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**SENATE BILL 5729**

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**State of Washington**

**57th Legislature**

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**By** Senators Thibaudeau, Patterson, Fairley, Winsley, Kohl-Welles, Jacobsen, Haugen, Prentice, Costa, Regala, Kline, Carlson and Rasmussen

Read first time 02/01/2001. Referred to Committee on Natural Resources, Parks & Shorelines.

1 AN ACT Relating to the private possession of dangerous wild  
2 animals; adding a new chapter to Title 77 RCW; and prescribing  
3 penalties.

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

5 NEW SECTION. **Sec. 1.** It is the intent of the state of  
6 Washington to protect the public against the health and safety  
7 risks that dangerous wild animals pose to the community and to  
8 protect the welfare of individual animals held in private  
9 possession. By their very nature, these animals are wild and  
10 inherently dangerous and, as such, do not adjust well to a captive  
11 environment.

12 NEW SECTION. **Sec. 2.** The definitions in this section apply  
13 throughout this chapter unless the context clearly requires  
14 otherwise.

15 (1) "Animal control authority" means an entity acting alone or  
16 in concert with other local governmental units for enforcement of  
17 the animal control laws of the city, county, and state, and the

1 shelter and welfare of animals. "Animal control authority"  
2 includes, but is not limited to the following individuals: Animal  
3 control officers, local law enforcement agents, and county  
4 sheriffs.

5 (2) "Animal control officer" means an individual employed,  
6 contracted with, or appointed by the animal control authority for  
7 the purpose of aiding in the enforcement of this chapter or any  
8 law or ordinance relating to the licensure of animals, control of  
9 animals, or seizure and impoundment of animals. "Animal control  
10 officer" includes any state or local law enforcement officer, or  
11 other employee whose duties in whole or in part include  
12 assignments that involve the seizure and impoundment of any  
13 animal.

14 (3) "Department" means the department of fish and wildlife.

15 (4) "Dangerous wild animal" means those species of animals that  
16 are inherently dangerous to humans. "Dangerous wild animals"  
17 include the following classes, orders, and families, whether bred  
18 in the wild or in captivity:

19 (a) Class Mammalia:

20 (i) Order Carnivora:

21 (A) Family Felidae, except domesticated cats and hybrids;

22 (B) Family Canidae, only wolves, not wolf-hybrids;

23 (C) Family Ursidae; and

24 (ii) Order Primates; and

25 (b) Class Reptilia:

26 (i) Order Squamata:

27 (A) Family Boidae, only African rock pythons, amethystine  
28 pythons, boelen's pythons, burmese pythons, Indian pythons, olive  
29 pythons, reticulated pythons, yellow anacondas, green anacondas,  
30 and Jamaican boas;

31 (B) Family Colubridae, only boomslangs, mangrove snakes,  
32 African twig snakes, and brown tree snakes;

33 (C) Family Elapidae;

34 (D) Family Helodermatidae;

35 (E) Family Lacertilia, only Salvator monitors and Salvadoran  
36 monitors; and

37 (F) Family Viperidae; and

38 (ii) Order Crocodylia.

1 "Dangerous wild animal" may include species not listed if they  
2 are declared dangerous wild animals by the department, in  
3 cooperation with the animal control authority, if the confinement  
4 of the animal within the state can be shown to constitute a threat  
5 to public health and safety.

6 (5) "Person" means any individual, partnership, corporation,  
7 organization, trade or professional association, firm, limited  
8 liability company, joint venture, association, trust, estate, or  
9 any other legal entity, and any officer, member, shareholder,  
10 director, employee, agent, or representative thereof.

11 (6) "Wildlife sanctuary" means a nonprofit organization  
12 described in section 170(b)(1)(A)(vi) of the internal revenue code  
13 of 1986, that operates a place of refuge where abused, neglected,  
14 unwanted, impounded, abandoned, orphaned, or displaced dangerous  
15 wild animals are provided care for their lifetime or released back  
16 to their natural habitat and, with respect to any animal owned by  
17 the organization, does not:

18 (a) Conduct any activity that is not inherent to the animal's  
19 nature;

20 (b) Use the animal for any type of entertainment;

21 (c) Sell, trade, or barter the animal or the animal's body  
22 parts; or

23 (d) Breed the animal for purposes of sale.

24 NEW SECTION. **Sec. 3.** (1) It is unlawful for any person to own,  
25 possess, keep, harbor, bring, or have in one's possession a  
26 dangerous wild animal, except in compliance with this chapter.

27 (2) It is unlawful for the owner or any other person in control  
28 of a lot, tract, or parcel of land or any residence or business  
29 premises situated thereon to knowingly permit any other person to  
30 be in possession of a dangerous wild animal upon the property,  
31 residence, or premises, except in compliance with this chapter.

32 NEW SECTION. **Sec. 4.** This chapter shall not apply to:

33 (1) Institutions accredited by the American zoo and aquarium  
34 association.

