
ENGROSSED SUBSTITUTE HOUSE BILL 1151

State of Washington

59th Legislature

2005 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Lovick, Campbell, Lantz, Jarrett, Simpson, Williams, Murray and B. Sullivan)

READ FIRST TIME 02/15/05.

1 AN ACT Relating to the keeping of dangerous wild animals; adding a
2 new chapter to Title 16 RCW; and prescribing penalties.

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

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

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

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

14 (a) Class mammalia;

15 (i) Order carnivora;

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

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

- 1 (C) Family ursidae, all bears;
- 2 (D) Family hyaenidae, such as hyenas;
- 3 (ii) Order perissodactyla, only rhinoceroses;
- 4 (iii) Order primates, such as lemurs, monkeys, chimpanzees, and
- 5 gorillas;
- 6 (iv) Order proboscidae, such as elephants;
- 7 (b) Class reptilia;
- 8 (i) Order squamata;
- 9 (A) Family atractaspidae, such as mole "vipers";
- 10 (B) Family colubridae, only dispholidus typus (boomslang);
- 11 (C) Family elapidae, such as cobras, mambas, kraits, coral snakes,
- 12 Australian tiger snakes;
- 13 (D) Family hydrophiidae, such as sea snakes;
- 14 (E) Family varanidae, only water monitors and crocodile monitors;
- 15 (F) Family viperidae, such as rattlesnakes, cottonmouths,
- 16 bushmasters, puff adders, and gaboon vipers;
- 17 (ii) Order crocodilia, such as crocodiles, alligators, caimans, and
- 18 gavials.
- 19 (3) "Person" means any individual, partnership, corporation,
- 20 organization, trade or professional association, firm, limited
- 21 liability company, joint venture, association, trust, estate, or any
- 22 other legal entity, and any officer, member, shareholder, director,
- 23 employee, agent, or representative thereof.
- 24 (4) "Possessor" means any person who owns, possesses, keeps,
- 25 harbors, brings into the state, or has custody or control of a
- 26 potentially dangerous wild animal.
- 27 (5) "Wildlife sanctuary" means a nonprofit organization as
- 28 described in RCW 84.36.800, that operates a facility that is a place of
- 29 refuge where abused, neglected, unwanted, impounded, abandoned,
- 30 orphaned, or displaced animals are provided care for their lifetime or
- 31 released back to their natural habitat and is a facility with the
- 32 following characteristics:
- 33 (a) No activity that is not inherent to the animal's nature,
- 34 natural conduct, or the animal in its natural habitat is conducted;
- 35 (b) No commercial activity involving an animal occurs including,
- 36 but not limited to, the sale of or trade in animals, animal parts,
- 37 animal byproducts, or animal offspring, or the sale of photographic

1 opportunities involving an animal, or the use of an animal for any type
2 of entertainment purpose;

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

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

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

8 (a) Institutions authorized by the Washington department of fish
9 and wildlife to hold, possess, and propagate deleterious exotic
10 wildlife pursuant to RCW 77.12.047, such as zoos and aquariums
11 accredited by the American zoo and aquarium association;

12 (b) Duly incorporated nonprofit animal protection organizations,
13 such as humane societies and shelters, housing an animal at the written
14 request of the animal control authority or acting under the authority
15 of this chapter;

16 (c) Animal control authorities, law enforcement officers, or county
17 sheriffs acting under the authority of this chapter;

18 (d) Veterinary hospitals or clinics;

19 (e) A holder of a valid wildlife rehabilitation permit issued by
20 the Washington department of fish and wildlife;

21 (f) Any wildlife sanctuary;

22 (g) Any licensed or accredited research or medical institution;

23 (h) Any licensed or accredited educational institution;

24 (i) Any lawfully operated circus or rodeo;

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

29 (k) Domesticated animals subject to this title or native wildlife
30 subject to Title 77 RCW; and

31 (l) A person displaying animals at a fair approved by the
32 Washington department of agriculture pursuant to chapter 15.76 or 36.37
33 RCW.

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

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

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

6 (3) A person in legal possession of a potentially dangerous wild
7 animal prior to the effective date of this act and who is the legal
8 possessor of the animal may keep possession of the animal for the
9 remainder of the animal's life. The person must maintain veterinary
10 records, acquisition papers for the animal, if available, or other
11 documents or records that establish that the person possessed the
12 animal prior to the effective date of this act. The person shall have
13 the burden of proving that he or she possessed the animal prior to the
14 effective date of this act.

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

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

21 (b) The animal poses a public safety or health risk.

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

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

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

1 a wildlife sanctuary, zoo, or aquarium. If the animal control
2 authority or law enforcement officer is unable to relocate the animal
3 within a reasonable period of time, it 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, zoo, or aquarium, 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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