (d) "Value" means the value to the dog guide or service animal user
12 and does not refer to cost or fair market value.

13 (e) "Search and rescue dog" means a dog that is trained for the
14 purpose of search and rescue of persons lost or missing.

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