
SUBSTITUTE SENATE BILL 5383

State of Washington

61st Legislature

2009 Regular Session

By Senate Natural Resources, Ocean & Recreation (originally sponsored by Senators Morton, Jacobsen, Swecker, Stevens, Hargrove, Schoesler, Pflug, and King)

READ FIRST TIME 02/13/09.

1 AN ACT Relating to wolf-hybrids; amending RCW 16.30.010 and
2 16.30.030; and adding a new section to chapter 16.30 RCW.

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

4 **Sec. 1.** RCW 16.30.010 and 2007 c 238 s 2 are each amended to read
5 as follows:

6 (1) "Animal control authority" means an entity acting alone or in
7 concert with other local governmental units for enforcement of the
8 animal control laws of the city, county, and state and the shelter and
9 welfare of animals.

10 (2) "Potentially dangerous wild animal" means one of the following
11 types of animals, whether bred in the wild or in captivity, and any or
12 all hybrids thereof:

13 (a) Class mammalia

14 (i) Order carnivora

15 (A) Family felidae, only lions, tigers, captive-bred cougars,
16 jaguars, cheetahs, leopards, snow leopards, and clouded leopards;

17 (B) Family canidae, wolves(~~(, excluding wolf hybrids)~~);

18 (C) Family ursidae, all bears;

19 (D) Family hyaenidae, such as hyenas;

1 (ii) Order perissodactyla, only rhinoceroses;
2 (iii) Order primates, all nonhuman primate species;
3 (iv) Order proboscidae, all (~~elephants~~[elephant]) elephant
4 species;
5 (b) Class reptilia
6 (i) Order squamata
7 (A) Family atractaspidae, all species;
8 (B) Family colubridae, only dispholidus typus;
9 (C) Family elapidae, all species, such as cobras, mambas, kraits,
10 coral snakes, and Australian tiger snakes;
11 (D) Family hydrophiidae, all species, such as sea snakes;
12 (E) Family varanidae, only water monitors and crocodile monitors;
13 (F) Family viperidae, all species, such as rattlesnakes,
14 cottonmouths, bushmasters, puff adders, and gaboon vipers;
15 (ii) Order crocodilia, all species, such as crocodiles, alligators,
16 caimans, and gavials.
17 (3) "Person" means any individual, partnership, corporation,
18 organization, trade or professional association, firm, limited
19 liability company, joint venture, association, trust, estate, or any
20 other legal entity, and any officer, member, shareholder, director,
21 employee, agent, or representative thereof.
22 (4) "Possessor" means any person who owns, possesses, keeps,
23 harbors, brings into the state, or has custody or control of a
24 potentially dangerous wild animal.
25 (5) "Wildlife sanctuary" means a nonprofit organization, as
26 described in RCW 84.36.800, that cares for animals defined as
27 potentially dangerous and:
28 (a) No activity that is not inherent to the animal's nature,
29 natural conduct, or the animal in its natural habitat is conducted;
30 (b) No commercial activity involving an animal occurs including,
31 but not limited to, the sale of or trade in animals, animal parts,
32 animal byproducts, or animal offspring, or the sale of photographic
33 opportunities involving an animal, or the use of an animal for any type
34 of entertainment purpose;
35 (c) No unescorted public visitations or direct contact between the
36 public and an animal; or
37 (d) No breeding of animals occurs in the facility.

1 **Sec. 2.** RCW 16.30.030 and 2007 c 238 s 4 are each amended to read
2 as follows:

3 (1) A person shall not own, possess, keep, harbor, bring into the
4 state, or have custody or control of a potentially dangerous wild
5 animal, except as provided in subsection (3) of this section.

6 (2) A person shall not breed a potentially dangerous wild animal.

7 (3) A person in legal possession of a potentially dangerous wild
8 animal prior to July 22, 2007, and who is the legal possessor of the
9 animal may keep possession of the animal for the remainder of the
10 animal's life. The person must maintain veterinary records,
11 acquisition papers for the animal, if available, or other documents or
12 records that establish that the person possessed the animal prior to
13 July 22, 2007, and present the paperwork to an animal control or law
14 enforcement authority upon request. The person shall have the burden
15 of proving that he or she possessed the animal prior to July 22, 2007.

16 (4) A person in legal possession of a wolf-hybrid, prior to the
17 effective date of this act, and who is the legal possessor of the
18 animal may keep possession of the animal for the remainder of the
19 animal's life. The person must maintain veterinary records,
20 acquisition papers for the animal, if available, or other documents or
21 records that establish that the person possessed the animal prior to
22 the effective date of this act, and present the paperwork to an animal
23 control or law enforcement authority upon request. The person in legal
24 possession of a wolf-hybrid has the burden of proving that he or she
25 possessed the animal prior to the effective date of this act.

26 NEW SECTION. **Sec. 3.** A new section is added to chapter 16.30 RCW
27 to read as follows:

28 (1) The animal control authority or a law enforcement officer may
29 immediately confiscate a wolf-hybrid if:

30 (a) The animal control authority or law enforcement officer has
31 probable cause to believe that the animal was acquired after the
32 effective date of this act, in violation of RCW 16.30.030;

33 (b) The animal poses a public safety or health risk;

34 (c) The animal is in poor health and condition as a result of the
35 possessor; or

36 (d) The animal is being held in contravention of this chapter.

1 (2) A potentially dangerous wild animal that is confiscated under
2 this section may be returned to the possessor only if the animal
3 control authority or law enforcement officer establishes that the
4 possessor had possession of the animal prior to the effective date of
5 this act, and the return does not pose a public safety or health risk.

6 (3) The animal control authority or law enforcement officer shall
7 serve notice upon the possessor in person or by regular and certified
8 mail, return receipt requested, notifying the possessor of the
9 confiscation, that the possessor is responsible for payment of
10 reasonable costs for caring and providing for the animal during the
11 confiscation, and that the possessor must meet the requirements of
12 subsection (2) of this section in order for the animal to be returned
13 to the possessor.

14 (4) If a potentially dangerous wild animal confiscated under this
15 section is not returned to the possessor, the animal control authority
16 or law enforcement officer may release the animal to a facility such as
17 a wildlife sanctuary or a facility exempted pursuant to RCW 16.30.020.
18 If the animal control authority or law enforcement officer is unable to
19 relocate the animal within a reasonable period of time, it may
20 euthanize the animal.

21 (5) An animal control authority or law enforcement officer may
22 euthanize a potentially dangerous wild animal under this section only
23 if all known reasonable placement options, including relocation to a
24 wildlife sanctuary, are unavailable.

25 (6) This section applies to animal confiscations on or after the
26 effective date of this act.

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