

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1418

Chapter 238, Laws of 2007

60th Legislature
2007 Regular Session

DANGEROUS WILD ANIMALS

EFFECTIVE DATE: 07/22/07

Passed by the House April 16, 2007
Yeas 61 Nays 31

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 3, 2007
Yeas 34 Nays 15

BRAD OWEN

President of the Senate

Approved April 30, 2007, 2:12 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1418** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

April 30, 2007

**Secretary of State
State of Washington**

HOUSE BILL 1418

AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Representatives Lovick, Campbell, Lantz, O'Brien, Upthegrove and Williams

Read first time 01/18/2007. 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, leopards, snow leopards, and clouded 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, all nonhuman primate species;
5 (iv) Order proboscidae, all elephants species;
6 (b) Class reptilia
7 (i) Order squamata
8 (A) Family atractaspidae, all species;
9 (B) Family colubridae, only dispholidus typus;
10 (C) Family elapidae, all species, such as cobras, mambas, kraits,
11 coral snakes, and Australian tiger snakes;
12 (D) Family hydrophiidae, all species, such as sea snakes;
13 (E) Family varanidae, only water monitors and crocodile monitors;
14 (F) Family viperidae, all species, such as rattlesnakes,
15 cottonmouths, bushmasters, puff adders, and gaboon vipers;
16 (ii) Order crocodilia, all species, such as crocodiles, alligators,
17 caimans, and gavials.
18 (3) "Person" means any individual, partnership, corporation,
19 organization, trade or professional association, firm, limited
20 liability company, joint venture, association, trust, estate, or any
21 other legal entity, and any officer, member, shareholder, director,
22 employee, agent, or representative thereof.
23 (4) "Possessor" means any person who owns, possesses, keeps,
24 harbors, brings into the state, or has custody or control of a
25 potentially dangerous wild animal.
26 (5) "Wildlife sanctuary" means a nonprofit organization, as
27 described in RCW 84.36.800, that cares for animals defined as
28 potentially dangerous and:
29 (a) No activity that is not inherent to the animal's nature,
30 natural conduct, or the animal in its natural habitat is conducted;
31 (b) No commercial activity involving an animal occurs including,
32 but not limited to, the sale of or trade in animals, animal parts,
33 animal byproducts, or animal offspring, or the sale of photographic
34 opportunities involving an animal, or the use of an animal for any type
35 of entertainment purpose;
36 (c) No unescorted public visitations or direct contact between the
37 public and an animal; or
38 (d) No breeding of animals occurs in the facility.

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

3 (a) Institutions authorized by the Washington department of fish
4 and wildlife to hold, possess, and propagate deleterious exotic
5 wildlife pursuant to RCW 77.12.047;

6 (b) Institutions accredited or certified by the American zoo and
7 aquarium association or a facility with a current signed memorandum of
8 participation with an association of zoos and aquariums species
9 survival plan;

10 (c) Duly incorporated nonprofit animal protection organizations,
11 such as humane societies and shelters, housing an animal at the written
12 request of the animal control authority or acting under the authority
13 of this chapter;

14 (d) Animal control authority, law enforcement officers, or county
15 sheriffs acting under the authority of this chapter;

16 (e) Veterinary hospitals or clinics;

17 (f) A holder of a valid wildlife rehabilitation permit issued by
18 the Washington department of fish and wildlife;

19 (g) Any wildlife sanctuary as defined under section 2(5) of this
20 act;

21 (h) A research facility as defined by the animal welfare act, 7
22 U.S.C.A. 2131, as amended, for the species of animals for which they
23 are registered. This includes but is not limited to universities,
24 colleges, and laboratories holding a valid class R license under the
25 animal welfare act;

26 (i) Circuses, defined as incorporated, class C licensees under the
27 animal welfare act, 7 U.S.C.A. 2131, as amended, that are temporarily
28 in this state, and that offer performances by live animals, clowns, and
29 acrobats for public entertainment;

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

34 (k) Domesticated animals subject to this title or native wildlife
35 subject to Title 77 RCW;

36 (l) A person displaying animals at a fair approved by the
37 Washington department of agriculture pursuant to chapter 15.76 or 36.37
38 RCW; and

1 (m) A game farm meeting the requirements of WAC 232-12-027(1).

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

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

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

9 (3) A person in legal possession of a potentially dangerous wild
10 animal prior to the effective date of this act and who is the legal
11 possessor of the animal may keep possession of the animal for the
12 remainder of the animal's life. The person must maintain veterinary
13 records, acquisition papers for the animal, if available, or other
14 documents or records that establish that the person possessed the
15 animal prior to the effective date of this act, and present the
16 paperwork to an animal control or law enforcement authority upon
17 request. The person shall have the burden of proving that he or she
18 possessed the animal prior to the effective date of this act.

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

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

25 (b) The animal poses a public safety or health risk;

26 (c) The animal is in poor health and condition as a result of the
27 possessor; or

28 (d) The animal is being held in contravention of the act.

29 (2) A potentially dangerous wild animal that is confiscated under
30 this section may be returned to the possessor only if the animal
31 control authority or law enforcement officer establishes that the
32 possessor had possession of the animal prior to the effective date of
33 this act and the return does not pose a public safety or health risk.

34 (3) The animal control authority or law enforcement officer shall
35 serve notice upon the possessor in person or by regular and certified
36 mail, return receipt requested, notifying the possessor of the

1 confiscation, that the possessor is responsible for payment of
2 reasonable costs for caring and providing for the animal during the
3 confiscation, and that the possessor must meet the requirements of
4 subsection (2) of this section in order for the animal to be returned
5 to the possessor.

6 (4) If a potentially dangerous wild animal confiscated under this
7 section is not returned to the possessor, the animal control authority
8 or law enforcement officer may release the animal to a facility such as
9 a wildlife sanctuary or a facility exempted pursuant to section 3 of
10 this act. If the animal control authority or law enforcement officer
11 is unable to relocate the animal within a reasonable period of time, it
12 may euthanize the animal.

13 (5) An animal control authority or law enforcement officer may
14 euthanize a potentially dangerous wild animal under this section only
15 if all known reasonable placement options, including relocation to a
16 wildlife sanctuary, are unavailable.

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

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

23 NEW SECTION. **Sec. 7.** A person who violates section 4 of this act
24 is liable for a civil penalty of not less than two hundred dollars and
25 not more than two thousand dollars for each animal with respect to
26 which there is a violation and for each day the violation continues.

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

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

33 NEW SECTION. **Sec. 9.** If any provision of this act or its

1 application to any person or circumstance is held invalid, the
2 remainder of the act or the application of the provision to other
3 persons or circumstances is not affected.

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

Passed by the House April 16, 2007.

Passed by the Senate April 3, 2007.

Approved by the Governor April 30, 2007.

Filed in Office of Secretary of State April 30, 2007.