
ENGROSSED SUBSTITUTE HOUSE BILL 1150

State of Washington

59th Legislature

2005 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Kirby, Campbell, Simpson and Murray)

READ FIRST TIME 02/21/05.

1 AN ACT Relating to dangerous or potentially dangerous dogs; and
2 amending RCW 16.08.070 and 16.08.100.

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 16.08.100 and 2002 c 244 s 3 are each amended to read
30 as follows:

31 (1) Any dangerous dog shall be immediately confiscated by an animal
32 control authority if the: (a) Dog is not validly registered under RCW
33 16.08.080; (b) owner does not secure the liability insurance coverage
34 required under RCW 16.08.080; (c) dog is not maintained in the proper
35 enclosure; or (d) dog is outside of the dwelling of the owner, or
36 outside of the proper enclosure and not under physical restraint of the
37 responsible person. The owner must pay the costs of confinement and

1 control. The animal control authority must serve notice upon the dog
2 owner in person or by regular and certified mail, return receipt
3 requested, specifying the reason for the confiscation of the dangerous
4 dog, that the owner is responsible for payment of the costs of
5 confinement and control, and that the dog will be destroyed in an
6 expeditious and humane manner if the deficiencies for which the dog was
7 confiscated are not corrected within twenty days. The animal control
8 authority shall destroy the confiscated dangerous dog in an expeditious
9 and humane manner if any deficiencies required by this subsection are
10 not corrected within twenty days of notification. In addition, the
11 owner shall be guilty of a gross misdemeanor punishable in accordance
12 with RCW 9A.20.021.

13 (2) If a dangerous dog of an owner with a prior conviction under
14 this chapter attacks or bites a person or another domestic animal, the
15 dog's owner is guilty of a class C felony, punishable in accordance
16 with RCW 9A.20.021. It is an affirmative defense that the defendant
17 must prove by a preponderance of the evidence that he or she was in
18 compliance with the requirements for ownership of a dangerous dog
19 pursuant to this chapter and the person or domestic animal attacked or
20 bitten by the defendant's dog trespassed on the defendant's real or
21 personal property or provoked the defendant's dog without justification
22 or excuse. In addition, the dangerous dog shall be immediately
23 confiscated by an animal control authority, placed in quarantine for
24 the proper length of time, and thereafter destroyed in an expeditious
25 and humane manner.

26 (3) The owner of any dog that aggressively attacks and causes
27 severe injury or death of any human, whether or not the dog has
28 previously been declared potentially dangerous or dangerous, shall,
29 upon conviction, be guilty of a class C felony punishable in accordance
30 with RCW 9A.20.021. It is an affirmative defense that the defendant
31 must prove by a preponderance of the evidence that the human severely
32 injured or killed by the defendant's dog: (a) Trespassed on the
33 defendant's real or personal property which was enclosed by fencing
34 suitable to prevent the entry of young children and designed to prevent
35 the dog from escaping and marked with clearly visible signs warning
36 people, including children, not to trespass and to beware of dog; or
37 (b) provoked the defendant's dog without justification or excuse on the
38 defendant's real or personal property which was enclosed by fencing

1 suitable to prevent the entry of young children and designed to prevent
2 the dog from escaping and marked with clearly visible signs warning
3 people, including children, not to trespass and to beware of dog. In
4 such a prosecution, the state has the burden of showing that the owner
5 of the dog either knew or should have known that the dog was
6 potentially dangerous as defined in this chapter. The state may not
7 meet its burden of proof that the owner should have known the dog was
8 potentially dangerous (~~solely~~) by showing the dog to be a particular
9 breed or breeds. In addition, the dog shall be immediately confiscated
10 by an animal control authority, quarantined, and upon conviction of the
11 owner destroyed in an expeditious and humane manner.

12 (4) Any person entering a dog in a dog fight is guilty of a class
13 C felony punishable in accordance with RCW 9A.20.021.

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