
HOUSE BILL 1830

State of Washington

63rd Legislature

2013 Regular Session

By Representative Haler

Read first time 02/12/13. Referred to Committee on Judiciary.

1 AN ACT Relating to penalties for causing harm to dog guides,
2 service animals, and on-duty search and rescue dogs; amending RCW
3 9.91.170 and 9.91.175; and prescribing penalties.

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

5 **Sec. 1.** RCW 9.91.170 and 2003 c 53 s 52 are each amended to read
6 as follows:

7 (1)(a) Any person who has received notice that his or her behavior
8 is interfering with the use of a dog guide or service animal who
9 continues with reckless disregard to interfere with the use of a dog
10 guide or service animal by obstructing, intimidating, or otherwise
11 jeopardizing the safety of the dog guide or service animal user or his
12 or her dog guide or service animal is guilty of a misdemeanor, except
13 as provided in (b) of this subsection.

14 (b) A second or subsequent violation of this subsection is a gross
15 misdemeanor.

16 (2)(a) Any person who, with reckless disregard, allows his or her
17 dog to interfere with the use of a dog guide or service animal by
18 obstructing, intimidating, or otherwise jeopardizing the safety of the

1 dog guide or service animal user or his or her dog guide or service
2 animal is guilty of a misdemeanor, except as provided in (b) of this
3 subsection.

4 (b) A second or subsequent violation of this subsection is a gross
5 misdemeanor.

6 (3) Any person who, with reckless disregard, injures, disables, or
7 causes the death of a dog guide or service animal is guilty of a
8 (~~gross misdemeanor~~) class C felony punishable according to chapter
9 9A.20 RCW.

10 (4) Any person who, with reckless disregard, allows his or her dog
11 to injure, disable, or cause the death of a dog guide or service animal
12 is guilty of a (~~gross misdemeanor~~) class C felony punishable
13 according to chapter 9A.20 RCW.

14 (~~(5) ((Any person who intentionally injures, disables, or causes the~~
15 ~~death of a dog guide or service animal is guilty of a class C felony~~
16 ~~punishable according to chapter 9A.20 RCW.~~

17 (+6)) Any person who wrongfully obtains or exerts unauthorized
18 control over a dog guide or service animal with the intent to deprive
19 the dog guide or service animal user of his or her dog guide or service
20 animal is guilty of theft in the first degree, RCW 9A.56.030.

21 ((+7)) (6)(a) In any case in which the defendant is convicted of
22 a violation of this section, he or she shall also be ordered to make
23 full restitution for all damages, including incidental and
24 consequential expenses incurred by the dog guide or service animal user
25 and the dog guide or service animal which arise out of or are related
26 to the criminal offense.

27 (b) Restitution for a conviction under this section shall include,
28 but is not limited to:

29 (i) The value of the replacement of an incapacitated or deceased
30 dog guide or service animal, the training of a replacement dog guide or
31 service animal, or retraining of the affected dog guide or service
32 animal and all related veterinary and care expenses; and

33 (ii) Medical expenses of the dog guide or service animal user,
34 training of the dog guide or service animal user, and compensation for
35 wages or earned income lost by the dog guide or service animal user.

36 ((+8)) (7) Nothing in this section shall affect any civil remedies
37 available for violation of this section.

1 ((+9)) (8) For purposes of this section, the following definitions
2 apply:

3 (a) "Dog guide" means a dog that is trained for the purpose of
4 guiding blind persons or a dog trained for the purpose of assisting
5 hearing impaired persons.

6 (b) "Service animal" means an animal that is trained for the
7 purposes of assisting or accommodating a disabled person's sensory,
8 mental, or physical disability.

9 (c) "Notice" means a verbal or otherwise communicated warning
10 prescribing the behavior of another person and a request that the
11 person stop their behavior.

12 (d) "Value" means the value to the dog guide or service animal user
13 and does not refer to cost or fair market value.

14 **Sec. 2.** RCW 9.91.175 and 2005 c 212 s 1 are each amended to read
15 as follows:

16 (1)(a)(i) Any person who has received notice that his or her
17 behavior is interfering with the use of an on-duty search and rescue
18 dog who continues with reckless disregard to interfere with the use of
19 an on-duty search and rescue dog by obstructing, intimidating, or
20 otherwise jeopardizing the safety of the search and rescue dog user or
21 his or her search and rescue dog is guilty of a misdemeanor punishable
22 according to chapter 9A.20 RCW, except when (a)(ii) of this subsection
23 applies.

24 (ii) A second or subsequent violation of (a)(i) of this subsection
25 is a gross misdemeanor punishable according to chapter 9A.20 RCW.

26 (b)(i) Any person who, with reckless disregard, allows his or her
27 dog to interfere with the use of an on-duty search and rescue dog by
28 obstructing, intimidating, or otherwise jeopardizing the safety of the
29 search and rescue dog user or his or her search and rescue dog is
30 guilty of a misdemeanor punishable according to chapter 9A.20 RCW,
31 except when (b)(ii) of this subsection applies.

32 (ii) A second or subsequent violation of (b)(i) of this subsection
33 is a gross misdemeanor punishable according to chapter 9A.20 RCW.

34 (2)(a) Any person who, with reckless disregard, injures, disables,
35 or causes the death of an on-duty search and rescue dog is guilty of a
36 (~~gross misdemeanor~~) class C felony punishable according to chapter
37 9A.20 RCW.

1 (b) Any person who, with reckless disregard, allows his or her dog
2 to injure, disable, or cause the death of an on-duty search and rescue
3 dog is guilty of a (~~gross misdemeanor~~) class C felony punishable
4 according to chapter 9A.20 RCW.

5 (~~(3) ((Any person who intentionally injures, disables, or causes the
6 death of an on-duty search and rescue dog is guilty of a class C
7 felony.~~

8 (~~(4))~~) Any person who wrongfully obtains or exerts unauthorized
9 control over an on-duty search and rescue dog with the intent to
10 deprive the dog user of his or her search and rescue dog is guilty of
11 theft in the first degree under RCW 9A.56.030.

12 (~~((5))~~) (4)(a) In any case in which the defendant is convicted of
13 a violation of this section, he or she shall also be ordered to make
14 full restitution for all damages, including incidental and
15 consequential expenses incurred by the search and rescue dog user and
16 the dog that arise out of, or are related to, the criminal offense.

17 (b) Restitution for a conviction under this section shall include,
18 but is not limited to:

19 (i) The value of the replacement of an incapacitated or deceased
20 dog, the training of a replacement search and rescue dog, or retraining
21 of the affected dog and all related veterinary and care expenses; and

22 (ii) Medical expenses of the search and rescue dog user, training
23 of the dog user, and compensation for any wages or earned income lost
24 by the search and rescue dog user as a result of a violation of
25 subsection (1), (2), or (3)(~~, or (4)~~) of this section.

26 (~~((6))~~) (5) Nothing in this section affects any civil remedies
27 available for violation of this section.

28 (~~((7))~~) (6) For purposes of this section, "search and rescue dog"
29 means a dog that is trained for the purpose of search and rescue of
30 persons lost or missing.

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