
SENATE BILL 5377

State of Washington 59th Legislature 2005 Regular Session

By Senators Kline, Kohl-Welles, Delvin and Thibaudeau

Read first time 01/21/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to the keeping of dangerous wild animals; adding a
2 new chapter to Title 16 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** It is the intent of the state of Washington
5 to protect the public against the serious health and safety risks that
6 dangerous wild animals pose to the community.

7 NEW SECTION. **Sec. 2.** (1) "Animal control authority" means an
8 entity acting alone or in concert with other local governmental units
9 for enforcement of the animal control laws of the city, county, and
10 state and the shelter and welfare of animals.

11 (2) "Potentially dangerous wild animal" means one of the following
12 types of animals, whether bred in the wild or in captivity, and any or
13 all hybrids thereof:

14 (a) Class mammalia

15 (i) Order carnivora

16 (A) Family felidae, only lions, tigers, captive-bred cougars,
17 jaguars, cheetahs, and leopards;

18 (B) Family canidae, wolves, excluding wolf-hybrids;

1 (C) Family ursidae, all bears;
2 (D) Family hyaenidae, such as hyenas;
3 (ii) Order perissodactyla, only rhinoceroses;
4 (iii) Order primates, such as lemurs, monkeys, chimpanzees, and
5 gorillas;
6 (iv) Order proboscidae, such as elephants;
7 (b) Class reptilia
8 (i) Order squamata
9 (A) Family atractaspidae, such as mole "vipers";
10 (B) Family colubridae, only boiga irregularis (brown tree snake),
11 boiruna spp.; clelia spp., dispholidus typus (boomslang), elapomorphus
12 ssp. (Argentine blackheaded snake), hydrodynastes gigas (South American
13 false water cobra), malpolon spp. (Montpelier snake), philodryas spp.,
14 psammophis spp. (African grass and sand snakes), rhabdophis spp.
15 (yamakagashi or keelback snakes), tachymenis spp. ("culebra listrada"),
16 telescopus spp. (African tiger snakes), thelotornis spp. (twig snakes);
17 (C) Family elapidae, such as cobras, mambas, kraits, coral snakes,
18 Australian tiger snakes;
19 (D) Family helodermatidae, such as beaded lizards, including gila
20 monsters);
21 (E) Family hydrophiidae, such as sea snakes);
22 (F) Family varanidae, only water monitors and crocodile monitors;
23 (G) Family viperidae, such as rattlesnakes, cottonmouths,
24 bushmasters, puff adders, and gaboon vipers;
25 (ii) Order crocodilia, such as crocodiles, alligators, caimans, and
26 gavials.
27 (3) "Person" means any individual, partnership, corporation,
28 organization, trade or professional association, firm, limited
29 liability company, joint venture, association, trust, estate, or any
30 other legal entity, and any officer, member, shareholder, director,
31 employee, agent, or representative thereof.
32 (4) "Possessor" means any person who owns, possesses, keeps,
33 harbors, brings into the state, or has custody or control of a
34 potentially dangerous wild animal.
35 (5) "Wildlife sanctuary" means a nonprofit organization as
36 described in RCW 84.36.800, that operates a facility that is a place of
37 refuge where abused, neglected, unwanted, impounded, abandoned,

1 orphaned, or displaced animals are provided care for their lifetime or
2 released back to their natural habitat and is a facility with the
3 following characteristics:

4 (a) No activity that is not inherent to the animal's nature,
5 natural conduct, or the animal in its natural habitat is conducted;

6 (b) No commercial activity involving an animal occurs including,
7 but not limited to, the sale of or trade in animals, animal parts,
8 animal byproducts, or animal offspring, or the sale of photographic
9 opportunities involving an animal, or the use of an animal for any type
10 of entertainment purpose;

11 (c) No unescorted public visitations or direct contact between the
12 public and an animal; or

13 (d) No breeding of animals occurs in the facility.

14 NEW SECTION. **Sec. 3.** (1) The provisions of this chapter do not
15 apply to:

16 (a) Institutions authorized by the Washington department of fish
17 and wildlife to hold, possess, and propagate deleterious exotic
18 wildlife pursuant to RCW 77.12.047, such as zoos and aquariums
19 accredited by the American zoo and aquarium association;

20 (b) Duly incorporated nonprofit animal protection organizations,
21 such as humane societies and shelters, housing an animal at the written
22 request of the animal control authority or acting under the authority
23 of this chapter;

24 (c) Animal control authority, law enforcement officers, or county
25 sheriffs acting under the authority of this chapter;

26 (d) Veterinary hospitals or clinics;

27 (e) A holder of a valid wildlife rehabilitation permit issued by
28 the Washington department of fish and wildlife;

29 (f) Any wildlife sanctuary;

30 (g) Any licensed or accredited research or medical institution;

31 (h) Any licensed or accredited educational institution;

32 (i) Any lawfully operated circus or rodeo;

33 (j) A person temporarily transporting and displaying a potentially
34 dangerous wild animal through the state if the transit time is not more
35 than twenty-one days and the animal is at all times maintained within
36 a confinement sufficient to prevent the animal from escaping;

1 (k) Domesticated animals subject to this title or native wildlife
2 subject to Title 77 RCW; and

3 (1) A person displaying animals at a fair approved by the
4 Washington department of agriculture pursuant to chapter 15.76 or 36.37
5 RCW.

