
Public Safety Committee

HB 1026

Brief Description: Concerning breed-based dog regulations.

Sponsors: Representatives Appleton, Fitzgibbon and Stanford.

Brief Summary of Bill

- Preempts local authority to prohibit possession of a particular breed of dog, declare a breed of dog to be dangerous or potentially dangerous, or impose other requirements associated with possession of specific dog breeds, unless a reasonable exemption process is maintained.

Hearing Date: 1/21/19

Staff: Omeara Harrington (786-7136).

Background:

Dangerous and Potentially Dangerous Dog Laws.

State Law.

Under state law, a dog is a dangerous dog if it is one that: (1) inflicts severe injury on a human without provocation; (2) kills a domestic animal without provocation while off of its owner's property; or (3) has been previously found to be potentially dangerous due to infliction of injury on a human, and again aggressively bites, attacks, or endangers the safety of a human.

A potentially dangerous dog is defined under state law as a dog that: (1) bites a human or domestic animal without provocation; (2) chases or approaches a person in public in a menacing fashion; or (3) has a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

State law requires dangerous dogs to be registered and imposes specific requirements on owners of dangerous dogs.

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.

In addition, an owner of a dog that aggressively attacks and causes severe injury or death of a human, whether or not the dog has been previously declared a dangerous or potentially dangerous dog, is guilty of a class C felony. The prosecution must show that the owner knew or should have known that the dog was potentially dangerous, and cannot make this showing based solely upon the dog's breed or breeds.

Local Regulation of Dangerous and Potentially Dangerous Dogs.

In addition to state laws regarding dangerous dogs, local jurisdictions may impose more stringent requirements restricting dangerous dogs and may prohibit dangerous dogs altogether. Potentially dangerous dogs are regulated solely on the local level.

Breed-Specific Regulations.

In adopting ordinances based on the state dangerous dog laws, some local jurisdictions have modified the definitions of dangerous dog and potentially dangerous dog to include specific breeds. In those jurisdictions, restrictions or bans that apply to dangerous dogs or potentially dangerous dogs automatically apply to any referenced breed.

In addition, some local jurisdictions have adopted ordinances that completely ban the ownership or possession of particular breeds.

American Kennel Club Canine Good Citizen Program.

The American Kennel Club (AKC) Canine Good Citizen program is a two-part program that emphasizes responsible pet ownership for owners and basic good manners for dogs. All dogs who pass the 10-step Canine Good Citizen test may receive a certificate from the AKC. Items on the Canine Good Citizen test include: accepting a friendly stranger, sitting politely for petting, appearance and tolerating grooming, walking on a loose lead, walking through a crowd, sitting and staying on command, coming when called, reaction to other dogs, reaction to distraction, and supervised separation.

Summary of Bill:

A city or county may not prohibit possession of a dog based on its breed, impose requirements specific to possession of a dog based on its breed, or declare a dog to be dangerous or potentially dangerous based on its breed unless the following conditions are met:

- The city or county must establish and maintain a reasonable process for exempting a specific dog upon passage of the AKC Canine Good Citizen test or a reasonably equivalent canine behavioral test;
- Any dog passing the Good Canine Citizen test, or equivalent test, is exempt from breed-based regulations for a period of at least two years, and may retest to maintain the exemption; and
- Any dog that fails the Good Canine Citizen test, or equivalent test, may retest within a reasonable period of time.

A city or county may still document a dog's breed, physical appearance, or both for identification purposes when declaring a dog to be dangerous or potentially dangerous.

"Dog" is defined to expressly exclude non-domesticated species and hybrids.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect on January 1, 2020.