

HOUSE BILL REPORT

HB 1026

As Passed Legislature

Title: An act relating to breed-based dog regulations.

Brief Description: Concerning breed-based dog regulations.

Sponsors: Representatives Appleton, Fitzgibbon and Stanford.

Brief History:

Committee Activity:

Public Safety: 1/21/19, 1/31/19 [DP].

Floor Activity:

Passed House: 3/8/19, 66-29.

Passed Senate: 4/17/19, 25-23.

Passed Legislature.

Brief Summary of Bill

- Provides that local jurisdictions may not 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.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 9 members: Representatives Goodman, Chair; Davis, Vice Chair; Sutherland, Assistant Ranking Minority Member; Appleton, Graham, Lovick, Orwall, Pellicciotti and Pettigrew.

Minority Report: Do not pass. Signed by 2 members: Representatives Klippert, Ranking Minority Member; Griffey.

Staff: Omeara Harrington (786-7136).

Background:

Dangerous and Potentially Dangerous Dog Laws.

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 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.

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 all of 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.
- 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 nondomesticated species and hybrids.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) It would be best to not have any breed-specific legislation and instead rely on dangerous dog laws that apply to all breeds. Breed-specific legislation is not an effective policy, and Washington is now in the minority of states that allow these laws. Some cities are repealing breed-ban ordinances. All of the large dog organizations and many other national organizations are opposed to breed-specific legislation, and major insurance carriers are breed-neutral in their policies. The term "pit bull" actually encompasses many breeds. There are misidentification problems inherent in breed-specific legislation. The required exemptions in this bill for well-behaved dogs are important. These issues should be decided at the local level based on ordinances that take into account the history and behavior of the dog.

This bill is important to dog owners and would provide relief to owners who have had their dogs banned based on breed. Many cities have outright bans or serious restrictions such as muzzling and insurance. People will not move to a place that requires them to get rid of their dog. This results in turning away good people who could sit on city councils or start businesses. People have had pit bulls and Rottweilers that are great with children. Pit bulls are inherently very friendly to people and some are service dogs. It is people who make dogs bad. There is no difference in anatomy between a Chihuahua and a Rottweiler other than size. Ninety-eight percent of all dog bites are caused by unaltered male dogs. People train dogs to fight and do not socialize them.

(Opposed) Pit bulls and other dogs are a problem for pedestrians, especially mothers with toddlers in strollers in densely populated neighborhoods. This bill is flawed and is not based on statistics. Breed legislation is enacted throughout the world. Certain breeds are responsible for a disproportionate number of maulings and maimings. Certain dogs have powerful jaws and inherent genetic traits that make them more dangerous. The behavioral tests are not based on science, and it is not appropriate to have a dog organization test dogs. This bill will create a situation like the Americans With Disabilities Act has created, in which there is no way to enforce people having these dogs illegally. There is no insurance for pit bulls, and bite injuries incur expensive medical costs. Pit bulls and fighting breeds proliferate in low-income neighborhoods with renters.

(Other) Cities would like to retain local control over this issue. The City of Pasco has an ordinance similar to the bill. The city prohibits certain breeds, but also gives an opportunity for dogs to stay if they pass the Canine Good Citizen test or the owner obtains a permit and insurance. The exemptions in the bill are appreciated.

Persons Testifying: (In support) Representative Appleton, prime sponsor; Marla Katz, Washington Alliance for Humane Legislation; Dan Paul, The Humane Society of the United States; Valerie Ann Piltz, American Pit Bull Terrier Club of America, United American Pit Bull Terrier Organization, and American Staffordshire Terrier Organization; and Julie Broussard.

(Opposed) Ellen Taft, DogsBite.org.

(Other) Trevor Justin, City of Pasco.

Persons Signed In To Testify But Not Testifying: None.