

**HB 1418** - S COMM AMD

By Committee on Consumer Protection & Housing

ADOPTED 04/03/2007

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** It is the intent of the state of Washington  
4 to protect the public against the serious health and safety risks that  
5 dangerous wild animals pose to the community.

6 NEW SECTION. **Sec. 2.** (1) "Animal control authority" means an  
7 entity acting alone or in concert with other local governmental units  
8 for enforcement of the animal control laws of the city, county, and  
9 state and the shelter and welfare of animals.

10 (2) "Potentially dangerous wild animal" means one of the following  
11 types of animals, whether bred in the wild or in captivity, and any or  
12 all hybrids thereof:

13 (a) Class mammalia

14 (i) Order carnivora

15 (A) Family felidae, only lions, tigers, captive-bred cougars,  
16 jaguars, cheetahs, leopards, snow leopards, and clouded leopards;

17 (B) Family canidae, wolves, excluding wolf-hybrids;

18 (C) Family ursidae, all bears;

19 (D) Family hyaenidae, such as hyenas;

20 (ii) Order perissodactyla, only rhinoceroses;

21 (iii) Order primates, all nonhuman primate species;

22 (iv) Order proboscidae, all elephants species;

23 (b) Class reptilia

24 (i) Order squamata

25 (A) Family atractaspidae, all species;

26 (B) Family colubridae, only dispholidus typus;

27 (C) Family elapidae, all species, such as cobras, mambas, kraits,  
28 coral snakes, and Australian tiger snakes;

29 (D) Family hydrophiidae, all species, such as sea snakes;

1 (E) Family varanidae, only water monitors and crocodile monitors;  
2 (F) Family viperidae, all species, such as rattlesnakes,  
3 cottonmouths, bushmasters, puff adders, and gaboon vipers;

4 (ii) Order crocodilia, all species, such as crocodiles, alligators,  
5 caimans, and gavials.

6 (3) "Person" means any individual, partnership, corporation,  
7 organization, trade or professional association, firm, limited  
8 liability company, joint venture, association, trust, estate, or any  
9 other legal entity, and any officer, member, shareholder, director,  
10 employee, agent, or representative thereof.

11 (4) "Possessor" means any person who owns, possesses, keeps,  
12 harbors, brings into the state, or has custody or control of a  
13 potentially dangerous wild animal.

14 (5) "Wildlife sanctuary" means a nonprofit organization, as  
15 described in RCW 84.36.800, that cares for animals defined as  
16 potentially dangerous and:

17 (a) No activity that is not inherent to the animal's nature,  
18 natural conduct, or the animal in its natural habitat is conducted;

19 (b) No commercial activity involving an animal occurs including,  
20 but not limited to, the sale of or trade in animals, animal parts,  
21 animal byproducts, or animal offspring, or the sale of photographic  
22 opportunities involving an animal, or the use of an animal for any type  
23 of entertainment purpose;

24 (c) No unescorted public visitations or direct contact between the  
25 public and an animal; or

26 (d) No breeding of animals occurs in the facility.

27 NEW SECTION. **Sec. 3.** (1) The provisions of this chapter do not  
28 apply to:

29 (a) Institutions authorized by the Washington department of fish  
30 and wildlife to hold, possess, and propagate deleterious exotic  
31 wildlife pursuant to RCW 77.12.047;

32 (b) Institutions accredited or certified by the American zoo and  
33 aquarium association or a facility with a current signed memorandum of  
34 participation with an association of zoos and aquariums species  
35 survival plan;

36 (c) Duly incorporated nonprofit animal protection organizations,

1 such as humane societies and shelters, housing an animal at the written  
2 request of the animal control authority or acting under the authority  
3 of this chapter;

4 (d) Animal control authority, law enforcement officers, or county  
5 sheriffs acting under the authority of this chapter;

6 (e) Veterinary hospitals or clinics;

7 (f) A holder of a valid wildlife rehabilitation permit issued by  
8 the Washington department of fish and wildlife;

9 (g) Any wildlife sanctuary as defined under section 2(5) of this  
10 act;

11 (h) A research facility as defined by the animal welfare act, 7  
12 U.S.C.A. 2131, as amended, for the species of animals for which they  
13 are registered. This includes but is not limited to universities,  
14 colleges, and laboratories holding a valid class R license under the  
15 animal welfare act;

16 (i) Circuses, defined as incorporated, class C licensees under the  
17 animal welfare act, 7 U.S.C.A. 2131, as amended, that are temporarily  
18 in this state, and that offer performances by live animals, clowns, and  
19 acrobats for public entertainment;

20 (j) A person temporarily transporting and displaying a potentially  
21 dangerous wild animal through the state if the transit time is not more  
22 than twenty-one days and the animal is at all times maintained within  
23 a confinement sufficient to prevent the animal from escaping;

24 (k) Domesticated animals subject to this title or native wildlife  
25 subject to Title 77 RCW;

26 (l) A person displaying animals at a fair approved by the  
27 Washington department of agriculture pursuant to chapter 15.76 or 36.37  
28 RCW; and

29 (m) A game farm meeting the requirements of WAC 232-12-027(1).

