

SB 5979 - H COMM AMD

By Committee on Criminal Justice & Corrections

ADOPTED 04/07/2005

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 9.91 RCW
4 to read as follows:

5 (1)(a)(i) Any person who has received notice that his or her
6 behavior is interfering with the use of an on-duty search and rescue
7 dog who continues with reckless disregard to interfere with the use of
8 an on-duty search and rescue dog by obstructing, intimidating, or
9 otherwise jeopardizing the safety of the search and rescue dog user or
10 his or her search and rescue dog is guilty of a misdemeanor punishable
11 according to chapter 9A.20 RCW, except when (a)(ii) of this subsection
12 applies.

13 (ii) A second or subsequent violation of (a)(i) of this subsection
14 is a gross misdemeanor punishable according to chapter 9A.20 RCW.

15 (b)(i) Any person who, with reckless disregard, allows his or her
16 dog to interfere with the use of an on-duty search and rescue dog by
17 obstructing, intimidating, or otherwise jeopardizing the safety of the
18 search and rescue dog user or his or her search and rescue dog is
19 guilty of a misdemeanor punishable according to chapter 9A.20 RCW,
20 except when (b)(ii) of this subsection applies.

21 (ii) A second or subsequent violation of (b)(i) of this subsection
22 is a gross misdemeanor punishable according to chapter 9A.20 RCW.

23 (2)(a) Any person who, with reckless disregard, injures, disables,
24 or causes the death of an on-duty search and rescue dog is guilty of a
25 gross misdemeanor punishable according to chapter 9A.20 RCW.

26 (b) Any person who, with reckless disregard, allows his or her dog
27 to injure, disable, or cause the death of an on-duty search and rescue
28 dog is guilty of a gross misdemeanor punishable according to chapter
29 9A.20 RCW.

1 (3) Any person who intentionally injures, disables, or causes the
2 death of an on-duty search and rescue dog is guilty of a class C
3 felony.

4 (4) Any person who wrongfully obtains or exerts unauthorized
5 control over an on-duty search and rescue dog with the intent to
6 deprive the dog user of his or her search and rescue dog is guilty of
7 theft in the first degree under RCW 9A.56.030.

8 (5)(a) In any case in which the defendant is convicted of a
9 violation of this section, he or she shall also be ordered to make full
10 restitution for all damages, including incidental and consequential
11 expenses incurred by the search and rescue dog user and the dog that
12 arise out of, or are related to, the criminal offense.

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

15 (i) The value of the replacement of an incapacitated or deceased
16 dog, the training of a replacement search and rescue dog, or retraining
17 of the affected dog and all related veterinary and care expenses; and

18 (ii) Medical expenses of the search and rescue dog user, training
19 of the dog user, and compensation for any wages or earned income lost
20 by the search and rescue dog user as a result of a violation of
21 subsection (1), (2), (3), or (4) of this section.

22 (6) Nothing in this section affects any civil remedies available
23 for violation of this section.

24 (7) For purposes of this section, "search and rescue dog" means a
25 dog that is trained for the purpose of search and rescue of persons
26 lost or missing.

27 **Sec. 2.** RCW 9A.56.030 and 1995 c 129 s 11 are each amended to read
28 as follows:

29 (1) A person is guilty of theft in the first degree if he or she
30 commits theft of:

31 (a) Property or services which exceed(s) one thousand five hundred
32 dollars in value other than a firearm as defined in RCW 9.41.010;
33 (~~or~~)

34 (b) Property of any value other than a firearm as defined in RCW
35 9.41.010 taken from the person of another; or

36 (c) A search and rescue dog, as defined in section 1 of this act,
37 while the search and rescue dog is on duty.

1 (2) Theft in the first degree is a class B felony."

2 Correct the title.

EFFECT: The original bill included the criminal penalties for injuring or killing a search and rescue dog in the statute governing dog guides and service animals. The substitute bill removes those specific provisions from that particular statute and instead inserts all provisions relating to interfering, injuring or killing an "on duty" search and rescue dog in its own stand-alone section of the Miscellaneous Crimes statute.

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