6 (2) This chapter does not require a city or county that does not
7 have an animal control authority to create that office.

8 NEW SECTION. **Sec. 4.** (1) A person shall not own, possess, keep,
9 harbor, bring into the state, or have custody or control of a
10 potentially dangerous wild animal, except as provided in subsection (3)
11 of this section.

12 (2) A person shall not breed a potentially dangerous wild animal.

13 (3) A person in legal possession of a potentially dangerous wild
14 animal prior to the effective date of this act and who is the legal
15 possessor of the animal may keep possession of the animal until July 1,
16 2010. The person must maintain veterinary records, acquisition papers
17 for the animal, if available, or other documents or records that
18 establish that the person possessed the animal prior to the effective
19 date of this act. The person shall have the burden of proving that he
20 or she possessed the animal prior to the effective date of this act.

21 (4) A person who possesses a potentially dangerous wild animal as
22 allowed under subsection (3) of this section may, prior to July 1,
23 2010, apply to the animal control authority for permission to maintain
24 possession of the animal after July 1, 2010. The animal control
25 authority may allow the possessor to maintain possession of the animal
26 for a time period determined by the animal control authority and under
27 conditions specified by the animal control authority. The animal
28 control authority shall not unreasonably deny permission for a person
29 to maintain possession of a potentially dangerous wild animal after
30 July 1, 2010, if the person has proper documentation establishing that
31 the potentially dangerous wild animal was lawfully possessed by the
32 person prior to the effective date of this act.

33 NEW SECTION. **Sec. 5.** (1) The animal control authority or a law
34 enforcement officer may immediately confiscate a potentially dangerous
35 wild animal if:

1 (a) The animal is possessed after July 1, 2010, and the possessor
2 has not been granted permission to maintain possession after July 1,
3 2010, as allowed under section 4 of this act;

4 (b) The animal control authority or law enforcement officer has
5 probable cause to believe that the animal was acquired after the
6 effective date of this act in violation of section 4 of this act; or

7 (c) The animal poses a public safety or health risk.

8 (2) A potentially dangerous wild animal that is confiscated under
9 this section may be returned to the possessor only if the animal
10 control authority or law enforcement officer establishes that the
11 possessor had possession of the animal prior to the effective date of
12 this act, the return of the animal does not violate section 4 of this
13 act, and the return does not pose a public safety or health risk.

14 (3) The animal control authority or law enforcement officer shall
15 serve notice upon the possessor in person or by regular and certified
16 mail, return receipt requested, notifying the possessor of the
17 confiscation, that the possessor is responsible for payment of
18 reasonable costs for caring and providing for the animal during the
19 confiscation, and that the possessor must meet the requirements of
20 subsection (2) of this section in order for the animal to be returned
21 to the possessor.

22 (4) If a potentially dangerous wild animal confiscated under this
23 section is not returned to the possessor, the animal control authority
24 or law enforcement officer may release the animal to a facility such as
25 a wildlife sanctuary, zoo, or aquarium. If the animal control
26 authority or law enforcement officer is unable to relocate the animal
27 within a reasonable period of time, it may euthanize the animal.

28 (5) An animal control authority or law enforcement officer may
29 euthanize a potentially dangerous wild animal under this section only
30 if all known reasonable placement options, including relocation to a
31 wildlife sanctuary, zoo, or aquarium, are unavailable.

32 (6) This section applies to animal confiscations on or after the
33 effective date of this act.

34 NEW SECTION. **Sec. 6.** A city or county may adopt an ordinance
35 governing potentially dangerous wild animals that is more restrictive
36 than this chapter. However, nothing in this chapter requires a city or
37 county to adopt an ordinance to be in compliance with this chapter.

1 NEW SECTION. **Sec. 7.** A person who acquires possession of a
2 potentially dangerous wild animal after the effective date of this act,
3 or who possesses a potentially dangerous wild animal after July 1,
4 2010, in violation of section 4 of this act, is liable for a civil
5 penalty of not less than two hundred dollars and not more than two
6 thousand dollars for each animal with respect to which there is a
7 violation and for each day the violation continues.

8 NEW SECTION. **Sec. 8.** (1) The animal control authority and its
9 staff and agents, local law enforcement agents, and county sheriffs are
10 authorized and empowered to enforce the provisions of this chapter.

11 (2) If a locality does not have a local animal control authority,
12 the department of fish and wildlife shall enforce the provisions of
13 this chapter.

14 NEW SECTION. **Sec. 9.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

18 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act constitute
19 a new chapter in Title 16 RCW.

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