

SENATE BILL REPORT

SB 5649

As Reported by Senate Committee On:
Judiciary, February 18, 2011

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

Brief Description: Concerning the humane treatment of dogs.

Sponsors: Senators Harper, Shin, Murray, Nelson, Pridemore, Chase, Kohl-Welles and Kline.

Brief History:

Committee Activity: Judiciary: 2/15/11, 2/18/11 [DPS, w/oRec].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5649 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Harper, Vice Chair; Baxter, Carrell, Hargrove, Kohl-Welles and Regala.

Minority Report: That it be referred without recommendation.

Signed by Senator Pflug, Ranking Minority Member.

Staff: Katherine Taylor (786-7434)

Background: The Center for Disease Control states that chained dogs are 2.8 times more likely to bite adults and nearly five times more likely to bite children. The National Canine Research Council reports that almost 30 percent of all fatal dog attacks involve chained or penned dogs. It is believed that tethered dogs are more likely to bite because they are usually unsocialized; their living space is reduced to a few square feet, which heightens their territoriality; and they don't have the option of escaping during a confrontation. There is concern that chained dogs are also more vulnerable to other animals and cruel people. According to the American Veterinary Medical Association (AVMA), there are 20 states that place specific restrictions on tethering animals. The AVMA reports 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.

Summary of Bill: The bill as referred to committee not considered.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill (Recommended Substitute): The owner of a dog may be charged with unlawful tethering if the owner leaves a dog restrained or tied outside through the use of a tether, chain, rope, cord, pulley, or trolley system under certain circumstances, including:

- for more than ten consecutive hours within any 24-hour period;
- in a manner that prevents the dog from lying, sitting, standing comfortably, or unable to have access to necessary manmade or natural shelter;
- in a manner that could result in the dog becoming entangled on the restraint or another object;
- in a manner that causes injury to the dog;
- on the same restraint as another animal;
- if the dog is sick, injured, in the advanced stages of pregnancy, or under six months of age; or
- within ten feet of any active public right-of-way.

A tether, fastener, chain, tie, or other restraint must be attached to a properly fitted buckle-type harness or collar that provides enough room between the collar or harness and the dog's throat to allow normal breathing and swallowing. Certain types of collars, like choke collars, are prohibited. A person who violates the tethering restrictions is subject to a written warning for the first occurrence and is given 14 days to remedy the violation. When possible, the owner must be provided with information about the dangers of tethering and humane and safe restraint methods. A second violation or a failure to remedy the conditions which led to the written warning is a class 2 civil infraction. A third or subsequent violation is a misdemeanor.

Specific exemptions from the tethering prohibitions are provided, such as when a dog is tethered by a licensed veterinarian while receiving care; however, the veterinarian must comply with the dog harness or collar requirements in the act. Additional exemptions from the tethering prohibitions include the following: while a dog is being trained or used by a federal, state, or local law enforcement agency or military or national guard unit, while being kept temporarily in a boarding kennel, at a camping or recreation area, and arctic breeds that are used for sled dog activities. In addition, an exemption from the tethering proscriptions may be granted at the discretion of the animal control authority in each jurisdiction. Ordinances enacted by local jurisdictions that establish greater civil or criminal penalties for unlawful tethering are not preempted.

EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Substitute):

1. Removes the provisions in the bill defining food, shelter, and necessary water;
2. Removes the prohibition against leaving a dog restrained outside between the hours of 10 pm and 6 am or for more than 10 consecutive hours;
3. Removes the prohibition against leaving a dog restrained outside during declared weather advisories, warnings, and emergencies that are active for the dog's location;
4. Replaces the prohibition against leaving a dog restrained outside without access to shelter when the weather reaches certain temperatures or there is rain, hail, sleet, or snow with a prohibition against restraining a dog outside without access to necessary manmade or natural shelter;

5. Prohibitions against leaving a dog restrained outside if the dog is in distress or in a manner that results in the dog being left in unsafe or unsanitary conditions;
6. Removes the requirement that a dog not be restrained outside within 100 yards of a school or licensed daycare facility;
7. Modifies the prohibition against a dog being restrained within ten feet of a public right-of-way to within ten feet of an active public right-of-way;
8. Exempts arctic breeds that are used for sled dog activities from the provisions limiting tethering;
9. Animal control authorities do not need to consider whether any of the immediately surrounding neighbors believe the tethering creates a nuisance or a safety concern when granting an exemption to the tethering proscriptions; and
10. Removes the emergency clause.

The exemption from the tethering prohibitions for a veterinarian that is providing treatment to a dog is conditioned on the veterinarian complying with the dog harness or collar requirements in the bill.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2011.

Staff Summary of Public Testimony on Proposed Substitute as Heard in Committee:

PRO: Tethering and neglect are closely related. Many many dogs suffer from the inhumanity of being tethered for long lengths of time; they also suffer from loneliness. Our state can once again be able to say no to animal cruelty. Continuous chaining and tethering of dogs is cruel. There are many ways to be a good pet owner and well meaning legislation can have unintended consequences. I believe this to be true of those states that have banned tethering all together. This bill is balanced and contains clear guidelines. It does not impose severe penalties on owners who don't comply. It gives them a fair opportunity to learn about the dangers of tethering and make positive changes. The bill tries to limit tethering when the dog would most be in danger or be a nuisance. Law enforcement needs an enforceable tool to respond to cases of dogs being chained for very long periods of time. Often they're left for days, weeks, months, etc. When a dog is confined on a chain, rope, or whatever, it can't escape if it is in danger. Education and outreach are the first steps under this bill.

CON: Crating of dogs is cruel. It is hard on short haired dogs to go in and out; it's better to be on a tether than stuck in a crate or unheated garage. This bill doesn't give responsibility to a state agency so no Washington administrative code will be adopted. Enforcement would fall to local animal control. Micromanaging dog owners is problematic. If it's hot and I put my dog on a line in the evening, I would be a criminal. To say dogs become mean because they're tethered is absolutely a myth. I've only seen one catastrophic case in 43 years of being a vet. The issue boils down to responsible ownership and responsible tethering. Education about this is important.

Persons Testifying: PRO: Debra Eurich, Deputy Prosecuting Attorney Lewis County; Claire Davis, Dogs Deserve Better; Sam Peterson, Academy of Canine Behavior; Kim Koon, Pasado's Safe Haven.

CON: Diane Jessup, True Dog Lovers; Everett Macomber, People Deserve Choice; Nick Cockrell, Stockmen's Coalition.