
HOUSE BILL 2191

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Rivers, Blake, Klippert, Hurst, Haler, Takko, Alexander, Hope, Harris, and Reykdal

Prefiled 12/15/11. Read first time 01/09/12. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to police dogs; amending RCW 16.08.040 and
2 9A.76.200; reenacting and amending RCW 9.94A.515; and prescribing
3 penalties.

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

5 **Sec. 1.** RCW 16.08.040 and 1941 c 77 s 1 are each amended to read
6 as follows:

7 (1) The owner of any dog which shall bite any person while such
8 person is in or on a public place or lawfully in or on a private place
9 including the property of the owner of such dog, shall be liable for
10 such damages as may be suffered by the person bitten, regardless of the
11 former viciousness of such dog or the owner's knowledge of such
12 viciousness.

13 (2) This section does not apply to the lawful application of a
14 police dog, as defined in RCW 4.24.410.

15 **Sec. 2.** RCW 9A.76.200 and 2003 c 269 s 1 are each amended to read
16 as follows:

17 (1) A person is guilty of harming a police dog, accelerant
18 detection dog, or police horse, if he or she maliciously injures,

1 disables, shoots, or kills by any means any dog or horse that the
2 person knows or has reason to know to be a police dog or accelerant
3 detection dog, as defined in RCW 4.24.410, or police horse, as defined
4 in subsection (2) of this section, whether or not the dog or horse is
5 actually engaged in police or accelerant detection work at the time of
6 the injury.

7 (2) "Police horse" means any horse used or kept for use by a law
8 enforcement officer in discharging any legal duty or power of his or
9 her office.

10 (3) Harming a police dog, accelerant detection dog, or police horse
11 is a class C felony.

12 (4)(a) In addition to the criminal penalty provided in this section
13 for harming a police dog, the court may impose the following civil
14 penalties:

15 (i) A fine of five thousand dollars for harming a police dog;

16 (ii) A fine of ten thousand dollars for killing a police dog.

17 (b) The fines imposed in this subsection (4) may not be reversed.
18 Moneys collected must be distributed to the jurisdiction that owns the
19 police dog.

20 **Sec. 3.** RCW 9.94A.515 and 2010 c 289 s 11 and 2010 c 227 s 9 are
21 each reenacted and amended to read as follows:

22
23 TABLE 2

24 CRIMES INCLUDED WITHIN
25 EACH SERIOUSNESS LEVEL

26	XVI	Aggravated Murder 1 (RCW
27		10.95.020)
28	XV	Homicide by abuse (RCW 9A.32.055)
29		Malicious explosion 1 (RCW
30		70.74.280(1))
31		Murder 1 (RCW 9A.32.030)
32	XIV	Murder 2 (RCW 9A.32.050)
33		Trafficking 1 (RCW 9A.40.100(1))
34	XIII	Malicious explosion 2 (RCW
35		70.74.280(2))

1 Malicious placement of an explosive 1
2 (RCW 70.74.270(1))
3 XII Assault 1 (RCW 9A.36.011)
4 Assault of a Child 1 (RCW 9A.36.120)
5 Malicious placement of an imitation
6 device 1 (RCW 70.74.272(1)(a))
7 Promoting Commercial Sexual Abuse
8 of a Minor (RCW 9.68A.101)
9 Rape 1 (RCW 9A.44.040)
10 Rape of a Child 1 (RCW 9A.44.073)
11 Trafficking 2 (RCW 9A.40.100(2))
12 XI Manslaughter 1 (RCW 9A.32.060)
13 Rape 2 (RCW 9A.44.050)
14 Rape of a Child 2 (RCW 9A.44.076)
15 X Child Molestation 1 (RCW 9A.44.083)
16 Criminal Mistreatment 1 (RCW
17 9A.42.020)
18 Indecent Liberties (with forcible
19 compulsion) (RCW
20 9A.44.100(1)(a))
21 Kidnapping 1 (RCW 9A.40.020)
22 Leading Organized Crime (RCW
23 9A.82.060(1)(a))
24 Malicious explosion 3 (RCW
25 70.74.280(3))
26 Sexually Violent Predator Escape
27 (RCW 9A.76.115)
28 IX Abandonment of Dependent Person 1
29 (RCW 9A.42.060)
30 Assault of a Child 2 (RCW 9A.36.130)
31 Explosive devices prohibited (RCW
32 70.74.180)
33 Hit and Run--Death (RCW
34 46.52.020(4)(a))

