

# SENATE BILL REPORT

## SB 5976

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As of January 25, 2024

**Title:** An act relating to controlling dogs at large.

**Brief Description:** Controlling dogs at large.

**Sponsors:** Senators Short, Fortunato and Warnick.

**Brief History:**

**Committee Activity:** Law & Justice: 1/25/24.

<p><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Authorizes the destruction or capture of certain dogs running at large.</li></ul>
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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** William Bridges (786-7312)

**Background:** Potentially Dangerous Dogs. Under state law, a potentially dangerous dog means an unprovoked dog that:

- bites a person or a domestic animal either on public or private property; or
- chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack.

In addition, a potentially dangerous dog is any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to cause injury or otherwise to threaten the safety of persons or domestic animals.

Dangerous Dogs. Under state law, a dangerous dog means any dog that:

- inflicts severe injury on a person without provocation on public or private property;
  - kills a domestic animal without provocation while the dog is off the owner's property;
- or

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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 part of the legislation nor does it constitute a statement of legislative intent.*

- has been previously found to be potentially dangerous because of injury inflicted on a person, the owner having received notice of that injury and the dog again aggressively bites, attacks, or endangers the safety of persons.

Regulation of Dangerous Dogs. State law requires dangerous dogs to be registered and imposes specific requirements on owners, such as proper fencing and warning signs. An owner of a dog that aggressively attacks and causes severe injury or death of a person, whether or not the dog has been previously declared a dangerous or potentially dangerous dog, is guilty of a class C felony. Dangerous dogs may be destroyed under certain circumstances. Local jurisdictions may impose more stringent requirements restricting dangerous dogs and may prohibit dangerous dogs altogether. Potentially dangerous dogs are regulated solely on the local level.

Dogs Injuring Livestock. Under state law any person who sees a dog chasing, biting, injuring, or killing the person's livestock on the person's property or public highway may kill the dog. And the owner of the dog must keep the dog leashed or confined on the owner's premises. If this is not accomplished the livestock owner may kill the dog if found running at large. Livestock means sheep, swine, or other domestic animal, including poultry.

Marauding Dogs. Prior to 2020 state law required owner or keeper of dog that was found killing any domestic animal to kill the dog within 48 hours after being notified of that fact. Failure to do so was a misdemeanor. The sheriff was required to kill any dog found running at large without a metal identification tag after August 1st of any year through February of the following year. The law was repealed in 2020 with the passage of ESSB 6300, a comprehensive animal welfare bill.

Animal Control Authorities. Local governments in Washington may administer animal control through an animal services department, partnerships with external agencies or other local governments, or a combination of these. In some counties the sheriff may act as the animal control authority.

**Summary of Bill:** Authorizing the Destruction or Capture of Certain Dogs Running at Large. An animal control authority may destroy any dangerous dog or potentially dangerous dog found running at large if the owner cannot be determined using reasonable means. The animal control authority may also capture such a dog in an expeditious and humane manner.

Clarifying that in the absence of an animal control authority, local law enforcement is the animal control authority.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill will restore law enforcement authority to address packs of dangerous dogs harming people and other animals, particularly in rural counties such as Ferry, Kittitas, and Stevens. These dogs have been loose for years, and they do not have owners or the owners are very difficult to identify. Some rural counties rely on local law enforcement to act as animal control officers, but they have few resources to capture these dogs, and their previous authority to kill marauding dogs was repealed in 2020. The frustrated public has resorted to using illegal capture methods to address this problem. This bill is intended to address public safety by addressing gaps in the law; it is not anti-dog or breed-specific legislation.

CON: Animal control officers are rarely armed and are trained in using nonlethal capture methods, which allows proper assessment of the dog followed by proper legal action. Law enforcement officers do not have this training.

**Persons Testifying:** PRO: Senator Shelly Short, Prime Sponsor; Ray Maycumber, Ferry County Sheriff.

CON: Carey Morris, Humane Society of the United States.

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