35 (2) Licensed humane societies;

1 (3) Animal control officers or law enforcement officers acting  
2 under the authority of this chapter;

3 (4) Licensed veterinary hospitals or clinics;

4 (5) Any wildlife rehabilitator licensed by the state, under RCW  
5 77.12.040 and WAC 232-12-275;

6 (6) Any wildlife sanctuary;

7 (7) Any licensed or accredited research or medical institution;

8 (8) Any licensed or accredited educational institution;

9 (9) Any circus, rodeo, or trade show;

10 (10) A person temporarily transporting a dangerous wild animal  
11 through the state if the transit time is not more than ninety-six  
12 hours and the animal is at all times maintained within a  
13 confinement sufficient to prevent the dangerous wild animal from  
14 escaping.

15 NEW SECTION. **Sec. 5.** (1) A person may possess a dangerous wild  
16 animal if: The person was in legal possession of the dangerous wild  
17 animal before the effective date of this act; the person is the  
18 legal owner of the dangerous wild animal; and the person applies  
19 for and is granted a personal possession permit for the dangerous  
20 wild animal in their possession within ninety days after the  
21 effective date of this act. The permit is valid in any local unit  
22 in which the possession of a dangerous wild animal is not  
23 prohibited by local law. Persons who meet the requirements in this  
24 subsection shall annually obtain a personal possession permit.

25 (2) After the effective date of this act, no new dangerous wild  
26 animal shall be brought into possession under authority of a  
27 personal possession permit.

28 (3) An applicant shall file an application to receive a  
29 personal possession permit with the animal control authority on a  
30 form provided by the animal control authority. The application  
31 shall include the following:

32 (a) A nonrefundable permit fee. The amount of the annual permit  
33 fee shall be established by the animal control authority;

34 (b) A written statement completed by the owner which sets forth  
35 the following information:

36 (i) The name, address, and telephone number of the applicant;

37 (ii) A description of each dangerous wild animal, including the

1 scientific name, name, sex, age, color, weight, and any  
2 distinguishing marks or coloration that would aid in the  
3 identification of the animal;

4 (iii) A photograph of the dangerous wild animal;

5 (iv) The exact location where the dangerous wild animal is to  
6 be kept;

7 (v) The name, address, and telephone number of the person from  
8 whom the applicant obtained the dangerous wild animal, if known;

9 (vi) The identification number of the dangerous wild animal,  
10 excluding reptiles when such device would endanger the well-being  
11 of the reptile; and

12 (vii) The name, address, and phone number of the veterinarian  
13 who is expected to provide veterinary care to the dangerous wild  
14 animal;

15 (c) Any additional information the animal control authority may  
16 deem necessary to carry out this chapter.

17 (4) A permit shall not be granted unless the animal control  
18 authority finds that all of the following apply:

19 (a) The provisions outlined under subsection (1) of this  
20 section are met;

21 (b) The applicant is twenty-one years of age or older;

22 (c) The applicant has not been convicted of, or found  
23 responsible for, violating a local or state law prohibiting  
24 cruelty, neglect, or mistreatment of an animal or has not within  
25 the past ten years been convicted of a felony or been convicted  
26 for possession, sale, or use of illegal narcotics;

27 (d) The facility and the conditions in which the dangerous wild  
28 animal will be kept are in compliance with this chapter;

29 (e) The owner of the dangerous wild animal has obtained the  
30 requisite liability insurance coverage or surety bond for the  
31 dangerous wild animal under his or her control as set forth in  
32 section 9 of this act; and

33 (f) The owner has regularly provided veterinary care to the  
34 dangerous wild animal when needed and intends to provide such care  
35 in the future.

36 (5) The personal possession permit shall set forth all of the  
37 following information:

38 (a) The name, address, and phone number of the permit holder;

1 (b) The address if different than (a) of this subsection, where  
2 the dangerous wild animal will be kept;

3 (c) The name, number, species, and age of the dangerous wild  
4 animal, and any distinguishing marks or coloration that would aid  
5 in the identification of the animal;

6 (d) The identification number as required under section 6 of  
7 this act, if applicable;

8 (e) The name, address, and phone number of the veterinarian who  
9 is expected to provide veterinary care to the dangerous wild  
10 animal named on the permit; and

11 (f) Any other relevant information the animal control authority  
12 may deem necessary.

13 (6) The animal control authority shall keep records of who is  
14 carrying a valid permit. A permit holder shall notify the animal  
15 control authority of any changes of the stated information on the  
16 permit, which shall include the death of the dangerous wild  
17 animal.

18 NEW SECTION. **Sec. 6.** The owner of the dangerous wild animal  
19 shall have an identification number placed in the dangerous wild  
20 animal via subcutaneous microchip, at the expense of the owner, by  
21 or under the supervision of a veterinarian. This section does not  
22 apply to dangerous wild reptiles if a veterinarian determines that  
23 the placement of a subcutaneous microchip would endanger the well-  
24 being of the reptile.

