

# SENATE BILL REPORT

## SB 5377

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As Reported By Senate Committee On:  
Judiciary, February 15, 2005

**Title:** An act relating to the keeping of dangerous wild animals.

**Brief Description:** Regulating the keeping of dangerous wild animals.

**Sponsors:** Senators Kline, Kohl-Welles, Delvin and Thibaudeau.

**Brief History:**

**Committee Activity:** Judiciary: 1/27/05, 2/15/05.

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### SENATE COMMITTEE ON JUDICIARY

**Staff:** Lilah Amos (786-7429)

**Background:** Wild animals are subject to regulation under federal, state, and local laws. For example, federal law generally prohibits the sale, purchase, or possession of endangered species. The United States Department of Agriculture licenses and regulates animal dealers and exhibitors. Both federal and Washington State law regulate the introduction of some wild animals into this state because the introduction of their genes and the disease they could bring make them a threat to the state's indigenous wildlife.

The Washington Department of Fish and Wildlife has the authority to manage wildlife within the state. Pursuant to that authority, the department prevents the introduction of "deleterious exotic wildlife", including mongooses, wild boar, European red deer, zebra mussels, and European green crab, unless strict conditions are met. Unlawful release of deleterious exotic wildlife is a class C felony.

Animal control is generally regulated on the city and county level in Washington, with enforcement by either local animal control authorities or local law enforcement. Local jurisdictions such as Pierce and King counties and cities such as Bellevue, Spokane, and Everett have passed such ordinances.

Concern exists that privately-owned exotic pets pose a public health threat because they are not capable of domestication. The quality of their handling, care, and treatment is largely determined by their owners. Some experts claim that lack of specialized equipment, containment, and expertise can result in danger to owners and the public and unnecessary suffering and premature death of these animals. Some exotic pets may carry disease which can be passed to humans. For example, reptiles are carriers of salmonella, which can easily spread to humans and can result in severe illness. Primates can transmit serious diseases to humans, such as the Herpes-B virus and other bacterial and parasitic infections.

**Summary of Bill:** The possession, importation, and breeding of potentially dangerous wild animals is prohibited unless permission is granted by an animal control authority. "Potentially

dangerous wild animal" is defined and includes large cats, wolves (excluding wolf-hybrids), bears, primates, elephants, certain snakes, and crocodiles.

A person who can prove ownership of a potentially dangerous wild animal prior to the effective date of this act can keep the animal until July 1, 2010 unless the animal poses a public safety or health risk. To continue possession of a potentially dangerous wild animal after July 1, 2010, the owner must apply to an animal control authority for permission and must comply with any conditions specified for keeping the animal. Permission to maintain possession shall not be unreasonably denied if proper documentation establishes that the animal was lawfully possessed before the effective date of this act.

The local animal control authority or a law enforcement officer can confiscate a potentially dangerous wild animal if: (1) it is possessed after July 1, 2010 without permission; (2) it was acquired after the effective date of this act; or (3) it poses a public safety or health risk. During confiscation, the owner is responsible for reasonable costs. A confiscated animal may be released to a wildlife sanctuary, zoo, or aquarium, or may be euthanized only as a last resort if all known reasonable placement options are unavailable.

A person who possesses a potentially dangerous wild animal in violation of this act is subject to a civil penalty of not less than \$200 and not more than \$2000 per animal per day. Local jurisdictions may adopt ordinances which are stricter than the act, but are not required to adopt ordinances to be in compliance with the act. If a local jurisdiction does not have a local animal control authority, the department of fish and wildlife shall enforce the provisions of the act.

Certain entities are exempt from the provisions of this act, including zoos, aquariums, animal protection organizations, veterinary hospitals, wildlife sanctuaries, research facilities, circuses, rodeos, and those temporarily transporting and displaying animals through the state if the transit time is less than 21 days and the confinement is sufficient to prevent escape.

**Appropriation:** None.

**Fiscal Note:** Requested on January 26, 2005.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** A statewide ban on private ownership of wild animals is long overdue. Washington is one of only fifteen states without statewide regulations for exotic pets. Privately owned wild animals pose a health and safety risk to the community. Many, if not most, exotic pets in private settings cannot be humanely cared for or kept in a manner that replicates their natural needs. This statute is narrowly drawn and will allow existing private ownership to continue until 2010, and beyond that date if permission is obtained.

**Testimony Against:** Wild animal owners care deeply about their pets and in many cases take animals that no one else, including zoos, will accept. The bill is too broad, in that it prohibits possession of animals that are not a genuine threat to humans. Most exotic pets are kept responsibly. This bill will cause many exotic pets to be killed when the ban goes into effect in 2010, as the animals live long lives and there will be no one able to take them.

**Who Testified:** PRO: Senator Adam Kline, prime sponsor; Jennifer Hillman, Animal Protection Institute; Greg Toffic, Woodland Park Zoo; Robert Stagman.

CON: Douglas Taylor; Jeanne Hall, Alliance for the Conservation of Exotic Felines, Phoenix Exotics; Dave Coleburn, Predators of the Heart.

Signed in, Unable to Testify & Submitted Written Testimony: PRO: Mike Wyche, Debbie Wyche, Cat Tales Zoological Park; Robert Reder, The Humane Society of the U.S.

CON: Arlene Jester, Phoenix Exotics; Selena Michaelis, Alliance for the Conservation of Exotic Felines.