

SENATE BILL REPORT

SHB 2191

As Reported by Senate Committee On:
Judiciary, February 23, 2012

Title: An act relating to police dogs.

Brief Description: Concerning police dogs.

Sponsors: House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Rivers, Blake, Klippert, Hurst, Haler, Takko, Alexander, Hope, Harris and Reykdal).

Brief History: Passed House: 2/08/12, 98-0.

Committee Activity: Judiciary: 2/21/12, 2/23/12 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug, Ranking Minority Member; Carrell, Hargrove, Kohl-Welles, Padden, Regala and Roach.

Staff: Aldo Melchiori (786-7439)

Background: A police dog is a dog used by a law enforcement agency specially trained for law enforcement work and under the control of a dog handler.

A person is guilty of harming a police dog, accelerant detection dog, or police horse if the person maliciously injures, disables, shoots, or kills a dog or horse that the person knows or has reason to know is a police dog or horse. The dog or horse does not have to be engaged in police work at the time. Harming a police dog, accelerant dog, or horse is an unranked class C felony offense. The maximum sentence for unranked felonies is one year of confinement and/or up to a \$10,000 fine.

A dog owner is liable for any damages that a victim may sustain from a dog bite, regardless of the former viciousness of the dog or the dog owner's knowledge of such viciousness.

Summary of Bill (Recommended Amendments): In addition to any criminal penalties, the court may impose a civil penalty of \$5,000 for harming a police dog. If the police dog is killed, a \$5,000 fine is mandatory, and the court may increase the fine of up to a maximum of

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\$10,000. The fines imposed may not be reversed. Any money collected from the fines must be distributed to the jurisdiction that owns the police dog.

Police dogs are exempt from the statutory provisions that make a police dog owner liable for damages that a victim may sustain from a police dog bite.

EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Amendments): A \$5,000 fine is discretionary if the police dog is harmed. If the police dog is killed, a \$5,000 fine is mandatory, and the court may impose a fine of up to a maximum of \$10,000.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony as Heard in Committee: PRO: Clark County has had two dogs killed on duty. The costs of obtaining and training these dogs is considerable. The dogs typically come from Europe because they have higher breeding standards. These dogs are law enforcement officers. We should be concerned about frivolous lawsuits brought against police dog owners by convicts. If the police dog is killed, a \$5,000 fine is mandatory, and the court may impose a fine of up to \$10,000.

Persons Testifying: PRO: Representative Rivers, prime sponsor; Lee Reaves, Deputy Brian Ellithorpe, WACOPS.