
Judiciary Committee

HB 1755

Title: An act relating to the humane treatment of dogs.

Brief Description: Concerning the humane treatment of dogs.

Sponsors: Representatives Goodman, Fitzgibbon, Dunshee, Springer, Anderson, Dickerson and Hunt.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Regulates the manner and conditions under which a dog may be restrained.• Provides penalties for unlawful tethering.

Hearing Date: 1/19/12

Staff: Omeara Harrington (786-7136).

Background:

As of 2010, the American Veterinary Medical Association (AVMA) reported that 20 states place specific restrictions on the tethering of animals. These statutes commonly regulate the circumstances under which the animal is restrained, the features of the restraint device, or both. The AVMA also claims that many other animal cruelty statutes likely would be interpreted to prohibit tethering where it is detrimental to the animal, though the statute may not specifically use the term "tethering."

Washington has animal cruelty laws regulating the treatment of animals, including dogs. For instance, it is a crime to, with some degree of intent, kill an animal or cause one of many enumerated categories of harm to an animal. It is unlawful to cut off more than one half of an animal's ear (unless part of normal husbandry practice), intentionally or knowingly poison an animal or participate in animal fighting, or willfully transport or confine an animal in a manner that is unsafe to the animal or the public. Also, when a domestic animal is left confined without necessary food and water, statute permits a person to enter the place in which the animal is

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confined and provide necessary food and water without punishment, and entitles the entering person to reimbursement from the owner for the food and water.

One statute exclusively regulates the treatment of dogs, specifically with regard to breeding facilities. That statute allows an owner to have no more than 50 dogs over the age of six months with sexual organs intact. If the number of dogs meeting those criteria is greater than 10, numerous other restrictions apply regarding sanitation, space, safety, and opportunities for exercise. However, there is no law specifically regulating the restraint of dogs in general.

Summary of Bill:

An owner may be charged with unlawful tethering if the owner leaves a dog restrained or tied outside under any of the following circumstances:

- between the hours of 10:00 p.m. and 6:00 a.m.;
- for more than 10 consecutive hours, or more than 10 hours in a 24 hour period;
- during active and declared weather advisories, warnings, or emergencies;
- in a manner that prevents the dog from lying, sitting, or standing comfortably without the restraint becoming taut;
- in a manner that could result in the dog becoming entangled on the restraint or another object;
- in a manner that does not allow the dog shelter in temperatures outside the range of 40 to 85 degrees or when there is precipitation;
- in a manner that leaves the dog in unsafe or unsanitary conditions;
- in a manner that causes the dog injury;
- on the same restraint as another animal;
- if the dog is sick, injured, in distress, pregnant, or under six months old;
- within 100 yards of a school or daycare; or
- within 10 feet of any public right-of-way.

Any restraint must be at least one inch wide, allowing two fingers to fit between the collar and the dog's throat, and attached to a properly fitted buckle type harness or collar. Choke, pinch, or prong type collars are not allowed.

Restraint under the circumstances described above does not constitute unlawful tethering if it is done for the purpose of veterinary care or training or use by law enforcement or military, or if on a temporary basis for purposes of a dog show, boarding, control at a camping or recreation area, or care after the dog is picked up as a stray or rescue.

Each violation of this section is a separate offense, subjecting the offender to the following penalties:

- Upon first violation, the owner must be given written notice and a warning identifying the subsection of this act that has been violated. The owner has 48 hours to remedy the violation. Whenever possible, the owner must also be provided with educational information about humane and safe restraint and referrals to organizations that offer assistance with establishing safe and humane restraint methods.
- A second violation or failure to remedy the source of the first violation within 48 hours is a class 2 civil infraction (a monetary fine of up to \$125).

- Third and subsequent violations are misdemeanors (a fine of not exceeding \$150 and/or imprisonment, plus prosecution costs).

Appropriation: None.

Fiscal Note: Requested on January 10, 2011.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.