1 Homicide by Watercraft, by being
2 under the influence of intoxicating
3 liquor or any drug (RCW
4 79A.60.050)
5 Inciting Criminal Profiteering (RCW
6 9A.82.060(1)(b))
7 Malicious placement of an explosive 2
8 (RCW 70.74.270(2))
9 Robbery 1 (RCW 9A.56.200)
10 Sexual Exploitation (RCW 9.68A.040)
11 Vehicular Homicide, by being under
12 the influence of intoxicating liquor
13 or any drug (RCW 46.61.520)
14 VIII Arson 1 (RCW 9A.48.020)
15 Commercial Sexual Abuse of a Minor
16 (RCW 9.68A.100)
17 Homicide by Watercraft, by the
18 operation of any vessel in a
19 reckless manner (RCW
20 79A.60.050)
21 Manslaughter 2 (RCW 9A.32.070)
22 Promoting Prostitution 1 (RCW
23 9A.88.070)
24 Theft of Ammonia (RCW 69.55.010)
25 Vehicular Homicide, by the operation
26 of any vehicle in a reckless manner
27 (RCW 46.61.520)
28 VII Burglary 1 (RCW 9A.52.020)
29 Child Molestation 2 (RCW 9A.44.086)
30 Civil Disorder Training (RCW
31 9A.48.120)
32 Dealing in depictions of minor engaged
33 in sexually explicit conduct 1
34 (RCW 9.68A.050(1))
35 Drive-by Shooting (RCW 9A.36.045)

1 Homicide by Watercraft, by disregard
2 for the safety of others (RCW
3 79A.60.050)
4 Indecent Liberties (without forcible
5 compulsion) (RCW 9A.44.100(1)
6 (b) and (c))
7 Introducing Contraband 1 (RCW
8 9A.76.140)
9 Malicious placement of an explosive 3
10 (RCW 70.74.270(3))
11 Negligently Causing Death By Use of a
12 Signal Preemption Device (RCW
13 46.37.675)
14 Sending, bringing into state depictions
15 of minor engaged in sexually
16 explicit conduct 1 (RCW
17 9.68A.060(1))
18 Unlawful Possession of a Firearm in
19 the first degree (RCW 9.41.040(1))
20 Use of a Machine Gun in Commission
21 of a Felony (RCW 9.41.225)
22 Vehicular Homicide, by disregard for
23 the safety of others (RCW
24 46.61.520)
25 VI Bail Jumping with Murder 1 (RCW
26 9A.76.170(3)(a))
27 Bribery (RCW 9A.68.010)
28 Incest 1 (RCW 9A.64.020(1))
29 Intimidating a Judge (RCW 9A.72.160)
30 Intimidating a Juror/Witness (RCW
31 9A.72.110, 9A.72.130)
32 Malicious placement of an imitation
33 device 2 (RCW 70.74.272(1)(b))
34 Possession of Depictions of a Minor
35 Engaged in Sexually Explicit
36 Conduct 1 (RCW 9.68A.070(1))
37 Rape of a Child 3 (RCW 9A.44.079)

1 Theft of a Firearm (RCW 9A.56.300)
2 Unlawful Storage of Ammonia (RCW
3 69.55.020)
4 V Abandonment of Dependent Person 2
5 (RCW 9A.42.070)
6 Advancing money or property for
7 extortionate extension of credit
8 (RCW 9A.82.030)
9 Bail Jumping with class A Felony
10 (RCW 9A.76.170(3)(b))
11 Child Molestation 3 (RCW 9A.44.089)
12 Criminal Mistreatment 2 (RCW
13 9A.42.030)
14 Custodial Sexual Misconduct 1 (RCW
15 9A.44.160)
16 Dealing in Depictions of Minor
17 Engaged in Sexually Explicit
18 Conduct 2 (RCW 9.68A.050(2))
19 Domestic Violence Court Order
20 Violation (RCW 10.99.040,
21 10.99.050, 26.09.300, 26.10.220,
22 26.26.138, 26.50.110, 26.52.070,
23 or 74.34.145)
24 Driving While Under the Influence
25 (RCW 46.61.502(6))
26 Extortion 1 (RCW 9A.56.120)
27 Extortionate Extension of Credit (RCW
28 9A.82.020)
29 Extortionate Means to Collect
30 Extensions of Credit (RCW
31 9A.82.040)
32 Incest 2 (RCW 9A.64.020(2))
33 Kidnapping 2 (RCW 9A.40.030)
34 Perjury 1 (RCW 9A.72.020)
35 Persistent prison misbehavior (RCW
36 9.94.070)

