

HOUSE BILL REPORT

HB 2600

As Reported By House Committee On:

Law & Justice

Title: An act relating to dangerous dogs.

Brief Description: Clarifying the definitions and regulations of dangerous dogs.

Sponsors: Representatives Clements and Skinner.

Brief History:

Committee Activity:

Law & Justice: 1/30/96, 2/2/96 [DPS].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Murray; Robertson; Smith; Sterk and Veloria.

Staff: Bill Perry (786-7123).

Background: Current law regulates dogs and dog owners in a variety of ways. A dog may be declared "dangerous," in which case registration by the owner is required, and restrictions are imposed on the containment, insuring, and control of the dog.

A dangerous dog is one that, "according to the records" of an animal control agency or local law enforcement agency, has inflicted "severe injury" on a human without provocation, or has killed a domestic animal. A dog may not be declared dangerous if it causes injury to a trespasser or tortfeasor on its owner's property, or to a person who is tormenting, abusing, or assaulting the dog, or to a person committing a crime.

It is a gross misdemeanor to own a dangerous dog without registering it or to fail to meet the containment, insurance, and control restrictions that apply to a dangerous dog. It is unlawful to allow a dangerous dog out of its required secure enclosure without a muzzle.

An owner who has a previous conviction under the dangerous dog law is guilty of a class C felony if his or her dangerous dog "attacks or bites" a person or domestic animal. The owner of any dog that aggressively attacks and causes severe injury or death to a human is guilty of a class C felony. In each of these last two instances, the dog must be destroyed.

Summary of Substitute Bill: The definition of "dangerous dog" is changed to mean any dog that has been identified by an animal control or law enforcement agency as having demonstrated a clear danger by chasing or approaching a person on public property in a menacing fashion, or having bitten a person without provocation or reason, or having killed a domestic animal without provocation and while on the dog owner's property. A definition of "potentially dangerous dog" is eliminated.

An animal control agency is given authority to:

- warn an owner that a dog may be a threat and should be restrained;
- declare a dog to be dangerous and require registration of the dog; or
- declare a dog to be dangerous and confiscate the dog.

When a dog is confiscated, the owner must be given 10 days to comply with registration requirements. If the owner does not respond and comply, the dog may be destroyed.

Animal control authorities may require that dangerous dogs wear identification tags or other markings easily seen from a distance.

Local jurisdictions are given explicit authority to adopt ordinances regarding dogs that are more stringent than the state law.

The requirement of a prior conviction under the dangerous dog law is removed with respect to the class C felony involving a dangerous dog that attacks or bites a person or domestic animal.

Substitute Bill Compared to Original Bill: The substitute bill removes the phrase "an apparent attitude of attack" as a way of defining a dangerous dog. The substitute bill removes the mandatory wearing of a specified identification tag, and eliminates immunity from liability for animal control and law enforcement officers.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill corrects inconsistencies in the current law. It provides more certain punishment for violation and allows stronger local laws.

Testimony Against: None.

Testified: Representative Clements, prime sponsor; Jeff Sullivan, Yakima County Prosecutor's Office (pro); and Pam Cheney and Terry Cline, citizens (pro).