

HOUSE BILL REPORT

HB 1755

As Reported by House Committee On:
Judiciary

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.

Brief History:

Committee Activity:

Judiciary: 1/19/12, 1/30/12 [DPS].

Brief Summary of Substitute Bill

- Regulates the manner and conditions under which a dog may be restrained.
- Provides penalties for unlawful tethering.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Eddy, Hansen, Kirby, Orwall and Roberts.

Minority Report: Do not pass. Signed by 6 members: Representatives Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Chandler, Klippert, Nealey and Rivers.

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

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

There are also a number of statutes specific to dogs. One statute, concerning breeding facilities, prohibits owners from having more than 50 dogs over the age of 6 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. There is also a body of law regarding liability for dangerous dogs, including a statute detailing restraint requirements for dangerous dogs. However, there is no law specifically regulating the restraint of dogs in general.

Summary of Substitute Bill:

A person may be subject to penalties for unlawful tethering if they leave a dog restrained or tied outside under any of the following circumstances:

- between the hours of 10 p.m. and 6 a.m.;
- for more than 10 consecutive hours, or more than 10 hours in a 24-hour period;
- during severe weather advisories, warnings, or emergencies, unless the dog is provided adequate shelter;
- on the same restraint as another animal;
- within 10 feet of any public right-of-way;
- in a manner that prevents the dog from lying, sitting, or standing comfortably without the restraint becoming taut, and that does not allow the dog a range of movement equal to at least three times the length of the dog;
- in a manner that could reasonably result in the dog becoming entangled on the restraint or another object;
- if the dog is sick, injured, in distress, pregnant, or under 6 months old;
- in a manner that leaves the dog in unsafe or unsanitary conditions; or
- in a manner that causes the dog injury or pain.

Any restraint must be attached to a properly fitted buckle type harness or collar that is at least one inch wide and is loose enough to allow for normal breathing and swallowing. The restraint can weigh no more than one-eighth the body weight of the dog. 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, control at a camping or recreation area, or care after the dog is picked up as a stray or rescue. Transporting a dog in a motor vehicle also does not qualify as unlawful tethering.

Each violation of the unlawful tethering standards is a separate offense, subjecting the offender to penalties. A first violation is a class 2 civil infraction carrying a monetary fine of up to \$125. Second and subsequent violations are misdemeanors punishable by a fine not exceeding \$150 and/or 60 days of imprisonment, plus prosecution costs.

The animal control authority with appropriate jurisdiction may grant written exemptions to the time restrictions to individual owners on a case-by-case basis. Exemptions may be granted if unusual circumstances warrant tethering for a longer period of time or if the dog is an arctic breed used as a sled dog. Even if an exemption is granted, the dog's safety and other needs must be attended to. The animal control authority has discretion to revoke the exemption if the conditions for the exemption no longer exist or a well-founded complaint is placed alleging neglect, nuisance, or safety threat.

Substitute Bill Compared to Original Bill:

Modifications to the statutory definitions of "necessary food" and "necessary shelter" were removed.

References to "owner" in the section detailing unlawful tethering were changed to "person."

The following were added to the list of violations:

- Restraining or tying a dog outside during a severe weather advisory (rather than a declared weather advisory) unless the dog is provided with adequate shelter.
- Restricting the dog's range of motion to less than three times the dog's length.
- Restraining the dog in such a way that the dog has to stand, sit, or lie down in its own excrement or urine, or in a manner that causes the dog pain, even in circumstances that are otherwise exceptions to the unlawful tethering restrictions.
- Using a restraint that weighs more than one-eighth the dog's body weight.
- Using a collar that does not allow normal breathing and swallowing (rather than a collar that does not allow two fingers to fit between the collar and the dog's throat).

The following were removed from the list of violations:

- Restraining or tying a dog in a manner that does not allow the dog shelter when temperatures are outside of the range of 40 to 85 degrees or when there is precipitation.
- Restraining or tying a dog in a location near a school or daycare.

The following changes were made to the list of exceptions:

- An exception was created for transporting a dog in a vehicle.
- The exception for temporary care at a boarding kennel or facility was removed.

The penalty scheme was revised to remove the warning and waiting period for a first offense, as well as the requirement to provide informational materials when available. This made the first violation punishable by a class 2 civil infraction, and a second violation a misdemeanor.

A new section was added to provide the animal control authority with appropriate jurisdiction the discretion to grant written exemptions to individual owners. Language was included to specify that local jurisdictions may use a permitting or licensing process to implement authorized exemptions.

The emergency clause was removed.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The impetus behind this bill was twofold: increasing public safety and promoting the humane treatment of dogs. This is a reasonable proposal several years in the making that is more educational than punitive.

Tethering affects dogs psychologically and behaviorally. There are additional physical effects from being continually chained including straining of the neck, embedded collars, and parasite infestation. Tethered dogs are also unsocialized, ignored, and neglected.

There are public health and safety concerns related to an increased bite incidence with tethered dogs. Tethered dogs are made overly aggressive and they cause harm, particularly to children. Tethering is more indicative of a dog's propensity to bite than the dog's breed. A recent survey of 12 states found that only 9 percent of dogs are tethered, but those dogs cause 25 percent of fatal bites. Tethered dogs are 2.5 percent more likely to fatally wound, and often the victim is a child. Children are 5.4 times more likely to be bitten by a chained dog. When dogs are scared they have a fight or flight reaction. Tethering evokes the fight reaction because the dog cannot run away. This bill is a great step in the right direction from a public safety standpoint. There are many other states and a host of counties and large cities that ban chaining.

This bill will allow people to be educated on the appropriate treatment of their dogs. The bill does not stop people from tethering, it just helps people do it more humanely, and there are exemptions for those with extenuating circumstances. There is a multi-tiered penalty approach with this bill, beginning with education. Once people are educated the majority of them comply.

Hopefully Washington will adopt laws as other cities and counties have done, restricting tethering to no more than three hours in a 24-hour period. For most of us 10 hours is too long, but that amount of time gives people time to get to and from work without having to get someone to help. Time constraints can be difficult to enforce because officers have to monitor the situation, but neighbor reporting and eyewitness accounts can be used as is done with dangerous dogs, and potentially video monitoring as well.

A tethered dog can be a sign of other criminal activity. Poachers, drug producers, and others engaged in criminal activity use tethered dogs. Now the police have grounds to enter. Getting to these issues early will also save taxpayer money otherwise going to shelters.

It does not help build a sense of community when people who are compassionate to animals are seeing animals abused. People have had to watch dogs die on chains from exposure and are forced to live with the guilt of not having been able to do anything. It would be useful for people to have a tool to bring in someone who is trained in this so that the obligation to intervene does not fall onto regular citizens.

(Opposed) None.

Persons Testifying: Representative Goodman, prime sponsor; Mary Chmelik, League of Humane Voters; Russ Mead, Animal Law Coalition; Marla Katz, Limit Tethering Group; Steve Markwell, Olympic Animal Sanctuary; Andrea Hegland; and Lorna Pusateri, Fences for Fido.

Persons Signed In To Testify But Not Testifying: None.