30 (2) This chapter does not require a city or county that does not  
31 have an animal control authority to create that office.

32 NEW SECTION. **Sec. 4.** (1) A person shall not own, possess, keep,  
33 harbor, bring into the state, or have custody or control of a  
34 potentially dangerous wild animal, except as provided in subsection (3)  
35 of this section.

36 (2) A person shall not breed a potentially dangerous wild animal.

1 (3) A person in legal possession of a potentially dangerous wild  
2 animal prior to the effective date of this act and who is the legal  
3 possessor of the animal may keep possession of the animal for the  
4 remainder of the animal's life. The person must maintain veterinary  
5 records, acquisition papers for the animal, if available, or other  
6 documents or records that establish that the person possessed the  
7 animal prior to the effective date of this act, and present the  
8 paperwork to an animal control or law enforcement authority upon  
9 request. The person shall have the burden of proving that he or she  
10 possessed the animal prior to the effective date of this act.

11 NEW SECTION. **Sec. 5.** (1) The animal control authority or a law  
12 enforcement officer may immediately confiscate a potentially dangerous  
13 wild animal if:

14 (a) The animal control authority or law enforcement officer has  
15 probable cause to believe that the animal was acquired after the  
16 effective date of this act in violation of section 4 of this act;

17 (b) The animal poses a public safety or health risk;

18 (c) The animal is in poor health and condition as a result of the  
19 possessor; or

20 (d) The animal is being held in contravention of the act.

21 (2) A potentially dangerous wild animal that is confiscated under  
22 this section may be returned to the possessor only if the animal  
23 control authority or law enforcement officer establishes that the  
24 possessor had possession of the animal prior to the effective date of  
25 this act and the return does not pose a public safety or health risk.

26 (3) The animal control authority or law enforcement officer shall  
27 serve notice upon the possessor in person or by regular and certified  
28 mail, return receipt requested, notifying the possessor of the  
29 confiscation, that the possessor is responsible for payment of  
30 reasonable costs for caring and providing for the animal during the  
31 confiscation, and that the possessor must meet the requirements of  
32 subsection (2) of this section in order for the animal to be returned  
33 to the possessor.

34 (4) If a potentially dangerous wild animal confiscated under this  
35 section is not returned to the possessor, the animal control authority  
36 or law enforcement officer may release the animal to a facility such as  
37 a wildlife sanctuary or a facility exempted pursuant to section 3 of

1 this act. If the animal control authority or law enforcement officer  
2 is unable to relocate the animal within a reasonable period of time, it  
3 may euthanize the animal.

4 (5) An animal control authority or law enforcement officer may  
5 euthanize a potentially dangerous wild animal under this section only  
6 if all known reasonable placement options, including relocation to a  
7 wildlife sanctuary, are unavailable.

8 (6) This section applies to animal confiscations on or after the  
9 effective date of this act.

10 NEW SECTION. **Sec. 6.** A city or county may adopt an ordinance  
11 governing potentially dangerous wild animals that is more restrictive  
12 than this chapter. However, nothing in this chapter requires a city or  
13 county to adopt an ordinance to be in compliance with this chapter.

14 NEW SECTION. **Sec. 7.** A person who violates section 4 of this act  
15 is liable for a civil penalty of not less than two hundred dollars and  
16 not more than two thousand dollars for each animal with respect to  
17 which there is a violation and for each day the violation continues.

18 NEW SECTION. **Sec. 8.** (1) The animal control authority and its  
19 staff and agents, local law enforcement agents, and county sheriffs are  
20 authorized and empowered to enforce the provisions of this chapter.

21 (2) If a locality does not have a local animal control authority,  
22 the department of fish and wildlife shall enforce the provisions of  
23 this chapter.

24 NEW SECTION. **Sec. 9.** If any provision of this act or its  
25 application to any person or circumstance is held invalid, the  
26 remainder of the act or the application of the provision to other  
27 persons or circumstances is not affected.

28 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act constitute  
29 a new chapter in Title 16 RCW."

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1           On page 1, line 1 of the title, after "animals;" strike the  
2 remainder of the title and insert "adding a new chapter to Title 16  
3 RCW; and prescribing penalties."

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