

SHB 2191 - S COMM AMD
By Committee on Judiciary

WITHDRAWN 02/28/2012

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

3 "Sec. 1. RCW 16.08.040 and 1941 c 77 s 1 are each amended to read
4 as follows:

5 (1) The owner of any dog which shall bite any person while such
6 person is in or on a public place or lawfully in or on a private place
7 including the property of the owner of such dog, shall be liable for
8 such damages as may be suffered by the person bitten, regardless of the
9 former viciousness of such dog or the owner's knowledge of such
10 viciousness.

11 (2) This section does not apply to the lawful application of a
12 police dog, as defined in RCW 4.24.410.

13 Sec. 2. RCW 9A.76.200 and 2003 c 269 s 1 are each amended to read
14 as follows:

15 (1) A person is guilty of harming a police dog, accelerant
16 detection dog, or police horse, if he or she maliciously injures,
17 disables, shoots, or kills by any means any dog or horse that the
18 person knows or has reason to know to be a police dog or accelerant
19 detection dog, as defined in RCW 4.24.410, or police horse, as defined
20 in subsection (2) of this section, whether or not the dog or horse is
21 actually engaged in police or accelerant detection work at the time of
22 the injury.

23 (2) "Police horse" means any horse used or kept for use by a law
24 enforcement officer in discharging any legal duty or power of his or
25 her office.

26 (3) Harming a police dog, accelerant detection dog, or police horse
27 is a class C felony.

28 (4)(a) In addition to the criminal penalty provided in this section
29 for harming a police dog:

1 (i) The court may impose a civil penalty of five thousand dollars
2 for harming a police dog.

3 (ii) The court shall impose a civil penalty of at least five
4 thousand dollars and may increase the penalty up to a maximum of ten
5 thousand dollars for killing a police dog.

6 (b) The fines imposed in this subsection (4) may not be reversed.
7 Moneys collected must be distributed to the jurisdiction that owns the
8 police dog."

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9 On page 1, line 1 of the title, after "dogs;" strike the remainder
10 of the title and insert "amending RCW 16.08.040 and 9A.76.200; and
11 prescribing penalties."

EFFECT: A \$5,000 fine is discretionary if the police dog is
harmed. If the police dog is killed, a \$5,000 fine is mandatory and
the court may impose up to a \$10,000 fine.

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