

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1418**

60th Legislature  
2007 Regular Session

Passed by the House April 16, 2007  
Yeas 61 Nays 31

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**Speaker of the House of Representatives**

Passed by the Senate April 3, 2007  
Yeas 34 Nays 15

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1418** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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HOUSE BILL 1418

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AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Lovick, Campbell, Lantz, O'Brien, Upthegrove and Williams

Read first time 01/18/2007. Referred to Committee on Judiciary.

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, leopards, snow leopards, and clouded 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, all nonhuman primate species;  
5 (iv) Order proboscidae, all elephants species;  
6 (b) Class reptilia  
7 (i) Order squamata  
8 (A) Family atractaspidae, all species;  
9 (B) Family colubridae, only dispholidus typus;  
10 (C) Family elapidae, all species, such as cobras, mambas, kraits,  
11 coral snakes, and Australian tiger snakes;  
12 (D) Family hydrophiidae, all species, such as sea snakes;  
13 (E) Family varanidae, only water monitors and crocodile monitors;  
14 (F) Family viperidae, all species, such as rattlesnakes,  
15 cottonmouths, bushmasters, puff adders, and gaboon vipers;  
16 (ii) Order crocodilia, all species, such as crocodiles, alligators,  
17 caimans, and gavials.  
18 (3) "Person" means any individual, partnership, corporation,  
19 organization, trade or professional association, firm, limited  
20 liability company, joint venture, association, trust, estate, or any  
21 other legal entity, and any officer, member, shareholder, director,  
22 employee, agent, or representative thereof.  
23 (4) "Possessor" means any person who owns, possesses, keeps,  
24 harbors, brings into the state, or has custody or control of a  
25 potentially dangerous wild animal.  
26 (5) "Wildlife sanctuary" means a nonprofit organization, as  
27 described in RCW 84.36.800, that cares for animals defined as  
28 potentially dangerous and:  
29 (a) No activity that is not inherent to the animal's nature,  
30 natural conduct, or the animal in its natural habitat is conducted;  
31 (b) No commercial activity involving an animal occurs including,  
32 but not limited to, the sale of or trade in animals, animal parts,  
33 animal byproducts, or animal offspring, or the sale of photographic  
34 opportunities involving an animal, or the use of an animal for any type  
35 of entertainment purpose;  
36 (c) No unescorted public visitations or direct contact between the  
37 public and an animal; or  
38 (d) No breeding of animals occurs in the facility.

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

3        (a) Institutions authorized by the Washington department of fish  
4 and wildlife to hold, possess, and propagate deleterious exotic  
5 wildlife pursuant to RCW 77.12.047;

6        (b) Institutions accredited or certified by the American zoo and  
7 aquarium association or a facility with a current signed memorandum of  
8 participation with an association of zoos and aquariums species  
9 survival plan;

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

14       (d) Animal control authority, law enforcement officers, or county  
15 sheriffs acting under the authority of this chapter;

16       (e) Veterinary hospitals or clinics;

17       (f) A holder of a valid wildlife rehabilitation permit issued by  
18 the Washington department of fish and wildlife;

19       (g) Any wildlife sanctuary as defined under section 2(5) of this  
20 act;

21       (h) A research facility as defined by the animal welfare act, 7  
22 U.S.C.A. 2131, as amended, for the species of animals for which they  
23 are registered. This includes but is not limited to universities,  
24 colleges, and laboratories holding a valid class R license under the  
25 animal welfare act;

26       (i) Circuses, defined as incorporated, class C licensees under the  
27 animal welfare act, 7 U.S.C.A. 2131, as amended, that are temporarily  
28 in this state, and that offer performances by live animals, clowns, and  
29 acrobats for public entertainment;

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

34       (k) Domesticated animals subject to this title or native wildlife  
35 subject to Title 77 RCW;

36       (l) A person displaying animals at a fair approved by the  
37 Washington department of agriculture pursuant to chapter 15.76 or 36.37  
38 RCW; and

1 (m) A game farm meeting the requirements of WAC 232-12-027(1).

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

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

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

9 (3) A person in legal possession of a potentially dangerous wild  
10 animal prior to the effective date of this act and who is the legal  
11 possessor of the animal may keep possession of the animal for the  
12 remainder of the animal's life. The person must maintain veterinary  
13 records, acquisition papers for the animal, if available, or other  
14 documents or records that establish that the person possessed the  
15 animal prior to the effective date of this act, and present the  
16 paperwork to an animal control or law enforcement authority upon  
17 request. The person shall have the burden of proving that he or she  
18 possessed the animal prior to the effective date of this act.

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

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

25 (b) The animal poses a public safety or health risk;

26 (c) The animal is in poor health and condition as a result of the  
27 possessor; or

28 (d) The animal is being held in contravention of the act.

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

34 (3) The animal control authority or law enforcement officer shall  
35 serve notice upon the possessor in person or by regular and certified  
36 mail, return receipt requested, notifying the possessor of the

1 confiscation, that the possessor is responsible for payment of  
2 reasonable costs for caring and providing for the animal during the  
3 confiscation, and that the possessor must meet the requirements of  
4 subsection (2) of this section in order for the animal to be returned  
5 to the possessor.

6 (4) If a potentially dangerous wild animal confiscated under this  
7 section is not returned to the possessor, the animal control authority  
8 or law enforcement officer may release the animal to a facility such as  
9 a wildlife sanctuary or a facility exempted pursuant to section 3 of  
10 this act. If the animal control authority or law enforcement officer  
11 is unable to relocate the animal within a reasonable period of time, it  
12 may euthanize the animal.

13 (5) An animal control authority or law enforcement officer may  
14 euthanize a potentially dangerous wild animal under this section only  
15 if all known reasonable placement options, including relocation to a  
16 wildlife sanctuary, are unavailable.

17 (6) This section applies to animal confiscations on or after the  
18 effective date of this act.

19 NEW SECTION. **Sec. 6.** A city or county may adopt an ordinance  
20 governing potentially dangerous wild animals that is more restrictive  
21 than this chapter. However, nothing in this chapter requires a city or  
22 county to adopt an ordinance to be in compliance with this chapter.

23 NEW SECTION. **Sec. 7.** A person who violates section 4 of this act  
24 is liable for a civil penalty of not less than two hundred dollars and  
25 not more than two thousand dollars for each animal with respect to  
26 which there is a violation and for each day the violation continues.

27 NEW SECTION. **Sec. 8.** (1) The animal control authority and its  
28 staff and agents, local law enforcement agents, and county sheriffs are  
29 authorized and empowered to enforce the provisions of this chapter.

30 (2) If a locality does not have a local animal control authority,  
31 the department of fish and wildlife shall enforce the provisions of  
32 this chapter.

33 NEW SECTION. **Sec. 9.** If any provision of this act or its

1 application to any person or circumstance is held invalid, the  
2 remainder of the act or the application of the provision to other  
3 persons or circumstances is not affected.

4 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act constitute  
5 a new chapter in Title 16 RCW.

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