

HOUSE BILL REPORT

HB 1150

As Reported by House Committee On:
Judiciary

Title: An act relating to dangerous or potentially dangerous dogs.

Brief Description: Changing provisions relating to dangerous dogs.

Sponsors: Representatives Kirby, Campbell, Simpson and Murray.

Brief History:

Committee Activity:

Judiciary: 1/26/05, 2/18/05 [DPS].

Brief Summary of Substitute Bill

- Provides that in the criminal prosecution of an owner of a dog that severely injures a person, the breed of the dog cannot be used to prove the owner knew the dog was potentially dangerous.
- Reduces the required amount of the surety bond or liability insurance for owners of dangerous dogs from \$250,000 to \$100,000.
- Clarifies that wolf-dog hybrids are included in the definition of "dog."

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Campbell, Kirby, Springer and Wood.

Minority Report: Without recommendation. Signed by 3 members: Representatives Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; and Serben.

Staff: Edie Adams (786-7180).

Background:

Dangerous dogs and potentially dangerous dogs are regulated under state law and may also be regulated under local law. A dangerous dog is one that: (1) inflicts severe injury on a human without provocation; (2) kills a domestic animal while off the owner's property; or (3) is already declared a potentially dangerous dog due to injury to a human, and again bites, attacks, or endangers the safety of humans. A dog cannot be declared dangerous for inflicting

an injury to a person who was committing a tort on the owner's premises, tormenting the dog, or committing a crime.

A potentially dangerous dog is one that, when unprovoked: (1) bites a human or domestic animal; (2) chases a person in public or approaches a person in public in a menacing fashion; or (3) has a known propensity to attack, cause injury, or threaten the safety of humans or domestic animals. Potentially dangerous dogs are regulated only at the local level.

State law requires owners to register dangerous dogs and imposes a number of other requirements on owners of dangerous dogs. These requirements include a proper enclosure for confining the dangerous dog, adequate posted warnings on the premises, and a surety bond or liability insurance of at least \$250,000 insuring the owner for any personal injuries inflicted by the dangerous dog.

The dangerous dog statute establishes criminal penalties for violations of the act. In addition, the statute makes it a class C felony if a dog attacks and severely injures a person and the owner knew or should have known that the dog was potentially dangerous. The prosecution may not prove the owner knew or should have known the dog was potentially dangerous based solely on the breed of the dog.

Summary of Substitute Bill:

In a criminal prosecution of an owner of a dog that severely injures a person, the prosecution may not prove the owner knew the dog was potentially dangerous based on the breed of the dog (as opposed to based **solely** on the breed of the dog).

The amount of the surety bond or liability insurance that must be obtained by the owner of a dangerous dog is reduced to \$100,000.

Wolf-dog hybrids are considered "dogs" for the purposes of the dangerous dog chapter.

Substitute Bill Compared to Original Bill:

The original bill provided that the breed of a dog could not be used as a determining factor in declaring a dog dangerous or potentially dangerous and that a dog could not be declared potentially dangerous based on injury to a person who is trespassing on the owner's property or tormenting the dog.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The purpose of this legislation is to look at what the dog actually does as opposed to what someone thinks the dog may do based on its breed. There is no scientific research that indicates dogs of particular breeds are vicious. There is no scientific evidence showing that a wolf-dog is inherently more aggressive than other dogs. A dog that is mistreated or doesn't receive adequate socialization is a dog that is dangerous. Irresponsible owners create the problems. It is important to make clear that wolf-dog hybrids are included in the dangerous dog statute because they are not regulated anywhere else. It would be nice if we could meet the insurance requirement in the statute, but it just isn't offered.

Testimony Against: None.

Persons Testifying: Representative Kirby, prime sponsor; and Glen Bui, Vice President, American Canine Foundation.

Persons Signed In To Testify But Not Testifying: None.