

# SENATE BILL REPORT

## HB 1026

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As Passed Senate, April 17, 2019

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

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

**Sponsors:** Representatives Appleton, Fitzgibbon and Stanford.

**Brief History:** Passed House: 3/08/19, 66-29.

**Committee Activity:** Local Government: 3/21/19, 3/28/19 [DP, DNP].

**Floor Activity:**

Passed Senate: 4/17/19, 25-23.

### Brief Summary of Bill

- Prohibits local jurisdictions from enacting breed-based dog regulations, unless a reasonable exemption process is maintained.

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### SENATE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass.

Signed by Senators Takko, Chair; Salomon, Vice Chair; Lovelett.

**Minority Report:** Do not pass.

Signed by Senator Short, Ranking 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 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.

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*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.*

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.

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 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.

American Kennel Club Canine Good Citizen Program. The American Kennel Club (AKC) Canine Good Citizen Program is a two-part program that emphasizes responsible pet ownership for owners and basic good manners for dogs. All dogs who pass the ten-step canine good citizen test may receive a certificate from the AKC. Items on the canine good citizen test include accepting a friendly stranger, sitting politely for petting, appearance and tolerating grooming, walking on a loose lead, walking through a crowd, sitting and staying on command, coming when called, reaction to other dogs, reaction to distraction, and supervised separation.

**Summary of Bill:** A city or county may not prohibit possession of a dog based on its breed, impose requirements specific to possession of a dog based on its breed, or declare a dog to be dangerous or potentially dangerous based on its breed unless all of the following conditions are met:

- the city or county must establish and maintain a reasonable process for exempting a specific dog upon passage of the AKC canine good citizen test or a reasonably equivalent canine behavioral test;
- any dog passing the canine good citizen test, or equivalent test, is exempt from breed-based regulations for a period of at least two years, and may retest to maintain the exemption; and
- any dog that fails the canine good citizen test, or equivalent test, may retest within a reasonable period of time.

A city or county may still document a dog's breed, physical appearance, or both for identification purposes when declaring a dog to be dangerous or potentially dangerous.

"Dog" is defined to expressly exclude nondomesticated species and hybrids.

**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, 2020.

**Staff Summary of Public Testimony:** PRO: This bill takes away the discrimination that we find in 27 cities in the state. These cities have breed-specific legislation, not because they know the dog is potentially dangerous, but because it looks like a pit bull. However, pit bulls are wonderful dogs. It is the people that make them dangerous.

The bill does not overturn existing bans or stop cities from establishing new bans. Instead, if cities have these bans, it just requires them to let dogs test out through an exemption. The cost of these tests are economically reasonable. Veterinarians have pointed out that bans are just not very effective. There are other tools that can do a better job of handling this issue.

CON: Science and statistics should guide the Legislature's decision on this bill. Humans and livestock cannot peacefully coexist with banned breeds. Temperament testing in the best cases has a high rate of error. Additionally, there is no drug testing of dogs prior to the test, which could allow the dog to be sedated, disguising its aggressive behavior.

OTHER: Pasco has an ordinance banning certain breeds of dogs that includes an exemption for dogs that pass the AKC test. The city is happy to remain neutral if this language stays in the bill.

**Persons Testifying:** PRO: Representative Sherry Appleton, Prime Sponsor; Rick Hall, Washington Alliance for Humane Legislation.

CON: Ellen Taft, Families and Dogs Against Fighting Breeds.

OTHER: Trevor Justin, City of Pasco.

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