

CERTIFICATION OF ENROLLMENT

SENATE BILL 5979

59th Legislature
2005 Regular Session

Passed by the Senate April 18, 2005
YEAS 44 NAYS 0

President of the Senate

Passed by the House April 7, 2005
YEAS 95 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5979** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5979

AS AMENDED BY THE HOUSE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Senators Benson, Carrell, Mulliken, Kastama, Poulsen, Parlette, Hewitt, Esser, Schmidt, Delvin, Berkey, Franklin, Sheldon, Brandland, Swecker, Schoesler, Zarelli, Honeyford, Rasmussen and Oke

Read first time 02/17/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to search and rescue dogs; amending RCW 9A.56.030;
2 adding a new section to chapter 9.91 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.91 RCW
5 to read as follows:

6 (1)(a)(i) Any person who has received notice that his or her
7 behavior is interfering with the use of an on-duty search and rescue
8 dog who continues with reckless disregard to interfere with the use of
9 an on-duty search and rescue dog by obstructing, intimidating, or
10 otherwise jeopardizing the safety of the search and rescue dog user or
11 his or her search and rescue dog is guilty of a misdemeanor punishable
12 according to chapter 9A.20 RCW, except when (a)(ii) of this subsection
13 applies.

14 (ii) A second or subsequent violation of (a)(i) of this subsection
15 is a gross misdemeanor punishable according to chapter 9A.20 RCW.

16 (b)(i) Any person who, with reckless disregard, allows his or her
17 dog to interfere with the use of an on-duty search and rescue dog by
18 obstructing, intimidating, or otherwise jeopardizing the safety of the

1 search and rescue dog user or his or her search and rescue dog is
2 guilty of a misdemeanor punishable according to chapter 9A.20 RCW,
3 except when (b)(ii) of this subsection applies.

4 (ii) A second or subsequent violation of (b)(i) of this subsection
5 is a gross misdemeanor punishable according to chapter 9A.20 RCW.

6 (2)(a) Any person who, with reckless disregard, injures, disables,
7 or causes the death of an on-duty search and rescue dog is guilty of a
8 gross misdemeanor punishable according to chapter 9A.20 RCW.

9 (b) Any person who, with reckless disregard, allows his or her dog
10 to injure, disable, or cause the death of an on-duty search and rescue
11 dog is guilty of a gross misdemeanor punishable according to chapter
12 9A.20 RCW.

13 (3) Any person who intentionally injures, disables, or causes the
14 death of an on-duty search and rescue dog is guilty of a class C
15 felony.

16 (4) Any person who wrongfully obtains or exerts unauthorized
17 control over an on-duty search and rescue dog with the intent to
18 deprive the dog user of his or her search and rescue dog is guilty of
19 theft in the first degree under 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 search and rescue dog user and the dog that
24 arise out of, or are related to, the criminal offense.

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

27 (i) The value of the replacement of an incapacitated or deceased
28 dog, the training of a replacement search and rescue dog, or retraining
29 of the affected dog and all related veterinary and care expenses; and

30 (ii) Medical expenses of the search and rescue dog user, training
31 of the dog user, and compensation for any wages or earned income lost
32 by the search and rescue dog user as a result of a violation of
33 subsection (1), (2), (3), or (4) of this section.

34 (6) Nothing in this section affects any civil remedies available
35 for violation of this section.

36 (7) For purposes of this section, "search and rescue dog" means a
37 dog that is trained for the purpose of search and rescue of persons
38 lost or missing.

1 **Sec. 2.** RCW 9A.56.030 and 1995 c 129 s 11 are each amended to read
2 as follows:

3 (1) A person is guilty of theft in the first degree if he or she
4 commits theft of:

5 (a) Property or services which exceed(s) one thousand five hundred
6 dollars in value other than a firearm as defined in RCW 9.41.010;
7 (~~or~~)

8 (b) Property of any value other than a firearm as defined in RCW
9 9.41.010 taken from the person of another; or

10 (c) A search and rescue dog, as defined in section 1 of this act,
11 while the search and rescue dog is on duty.

12 (2) Theft in the first degree is a class B felony.

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