

SENATE BILL REPORT

ESHB 1150

As Reported By Senate Committee On:
Judiciary, April 1, 2005

Title: An act relating to dangerous or potentially dangerous dogs.

Brief Description: Changing provisions relating to dangerous dogs.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Kirby, Campbell, Simpson and Murray).

Brief History: Passed House: 3/09/05, 84-12.

Committee Activity: Judiciary: 3/30/05, 4/1/05 [DPA, w/oRec].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators Kline, Chair; Carrell, Hargrove, Rasmussen and Thibaudeau.

Minority Report: That it be referred without recommendation.

Signed by Senators Johnson, Ranking Minority Member; and Esser.

Staff: Cindy Fazio (786-7405)

Background: Dangerous dogs and potentially dangerous dogs are regulated under state law and may also be regulated under local law. A dangerous dog is one that: (1) inflicts severe injury on a human without provocation on public or private property; (2) kills a domestic animal while off the owner's property; or (3) is already declared a potentially dangerous dog due to injury to a human, the owner has notice of such designation, and again bites, attacks, or endangers the safety of humans. A dog cannot be declared dangerous for inflicting an injury to a person who was committing a tort on the owner's premises, tormenting the dog, or committing a crime.

A potentially dangerous dog is one that, when unprovoked: (1) bites a human or domestic animal on public or private property; (2) chases a person in public or approaches a person in public in a menacing fashion, or apparent attitude of attack; or (3) has a known propensity to attack, cause injury, or threaten the safety of humans or domestic animals.

The owner of a dangerous dog must register the dog and meet a number of other requirements relating to confining the dog, including, a proper enclosure, adequately posted warnings on the premises, and a surety bond or liability insurance of at least \$250,000 insuring the owner for any personal injuries inflicted by the dangerous dog.

The owner of a dangerous dog is guilty of a class C felony if the dog attacks and severely injures a person, and the owner knew or should have known that the dog was potentially dangerous. The prosecution may not prove the owner knew or should have known the dog was potentially dangerous based solely on the breed of the dog.

Summary of Amended Bill: A potentially dangerous dog is one that, when unprovoked: (1) bites a human or domestic animal on public or private property; (2) has a known propensity to attack, unprovoked, to cause injury, or threaten the safety of humans or domestic animals.

Wolf-dog hybrids are considered "dogs" for the purposes of the dangerous dog chapter. The breed of a dog is not proof the owner knew the dog was potentially dangerous.

Amended Bill Compared to Original Bill: The definition of a potentially dangerous dog is changed.

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: This bill has been worked a lot over several years. The focus is on a dog's behavior, not its breed. Adding wolf-dog hybrids adds protection if the animal causes problems.

This legislation does not preempt any local jurisdiction from having tighter controls over dogs. The breed of a dog cannot be used to prove that an owner has knowledge that the dog is potentially dangerous. This bill is supported by prosecutors; and not opposed by anyone.

Testimony Against: None.

Who Testified: PRO: Representative Kirby, prime sponsor; Jeff Helsdon, Seattle Kennel Club.