1 Physical Control of a Vehicle While
2 Under the Influence (RCW
3 46.61.504(6))
4 Possession of a Stolen Firearm (RCW
5 9A.56.310)
6 Rape 3 (RCW 9A.44.060)
7 Rendering Criminal Assistance 1
8 (RCW 9A.76.070)
9 Sending, Bringing into State Depictions
10 of Minor Engaged in Sexually
11 Explicit Conduct 2 (RCW
12 9.68A.060(2))
13 Sexual Misconduct with a Minor 1
14 (RCW 9A.44.093)
15 Sexually Violating Human Remains
16 (RCW 9A.44.105)
17 Stalking (RCW 9A.46.110)
18 Taking Motor Vehicle Without
19 Permission 1 (RCW 9A.56.070)
20 IV Arson 2 (RCW 9A.48.030)
21 Assault 2 (RCW 9A.36.021)
22 Assault 3 (of a Peace Officer with a
23 Projectile Stun Gun) (RCW
24 9A.36.031(1)(h))
25 Assault by Watercraft (RCW
26 79A.60.060)
27 Bribing a Witness/Bribe Received by
28 Witness (RCW 9A.72.090,
29 9A.72.100)
30 Cheating 1 (RCW 9.46.1961)
31 Commercial Bribery (RCW 9A.68.060)
32 Counterfeiting (RCW 9.16.035(4))
33 Endangerment with a Controlled
34 Substance (RCW 9A.42.100)
35 Escape 1 (RCW 9A.76.110)
36 Hit and Run--Injury (RCW
37 46.52.020(4)(b))

1 Hit and Run with Vessel--Injury
2 Accident (RCW 79A.60.200(3))
3 Identity Theft 1 (RCW 9.35.020(2))
4 Indecent Exposure to Person Under
5 Age Fourteen (subsequent sex
6 offense) (RCW 9A.88.010)
7 Influencing Outcome of Sporting Event
8 (RCW 9A.82.070)
9 Malicious Harassment (RCW
10 9A.36.080)
11 Possession of Depictions of a Minor
12 Engaged in Sexually Explicit
13 Conduct 2 (RCW ((~~9.68[A].070~~))
14 9.68A.070(2))
15 Residential Burglary (RCW
16 9A.52.025)
17 Robbery 2 (RCW 9A.56.210)
18 Theft of Livestock 1 (RCW 9A.56.080)
19 Threats to Bomb (RCW 9.61.160)
20 Trafficking in Stolen Property 1 (RCW
21 9A.82.050)
22 Unlawful factoring of a credit card or
23 payment card transaction (RCW
24 9A.56.290(4)(b))
25 Unlawful transaction of health
26 coverage as a health care service
27 contractor (RCW 48.44.016(3))
28 Unlawful transaction of health
29 coverage as a health maintenance
30 organization (RCW 48.46.033(3))
31 Unlawful transaction of insurance
32 business (RCW 48.15.023(3))
33 Unlicensed practice as an insurance
34 professional (RCW 48.17.063(2))
35 Use of Proceeds of Criminal
36 Profiteering (RCW 9A.82.080 (1)
37 and (2))

1 Vehicular Assault, by being under the
2 influence of intoxicating liquor or
3 any drug, or by the operation or
4 driving of a vehicle in a reckless
5 manner (RCW 46.61.522)
6 Viewing of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 1 (RCW 9.68A.075(1))
9 Willful Failure to Return from
10 Furlough (RCW 72.66.060)
11 III Animal Cruelty 1 (Sexual Conduct or
12 Contact) (RCW 16.52.205(3))
13 Assault 3 (Except Assault 3 of a Peace
14 Officer With a Projectile Stun
15 Gun) (RCW 9A.36.031 except
16 subsection (1)(h))
17 Assault of a Child 3 (RCW 9A.36.140)
18 Bail Jumping with class B or C Felony
19 (RCW 9A.76.170(3)(c))
20 Burglary 2 (RCW 9A.52.030)
21 Communication with a Minor for
22 Immoral Purposes (RCW
23 9.68A.090)
24 Criminal Gang Intimidation (RCW
25 9A.46.120)
26 Custodial Assault (RCW 9A.36.100)
27 Cyberstalking (subsequent conviction
28 or threat of death) (RCW
29 9.61.260(3))
30 Escape 2 (RCW 9A.76.120)
31 Extortion 2 (RCW 9A.56.130)
32 Harassment (RCW 9A.46.020)
33 Harming a Police Dog (RCW
34 9A.76.200)
35 Intimidating a Public Servant (RCW
36 9A.76.180)