25 NEW SECTION. **Sec. 7.** (1) The animal control authority may  
26 establish specific caging requirements for the keeping and  
27 confinement of dangerous wild animals. If the animal control  
28 authority establishes caging requirements, the permittee shall  
29 keep and confine the dangerous wild animal in strict accordance  
30 with the established caging requirements. Any deviations from the  
31 regulations established by the animal control authority shall be  
32 approved by the animal control authority upon a showing of good  
33 cause.

34 (2) All caging requirements established by the animal control  
35 authority shall ensure that the dangerous wild animal is confined

1 in a primary enclosure that protects the public's safety and  
2 health and ensures the safety and well-being of the dangerous wild  
3 animal.

4 NEW SECTION. **Sec. 8.** (1) A dangerous wild animal shall not be  
5 tethered, leashed, or chained outdoors, or allowed to run at  
6 large.

7 (2) A dangerous wild animal shall not be mistreated, neglected,  
8 abandoned, or deprived of necessary food, water, and sustenance.

9 (3) A permittee transporting a dangerous wild animal in a  
10 vehicle shall ensure that the dangerous wild animal is  
11 individually and securely caged, even while inside a passenger  
12 vehicle or in the bed of a truck.

13 (4) Each permittee shall have a plan for the quick and safe  
14 recapture of the dangerous wild animal if the dangerous wild  
15 animal escapes, if recapture is impossible, then a plan for the  
16 destruction of the dangerous wild animal held under a personal  
17 possession permit.

18 (5) If an owner realizes that he or she can no longer care for  
19 the dangerous wild animal, an animal rescue facility, wildlife  
20 sanctuary, or an American zoo and aquarium association accredited  
21 facility shall be contacted for possible placement of the animal  
22 before euthanization of the dangerous wild animal.

23 NEW SECTION. **Sec. 9.** (1) All owners of a dangerous wild animal  
24 shall either: (a) Maintain liability insurance coverage with an  
25 insurer qualified under Title 48 RCW in the amount of at least two  
26 hundred fifty thousand dollars insuring for bodily injury to or  
27 death of a person or injury and destruction to property caused by  
28 the dangerous wild animal; or (b) must guarantee that the owner  
29 has a surety bond issued by a surety insurer qualified under  
30 chapter 48.28 RCW in a form acceptable to the animal control  
31 authority in the amount of at least two hundred fifty thousand  
32 dollars. All owners of a dangerous wild animal shall provide a copy  
33 of the policy for liability insurance or proof of surety bond to  
34 the animal control authority on a yearly basis.

35 (2) All owners of a dangerous wild animal shall have posted and  
36 displayed at each possible entrance onto the premises where a

1 dangerous wild animal is kept a conspicuous sign, clearly legible,  
2 and easily readable by the public warning that there is a  
3 dangerous wild animal on the premises. In addition, the owner shall  
4 conspicuously display a sign with a warning symbol that informs  
5 children of the presence of a dangerous wild animal.

6 (3) If any dangerous wild animal escapes or is released, either  
7 intentionally or unintentionally, the owner of the dangerous wild  
8 animal shall immediately contact a law enforcement officer of the  
9 city or county where the owner resides to report the escape or  
10 release. The owner is liable for all expenses associated with  
11 efforts to recapture the animal. If it is determined that the owner  
12 was not at fault for the escape or release of the dangerous wild  
13 animal, and the person who is responsible for the escape or  
14 release is known, the owner may bring a civil action suit for  
15 damages against the person.

16 NEW SECTION. **Sec. 10.** The permittee shall not bring a dangerous  
17 wild animal to any commercial or retail establishment unless the  
18 permittee is bringing the animal to a veterinarian or a veterinary  
19 clinic.

20 NEW SECTION. **Sec. 11.** An owner of a dangerous wild animal, at  
21 all reasonable times, shall allow an animal control officer to  
22 enter the premises where the animal is kept to ensure compliance  
23 with this chapter.

24 NEW SECTION. **Sec. 12.** (1) Any dangerous wild animal shall be  
25 immediately confiscated by an animal control authority if the: (a)  
26 Owner does not have a personal possession permit under section 5  
27 of this act; (b) owner does not secure the liability insurance  
28 coverage or surety bond required under section 9 of this act; (c)  
29 provisions of section 8 of this act are not being met; (d)  
30 conditions under which the dangerous wild animal is kept are  
31 directly or indirectly dangerous to human health and safety. In  
32 addition, the owner is guilty of a gross misdemeanor punishable in  
33 accordance with RCW 9A.20.021.

34 (2) A dangerous wild animal may be returned to the owner only



1 if the owner has a personal possession permit and has corrected  
2 the conditions resulting in the confiscation.

3 (3) If a dangerous wild animal is confiscated, the owner is  
4 liable for the costs of placement and care for the dangerous wild  
5 animal from the time of confiscation until the time of return to  
6 the owner or until the time the animal has been relocated to an  
7 alternative facility, such as a sanctuary, licensed humane  
8 society, or an institution accredited by the American zoo and  
9 aquarium association.

10 NEW SECTION. **Sec. 13.** Sections 1 through 12 of this act  
11 constitute a new chapter in Title 77 RCW.

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