

SENATE BILL REPORT

ESHB 1151

As Reported By Senate Committee On:
Judiciary, February 21, 2006

Title: An act relating to the keeping of dangerous wild animals.

Brief Description: Regulating the keeping of dangerous wild animals.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Lovick, Campbell, Lantz, Jarrett, Simpson, Williams, Murray and B. Sullivan).

Brief History: Passed House: 1/18/06, 67-29.

Committee Activity: Judiciary: 3/31/05, 2/16/06, 2/21/06 [DPA, w/oRec].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin and Rasmussen.

Minority Report: That it be referred without recommendation.

Signed by Senator Thibaudeau.

Staff: Lidia Mori (786-7755)

Background: Wild animals are subject to regulation under federal, state, and local laws. For example, federal law generally prohibits the sale, purchase, or possession of endangered species. The United States Department of Agriculture licenses and regulates animal dealers and exhibitors.

The Washington Department of Fish and Wildlife (department) has the authority to manage wildlife within the state. Pursuant to that authority, the department prevents the introduction of "deleterious exotic wildlife," including mongooses, wild boar, European red deer, zebra mussels, and European green crab, unless strict conditions are met. Unlawful release of deleterious exotic wildlife is a class C felony. In addition, Fish and Wildlife regulates the ownership of certain wild animals naturally found in the state. Animal control is generally regulated on the city and county level in Washington, with enforcement by either local animal control authorities or local law enforcement. Local jurisdictions such as Pierce and King counties and cities such as Bellevue, Spokane, and Everett have passed ordinances either banning or regulating certain exotic animals. For example, King County bans ownership of venomous snakes, nonhuman primates, bears, non-domesticated felines (cats) and canines (wolves and coyotes), and crocodiles. Persons possessing these animals prior to the act's effective date in 1994 were allowed to retain the animals, provided they met certain requirements and were licensed by the county.

Summary of Amended Bill: A joint select committee on regulation of private ownership of exotic wild animals is established. The committee is directed to identify: (1) animals that may be considered dangerous as pets and the criteria used to identify such an animal; (2) the potential harm an exotic wild animal may cause if privately owned, and how the risk of such harm may affect the owner's insurance; (3) whether private ownership of exotic wild animals should be regulated or banned and how a state law in this area might affect other state and local laws regulating or banning the private ownership of such animals; (4) laws in other states that regulate or ban the private ownership of exotic wild animals, and whether such laws have been effective in reducing injuries or damages that can be caused by such animals; and (5) the ways in which local jurisdictions and public agencies may act to protect the public against possible health and safety threats of owning exotic wild animals. The committee is required to report its findings and recommendations to the Governor and the appropriate committees of the Legislature by November 15, 2006.

Amended Bill Compared to Original Bill: The original bill prohibits the possession and breeding of potentially dangerous wild animals. A "potentially dangerous wild animal" is defined and includes: large cats, wolves, bears, hyenas, rhinoceroses, primates, elephants, certain snakes, and crocodiles. A person who owns a potentially dangerous wild animal prior to the effective date of the Act may keep the animal for the remainder of the animal's life. An animal control authority may confiscate a potentially dangerous wild animal if it is being kept in violation of the Act or if it poses a public safety or health risk. If the animal is not able to be returned to the possessor, the animal control authority may relocate the animal to a facility such as a zoo or wildlife sanctuary, or, as a last resort, it may euthanize the animal if all known reasonable placement options are unavailable. A person who violates this Act is subject to a civil penalty of not less than \$200 and not more than \$2,000 for each animal and each day of the violation. Local jurisdictions may adopt ordinances that are stricter than the Act, but are not required to adopt ordinances to be in compliance with the Act. Certain entities are exempt from the provisions of the Act. These entities include: zoos and aquariums; animal protection organizations; veterinary hospitals; wildlife sanctuaries; licensed or accredited research, medical, or educational institutions; circuses and rodeos; and persons temporarily transporting animals through the State.

The amended bill creates a joint select committee on regulation of private ownership of exotic wild animals. The committee is directed to consider certain issues and is required to report its findings and recommendations to the Governor and the appropriate committees of the Legislature by November 15, 2006.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The focus of this bill is public safety. It involves no fiscal impact for cities and counties. Washington is one of 13 states without any law in this area. There should be a statewide minimum standard and local governments may adopt more stringent standards if they wish. Zoo keepers that work with the types of animals listed in the bill take great

precautions to avoid being hurt by them. The list of animals in the bill is down to the essential ones. The Woodland Park Zoo has had to take in many venomous snakes from private owners and those snakes have been found in unbelievably unsafe situations. This is a good door to close completely. The list of animals in the bill may not include all dangerous animals, but it sets a statewide minimum standard. Endangered species are not affected by this bill.

Testimony Against: When an animal gets confiscated pursuant to this bill, there are no due process provisions and also, there is nothing in the bill about where the animal would get put. In zoos, animals aren't socialized. But animals in private ownership are socialized. Counties are taking care of this issue through their ordinances. The Health Department is doing a good job regarding issues pertaining to infections, like monkey pox. This bill is difficult and expensive to enforce. Officers are not trained to recognize these animals and they won't know which ones are legal and which are not. Where will they be taken if they are seized?

Who Testified: PRO: Representative Lovick; Gordon Walgren, Federation of Animal Control Agencies; Dana Payne, Woodland Park Zoo; Bruce Bjork, Wa. Dept. of Fish and Wildlife; Wa. Assn. of Sheriffs and Police Chiefs; Mike Wychee, Cat Tales; Debbie Wychee, Cat Tales.

CON: Jeanne Hall, Phoenix Exotics; Shelleen Mathews, Selena Michaelis, The Alliance for the Conservation of Exotic Felines; Gloria Gilbert, Simian Society.