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HOUSE BILL 2046

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State of Washington

58th Legislature

2003 Regular Session

By Representatives Lantz, Kirby, O'Brien, Moeller and Santos

Read first time 02/20/2003. Referred to Committee on Criminal Justice & Corrections.

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

36 (b) In addition to the authority granted by (a) of this subsection,  
37 law enforcement agencies of cities and counties shall investigate and  
38 report to the animal care and control agency all violations of the

1 provisions of this section and shall assist the animal care and control  
2 agency in any of its investigations and proceedings respecting any such  
3 violations.

4 (c) Animal control officers enforcing this section have the same  
5 authority as stated in RCW 16.52.015.

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

7 (a) "Dog guide" means a dog that is trained for the purpose of  
8 guiding blind persons or a dog trained for the purpose of assisting  
9 hearing impaired persons.

10 (b) "Service animal" means an animal that is trained for the  
11 purposes of assisting or accommodating a disabled person's sensory,  
12 mental, or physical disability.

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

16 (d) "Value" means the value to the dog guide or service animal user  
17 and does not refer to cost or fair market value.

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