
SUBSTITUTE HOUSE BILL 2046

State of Washington

58th Legislature

2003 Regular Session

By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Lantz, Kirby, O'Brien, Moeller and Santos)

READ FIRST TIME 03/05/03.

1 AN ACT Relating to interfering with a dog guide or service animal;
2 and amending RCW 9.91.170.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9.91.170 and 2001 c 112 s 2 are each amended to read
5 as follows:

6 (1)(a) Any person who has received notice that his or her behavior
7 is interfering with the use of a dog guide or service animal who
8 continues with reckless disregard to interfere with the use of a dog
9 guide or service animal by obstructing, intimidating, or otherwise
10 jeopardizing the safety of the dog guide or service animal user or his
11 or her dog guide or service animal is guilty of a misdemeanor
12 punishable according to chapter 9A.20 RCW, except that for a second or
13 subsequent offense it is a gross misdemeanor.

14 (b) Any person who, with reckless disregard, allows his or her dog
15 to interfere with the use of a dog guide or service animal by
16 obstructing, intimidating, or otherwise jeopardizing the safety of the
17 dog guide or service animal user or his or her dog guide or service
18 animal is guilty of a misdemeanor punishable according to chapter 9A.20

1 RCW, except that for a second or subsequent offense it is a gross
2 misdemeanor.

3 (2)(a) Any person who, with reckless disregard, injures, disables,
4 or causes the death of a dog guide or service animal is guilty of a
5 gross misdemeanor punishable according to chapter 9A.20 RCW.

6 (b) Any person who, with reckless disregard, allows his or her dog
7 to injure, disable, or cause the death of a dog guide or service animal
8 is guilty of a gross misdemeanor punishable according to chapter 9A.20
9 RCW.

10 (3) Any person who intentionally injures, disables, or causes the
11 death of a dog guide or service animal is guilty of a class C felony.

12 (4) Any person who wrongfully obtains or exerts unauthorized
13 control over a dog guide or service animal with the intent to deprive
14 the dog guide or service animal user of his or her dog guide or service
15 animal is guilty of theft in the first degree, RCW 9A.56.030.

16 (5)(a) In any case in which the defendant is convicted of a
17 violation of this section, he or she shall also be ordered to make full
18 restitution for all damages, including incidental and consequential
19 expenses incurred by the dog guide or service animal user and the dog
20 guide or service animal which arise out of or are related to the
21 criminal offense.

22 (b) Restitution for a conviction under this section shall include,
23 but is not limited to:

24 (i) The value of the replacement of an incapacitated or deceased
25 dog guide or service animal, the training of a replacement dog guide or
26 service animal, or retraining of the affected dog guide or service
27 animal and all related veterinary and care expenses; and

28 (ii) Medical expenses of the dog guide or service animal user,
29 training of the dog guide or service animal user, and compensation for
30 wages or earned income lost by the dog guide or service animal user.

31 (6) Nothing in this section shall affect any civil remedies
32 available for violation of this section.

33 (7) It is the duty of all peace officers and law enforcement
34 agencies within this state to respond to, investigate, and enforce all
35 violations of this section.

36 (8) For purposes of this section, the following definitions apply:

37 (a) "Dog guide" means a dog that is trained for the purpose of

1 guiding blind persons or a dog trained for the purpose of assisting
2 hearing impaired persons.

3 (b) (~~"Service animal" means an animal that is trained for the~~
4 ~~purposes of assisting or accommodating a disabled person's sensory,~~
5 ~~mental, or physical disability~~) "Law enforcement agency" means any
6 general authority Washington law enforcement agency as defined in RCW
7 10.93.020(1). For purposes of this section, "law enforcement agency"
8 does not include animal care and control agencies as defined in RCW
9 16.52.011(2)(b).

10 (c) "Notice" means a verbal or otherwise communicated warning
11 prescribing the behavior of another person and a request that the
12 person stop their behavior.

13 (d) "Peace officer" means any general authority Washington peace
14 officer as defined in RCW 10.93.020(3). For purposes of this section,
15 "peace officer" does not include animal control officers as defined in
16 RCW 16.52.011(2)(c) or humane officers as defined in RCW
17 16.52.011(2)(e).

18 (e) "Service animal" means an animal that is trained for the
19 purposes of assisting or accommodating a disabled person's sensory,
20 mental, or physical disability.

21 (f) "Value" means the value to the dog guide or service animal user
22 and does not refer to cost or fair market value.

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