

# SENATE BILL REPORT

## SB 5979

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As Passed Senate, March 14, 2005

**Title:** An act relating to search and rescue dogs.

**Brief Description:** Prohibiting interference with search and rescue dogs.

**Sponsors:** Senators Benson, Carrell, Mulliken, Kastama, Poulsen, Parlette, Hewitt, Esser, Schmidt, Delvin, Berkey, Franklin, Sheldon, Brandland, Swecker, Schoesler, Zarelli, Honeyford, Rasmussen and Oke.

**Brief History:**

**Committee Activity:** Judiciary: 2/23/05, 3/2/05 [DP].

Passed Senate: 3/14/05, 48-0.

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin, Rasmussen and Thibaudeau.

**Staff:** Cindy Fazio (786-7405)

**Background:** Under the miscellaneous crimes statute, a dog guide is defined as a dog that is trained for the purpose of guiding blind persons or assisting hearing impaired persons. Service animals are animals that are trained for the purposes of assisting or accommodating a disabled person's sensory, mental, or physical disability. A person found guilty of interfering with, injuring, or causing the death of a dog guide or service animal can be subject to both criminal penalties and restitution to the victim.

Criminal penalties include misdemeanor offenses where: (1) after receiving a warning, a person continues with reckless disregard to interfere with the use of a dog guide or service animal by obstructing, intimidating or jeopardizing the safety of the dog guide or service animal or his or her user; or (2) with reckless disregard, allows his or her dog to interfere with the use of a dog guide or service animal or his or her user. The penalty in both cases can increase to a gross misdemeanor offense for subsequent offenses.

Gross misdemeanor offenses exist where: (1) with reckless disregard, a person injures, disables, or causes the death of a dog guide or service animal; or (2) with reckless disregard, allows his or her dog to injure, disable, or cause the death of a dog guide or service animal.

Felony offenses include: (1) an unranked class C felony where a person intentionally injures, disables, or causes the death of a dog guide or service animal; or (2) theft in the first degree, a class B felony, for a person who wrongfully obtains, or exerts unauthorized control over a dog guide or service animal with the intent to deprive the animal user of his or her dog guide or service animal.

Restitution includes all damages, including incidental and consequential expenses, which arise out of, or are related to, the criminal offense. Restitution also includes, but is not limited to: the value of the replacement of a dog guide or service animal, including training; the retraining of the existing animal, if necessary; all related veterinary and care expenses; medical expenses of the animal user; and compensation for lost wages or earned income lost by the animal user.

**Summary of Bill:** Search and rescue dogs are now protected, as are dog guides and service animals, from the harmful interference by people or their dogs.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** Search and rescue dogs are valuable animals that provide a valuable service to the community and they should be protected as are the dog guides and service animals. We are not creating new law, just including these valuable animals.

**Testimony Against:** None.

**Who Testified:** PRO: Senator Benson, prime sponsor.

**House Amendment(s):** The criminal penalties for interfering with, disabling, injuring, or killing a search and rescue dog are removed from the section of Miscellaneous Crimes dealing with dog guides and service animals, and are placed in a separate section under the Miscellaneous Crimes statute. The provisions of this section apply to search and rescue dogs while they are on duty. The definitions of "notice," and "value," as used in Sec. 1, (1)(a)(i), and (5)(b)(i), respectively, are removed.

Passed House: 95-0.