

# SENATE BILL REPORT

## SB 5094

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As Reported by Senate Committee On:  
Local Government, February 16, 2017

**Title:** An act relating to preventing breed-based dog regulations.

**Brief Description:** Preventing breed-based dog regulations.

**Sponsors:** Senators Palumbo, Fain and Wilson.

**Brief History:**

**Committee Activity:** Local Government: 1/17/17, 2/16/17 [DPS, w/oRec].

**Brief Summary of First Substitute Bill**

- Restricts cities and counties from imposing breed-based restrictions or prohibitions unless they provide an exemption for dogs that pass the American Kennel Club Canine Good Citizen Test, or a reasonable equivalent.
- Prohibits the state from proving that an owner should have known their dog was potentially dangerous based on that dog's breed during a criminal prosecution.

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### SENATE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** That Substitute Senate Bill No. 5094 be substituted therefor, and the substitute bill do pass.

Signed by Senators Short, Chair; Angel, Vice Chair; Palumbo and Sheldon.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Takko, Ranking Minority Member.

**Staff:** Greg Vogel (786-7413)

**Background:** Dangerous and Potentially Dangerous Dogs. Under state law, a dog is a dangerous dog if it is one that: (1) inflicts severe injury on a human without provocation; (2) kills a domestic animal without provocation while off of its owner's property; or (3) has been previously found to be potentially dangerous due to infliction of injury on a human, and

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again aggressively bites, attacks, or endangers the safety of human. State law requires dangerous dogs to be registered and imposes specific requirements on owners of dangerous dogs.

A potentially dangerous dog is defined under state law as a dog that: (1) bites a human or domestic animal without provocation; (2) chases or approaches a person in public in a menacing fashion; or (3) has a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to threaten the safety of humans or domestic animals. Potentially dangerous dogs are regulated solely on the local level.

If a dog aggressively attacks and causes severe injury or death to a human, the owner may be found guilty of a class C felony. In proving this crime, the state must show that the owner knew or should have known the dog was potentially dangerous. The state cannot make this showing based solely on the dog's breed.

Local Regulation of Dogs. Local jurisdictions may impose more stringent requirements restricting dangerous dogs, and may prohibit dangerous dogs altogether. In some local jurisdictions, restrictions or bans that apply to dangerous dogs or potentially dangerous dogs automatically apply to a referenced breed. Some local jurisdictions have adopted ordinances that completely ban the ownership or possession of particular breeds.

**Summary of Bill (First Substitute):** A city or county may not prohibit the possession of a dog based on breed, impose requirements specific to possession of a dog based on breed, or declare a dog dangerous or potentially dangerous based on breed. However, a city or town may have breed-based restrictions if it establishes and maintains a process for exempting dogs that pass the American Kennel Club Canine Good Citizen Test, or a reasonable equivalent. Dogs that pass an exemption test are exempt from breed-based restrictions for at least two years, and must be given the opportunity to retest to maintain their exemption. Dogs that fail an exemption test must be given an opportunity to retest within a reasonable period of time.

In a criminal prosecution of an owner of a dog that severely injures or kills a person, the state may not prove that the owner should have known the dog was potentially dangerous based on the breed of the dog—as opposed to based solely on the breed of the dog.

A dog's breed or physical appearance may be documented for identification purposes when declaring a dog dangerous or potentially dangerous. The term "dog" does not include nondomesticated animals such as wolves, coyotes, or hybrids of those animals.

**EFFECT OF CHANGES MADE BY LOCAL GOVERNMENT COMMITTEE (First Substitute):**

- Prohibits a city or county from imposing requirements specific to possession of a dog based on breed, in addition to prohibiting possession outright or declaring a dog dangerous or potentially dangerous based on breed.
- Permits a city or county to have breed-based restrictions so long as it provides exemptions for dogs that pass the American Kennel Club Canine Good Citizen test, or a reasonable equivalent.

- Permits documentation of a dog’s breed or physical appearance for identification purposes when declaring a dog dangerous or potentially dangerous.
- Defines the term “dog,” which excludes nondomesticated animals such as wolves, coyotes, and hybrids of those animals.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill takes effect on January 1, 2018.

**Staff Summary of Public Testimony on Original Bill:** *Testimony from 2017 Regular Session. The committee recommended a different version of the bill than what was heard.*

**PRO:** The problem is not the breed of a dog, it is how that dog has been raised and trained. Breed-specific legislation (BSL) has been shown to be ineffective. Most dogs in shelters are pit and pit mixes, and this affects the ability for families to adopt these dogs. Government should not be telling people what types of pets they can and cannot have. Breed-specific laws force owners to make heartbreaking choices between keeping their dog or leaving the community. It can be hard to own some breeds because there is a stigma around them that isn't justified. It can also be a financial hardship because insurance companies won't provide insurance if you own certain breeds. Breed laws can be hard to enforce because it is difficult to know what breed a dog is just by looking at it. The AKC, American Vet Association, White House, and American Bar Association all strongly oppose breed based laws.

**CON:** In Ohio when a breed ban was in effect, six people were killed over the span of 25 years. Since it has been lifted there have been five deaths in four years. There is a list of uninsurable breeds, and together these breeds account for 75 percent of all dog bite fatalities. This debate should be happening at the local level, because while the public safety concerns may not be statewide they do occur in particular areas. Pasco struck a balance with an ordinance that allows dogs to pass the AKC Good Citizen Test.

**Persons Testifying:** **PRO:** Senator Guy Palumbo, Prime Sponsor; Donald Murray, Pasado's Safe Haven, General Counsel; Marla Katz, Washington Alliance for Humane Legislation (Volunteer on behalf of Richard Hall); Kim Thornton Henning, Washington State Bar Association Animal Law Section; Greg Hanon, Washington State Veterinary Medical Association; Jessica Garcia.

**CON:** Briahna Murray, City of Pasco; Ellen Taft, Families and Dogs against Fighting Breeds.

**Persons Signed In To Testify But Not Testifying:** No one.