

# SENATE BILL REPORT

## SB 5356

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As of February 15, 2017

**Title:** An act relating to the humane treatment of dogs.

**Brief Description:** Concerning the humane treatment of dogs.

**Sponsors:** Senators Fain, Palumbo, Miloscia, Frockt, Bailey, Rolfes, Angel, Keiser, Conway, Pedersen and Wilson.

**Brief History:**

**Committee Activity:** Law & Justice: 2/15/17.

### Brief Summary of Bill

- Defines specific elements that comprise unlawful and inhumane restraint of a dog by the neck on a rope or tie-out device.
- Applies a recklessness standard which prohibits a person from leaving a dog tied up for a long enough time to risk substantial harm, when a reasonable person in the same circumstances would not disregard the risk.
- Requires a person to ensure a tethered dog's surroundings are sanitary and safe with access to enough shelter, food, water, and freedom of movement to meet its needs for comfort and health.
- Creates civil infraction penalties for inhumane dog tethering.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Melissa Burke-Cain (786-7755)

**Background:** Washington first enacted animal cruelty laws in its territorial days. In 1994, the Legislature modernized the animal cruelty laws with intent to require enforcement of the laws by persons who are accountable to local and state elected officials. The animal cruelty laws protect livestock, pets, and working animals from unnecessary pain and suffering, abuse and neglect. Law enforcement agencies and specialized animal care and control agencies enforce the animal cruelty laws by issuing citations for civil infractions and violations of the state's criminal laws.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

State animal cruelty laws operate in conjunction with other state and federal laws regulating commercial production and transportation of animals, health, and sanitation of livestock facilities, fish and game regulations, and animal welfare in medical research. Washington's animal cruelty laws also allow exceptions for traditional animal husbandry practices, events such as rodeos and fairs, and working animals used by military and law enforcement agencies.

Current law does not specify penalties or animal cruelty standards when a dog is tied to fixed structures, ropes, chains, or trolley systems for extended periods of time without owner supervision.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Proposed Substitute):** The criminal liability principles for crimes related to animals, chapter 9.08 RCW, apply to inhumane dog tethering. An unsupervised dog must not be tethered for an amount of time that is reckless under the circumstances. Any tethering restraint used must allow for safe and sanitary surroundings, adequate access to food and water, protection from excessive heat or cold, and shelter from the weather. A tethered dog must have enough freedom of movement to comfortably sit, stand, lie down, and not risk entanglement in the restraint. A dog must not be tethered by a choke, pinch, halter, or prong-type collar, or a chain or rope that is so heavy it impedes the dog's free movement; only a properly fitted buckle-type collar or harness is permitted.

Each tethering incident that violates the conditions for humane tethering is a separate offense. The first offense results in a warning to correct the violation within seven days. A second offense is a Class 2 civil infraction. A third or subsequent offense is a Class 1 civil infraction.

**Appropriation:** None.

**Fiscal Note:** Requested on February 11, 2017.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony on Proposed Substitute:** PRO: This bill is a common sense way of structuring a citation related to inhumane dog tethering. First a warning is given, then penalty associated with a citation increases with multiple incidents. The goal is to provide an incentive for owners to take proper care of their dogs. Dogs who are tethered for life, or for long periods of time are anxious, are lonely and bored. A dog that is constantly tethered may become territorial about their limited space causing the dog to exhibit aggressive behaviors or constant barking. Many bites of unsuspecting children occur because of aggressive behavior provoked by constant tethering. Animal control officers have seen dogs deprived of food and water, exposed to harsh weather, or severely injured by pinch collars embedded in the dog's neck. Twenty-five states currently have an inhumane dog tethering law. Dogs have been severely injured and found hanging over a fence by the neck, or tangled up in the tether. There really isn't a problem with overzealous animal control

officers or law enforcement officers being too harsh with owners; the larger problem on the ground is getting law enforcement to respond. Each case of inhumane tethering must be considered on its own facts and circumstances. The bill gives an animal control officer discretion to decide whether a dog has been tethered too long without release; but as long as the dog is in a safe environment, a citation would be unlikely.

**Persons Testifying:** PRO: Senator Joe Fain, Prime Sponsor; Erika Johnson, Animal Services Olympia; Don Murray, Pasado's Safe Haven.

**Persons Signed In To Testify But Not Testifying:** No one.