1 Introducing Contraband 2 (RCW
2 9A.76.150)
3 Malicious Injury to Railroad Property
4 (RCW 81.60.070)
5 Mortgage Fraud (RCW 19.144.080)
6 Negligently Causing Substantial Bodily
7 Harm By Use of a Signal
8 Preemption Device (RCW
9 46.37.674)
10 Organized Retail Theft 1 (RCW
11 9A.56.350(2))
12 Perjury 2 (RCW 9A.72.030)
13 Possession of Incendiary Device (RCW
14 9.40.120)
15 Possession of Machine Gun or Short-
16 Barreled Shotgun or Rifle (RCW
17 9.41.190)
18 Promoting Prostitution 2 (RCW
19 9A.88.080)
20 Retail Theft with Extenuating
21 Circumstances 1 (RCW
22 9A.56.360(2))
23 Securities Act violation (RCW
24 21.20.400)
25 Tampering with a Witness (RCW
26 9A.72.120)
27 Telephone Harassment (subsequent
28 conviction or threat of death)
29 (RCW 9.61.230(2))
30 Theft of Livestock 2 (RCW 9A.56.083)
31 Theft with the Intent to Resell 1 (RCW
32 9A.56.340(2))
33 Trafficking in Stolen Property 2 (RCW
34 9A.82.055)
35 Unlawful Imprisonment (RCW
36 9A.40.040)

1 Unlawful possession of firearm in the
2 second degree (RCW 9A.41.040(2))
3 Vehicular Assault, by the operation or
4 driving of a vehicle with disregard
5 for the safety of others (RCW
6 46.61.522)
7 Willful Failure to Return from Work
8 Release (RCW 72.65.070)
9 II Computer Trespass 1 (RCW
10 9A.52.110)
11 Counterfeiting (RCW 9.16.035(3))
12 Escape from Community Custody
13 (RCW 72.09.310)
14 Failure to Register as a Sex Offender
15 (second or subsequent offense)
16 (RCW ((9A.44.130(11)(a)))
17 9A.44.132)
18 Health Care False Claims (RCW
19 48.80.030)
20 Identity Theft 2 (RCW 9.35.020(3))
21 Improperly Obtaining Financial
22 Information (RCW 9.35.010)
23 Malicious Mischief 1 (RCW
24 9A.48.070)
25 Organized Retail Theft 2 (RCW
26 9A.56.350(3))
27 Possession of Stolen Property 1 (RCW
28 9A.56.150)
29 Possession of a Stolen Vehicle (RCW
30 9A.56.068)
31 Retail Theft with Extenuating
32 Circumstances 2 (RCW
33 9A.56.360(3))
34 Theft 1 (RCW 9A.56.030)
35 Theft of a Motor Vehicle (RCW
36 9A.56.065)

1 Theft of Rental, Leased, or Lease-
2 purchased Property (valued at one
3 thousand five hundred dollars or
4 more) (RCW 9A.56.096(5)(a))
5 Theft with the Intent to Resell 2 (RCW
6 9A.56.340(3))
7 Trafficking in Insurance Claims (RCW
8 48.30A.015)
9 Unlawful factoring of a credit card or
10 payment card transaction (RCW
11 9A.56.290(4)(a))
12 Unlawful Practice of Law (RCW
13 2.48.180)
14 Unlicensed Practice of a Profession or
15 Business (RCW 18.130.190(7))
16 Voyeurism (RCW 9A.44.115)
17 I Attempting to Elude a Pursuing Police
18 Vehicle (RCW 46.61.024)
19 False Verification for Welfare (RCW
20 74.08.055)
21 Forgery (RCW 9A.60.020)
22 Fraudulent Creation or Revocation of a
23 Mental Health Advance Directive
24 (RCW 9A.60.060)
25 Malicious Mischief 2 (RCW
26 9A.48.080)
27 Mineral Trespass (RCW 78.44.330)
28 Possession of Stolen Property 2 (RCW
29 9A.56.160)
30 Reckless Burning 1 (RCW 9A.48.040)
31 Taking Motor Vehicle Without
32 Permission 2 (RCW 9A.56.075)
33 Theft 2 (RCW 9A.56.040)

1 Theft of Rental, Leased, or Lease-
2 purchased Property (valued at two
3 hundred fifty dollars or more but
4 less than one thousand five
5 hundred dollars) (RCW
6 9A.56.096(5)(b))
7 Transaction of insurance business
8 beyond the scope of licensure
9 (RCW 48.17.063)
10 Unlawful Issuance of Checks or Drafts
11 (RCW 9A.56.060)
12 Unlawful Possession of Fictitious
13 Identification (RCW 9A.56.320)
14 Unlawful Possession of Instruments of
15 Financial Fraud (RCW 9A.56.320)
16 Unlawful Possession of Payment
17 Instruments (RCW 9A.56.320)
18 Unlawful Possession of a Personal
19 Identification Device (RCW
20 9A.56.320)
21 Unlawful Production of Payment
22 Instruments (RCW 9A.56.320)
23 Unlawful Trafficking in Food Stamps
24 (RCW 9.91.142)
25 Unlawful Use of Food Stamps (RCW
26 9.91.144)
27 Vehicle Prowl 1 (RCW 9A.52.095)

--- END ---