

HOUSE BILL REPORT

SSB 5356

As Passed House:
April 6, 2017

Title: An act relating to the humane treatment of dogs.

Brief Description: Concerning the humane treatment of dogs.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Fain, Palumbo, Miloscia, Frockt, Bailey, Rolfes, Angel, Keiser, Conway, Pedersen and Wilson).

Brief History:

Committee Activity:

Judiciary: 3/15/17, 3/23/17 [DP].

Floor Activity:

Passed House: 4/6/17, 68-28.

Brief Summary of Substitute Bill

- Sets forth a number of rules and restrictions regarding dog tethering.
- Provides civil penalties, ranging from a warning to a class 1 civil infraction.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 10 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Frame, Goodman, Graves, Hansen, Kirby and Orwall.

Minority Report: Do not pass. Signed by 3 members: Representatives Haler, Klippert and Shea.

Staff: Audrey Frey (786-7289).

Background:

Washington's animal cruelty laws protect livestock, pets, and working animals from unnecessary pain, suffering, abuse, and neglect. There is no statute specifically concerning

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dog tethering, but there are a number of statutes within the animal cruelty laws that concern the humane treatment of dogs, such as:

- *Animal Cruelty in the Second Degree.* An owner of an animal is guilty of Animal Cruelty in the second degree if the owner knowingly, recklessly, or with criminal negligence: (a) fails to provide the animal with necessary shelter, rest, sanitation, space, or medical attention, and the animal suffers unnecessary or unjustifiable physical pain as a result; (b) abandons the animal; or (c) abandons the animal, causing it bodily harm or creating an imminent risk of substantial bodily harm. A person is also guilty of Animal Cruelty in the second degree if, under circumstances not amounting to Animal Cruelty in the first degree, the person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain on an animal. Animal Cruelty in the second degree is a gross misdemeanor.
- *Leaving or Confining Any Animal in a Motor Vehicle or Enclosed Space.* It is a class 2 civil infraction to leave or confine an animal in a motor vehicle or enclosed space if the animal could be harmed or killed by exposure to excessive heat, cold, lack of ventilation, or lack of necessary water.
- *Confinement Without Food or Water.* When a domestic animal is left confined without necessary food and water, a statute permits a person to enter the place in which the animal is confined and provide necessary food and water without punishment, and the entering person is entitled to reimbursement from the owner for the food and water.

Both law enforcement agencies and locally authorized animal control agencies may enforce the animal cruelty laws. The same principles of liability that apply to the Washington Criminal Code also apply to the animal cruelty laws, including the definitions of criminal negligence, recklessness, knowledge, and intent.

Summary of Bill:

A new section setting forth requirements and restrictions regarding dog tethering is added to the animal cruelty laws.

Rules and Restrictions Regarding Dog Tethering.

A dog that is restrained outside by a tether must only be restrained for a period of time that is not reckless and in compliance with the following provisions (A person is reckless or acts recklessly when he or she knows of and disregards a substantial risk that a wrongful act may occur, and his or her disregard of such substantial risk is a gross deviation from conduct that a reasonable person would exercise in the same situation.):

1. A dog shall not be tethered in a manner that results, or could reasonably result, in the dog becoming frequently entangled.
2. If multiple dogs are tethered, each dog must be on a separate tether, and multiple dogs may not be secured to the same fixed point.
3. A tether must allow a dog a range of movement and must allow the dog to sit, lie down, and stand comfortably without the restraint becoming taut.
4. A dog shall not be tethered if it is ill, suffering from a debilitating disease, injured, in distress, in the advanced stages of pregnancy, or under 6 months of age.

5. A tethered dog must have access to clean water and necessary shelter while tethered; the shelter and water vessel must be constructed or attached so that the dog cannot knock them over.
6. A dog shall not be tethered in a manner that results in the dog being left in unsafe or unsanitary conditions, or that forces the dog to stand, sit, or lie down in its own excrement or urine.
7. A dog shall not be tethered by means of a choke, pinch, slip, halter, or prong-type collar, or by any means other than with a properly fitted buckle-type collar or harness that provides enough room to allow normal breathing and swallowing.
8. The weight of the tether shall not unreasonably inhibit the free movement of the dog within the area allowed by the length of the tether.
9. The dog shall not be tethered in a manner that causes the dog injury or pain.

Exceptions.

The *first four* provisions listed above do not apply to a dog that is:

- tethered while it is receiving medical care or treatment under the supervision of a licensed veterinarian or while it is being groomed;
- participating temporarily in an exhibition, show, contest, or other similar event;
- being kept temporarily at a camping or recreation area;
- being cared for temporarily after being picked up as a stray or as part of a rescue operation;
- being transported in a motor vehicle or temporarily restrained after being unloaded from a motor vehicle;
- being trained or used by a federal, state, or local law enforcement agency or military or national guard unit; or
- in the physical presence of the person who owns, keeps, or controls the dog.

Penalties.

Each incident involving a violation of this section is a separate offense:

- *First Offense.* The penalty for a first offense is the issuance of a correction warning requiring the person who owns, keeps, or controls the dog to correct the violation within seven days, unless the offense actually injures or poses an imminent risk to the health or safety of the dog.
- *Second Offense.* The penalty for a second offense is a class 2 civil infraction.
- *Third Offense.* The penalty for a third or subsequent offense is a class 1 civil infraction.

Definitions.

Several definitions are added to the animal cruelty laws:

- "Dog" is defined as an animal of species *Canis lupus familiaris*.
- "Necessary shelter" is defined as a structure that is sufficient to protect a dog from wind, rain, snow, cold, heat, or sun and has bedding to permit a dog to remain dry, reasonably clean, and maintain a normal body temperature.
- "Tether" is defined as both a verb and a noun: (i) to restrain an animal by tying or securing the animal to any object or structure; and (ii) a device including, but not limited to, a chain, rope, cable, cord, tie-out, pulley, or trolley system for restraining an animal.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill will help both dogs and people in Washington in different but important ways. Sadly, many dogs are forced to live their entire lives chained or tethered 24-hours a day. These chains can be heavy and short, limiting a dog's ability to move, find shelter from the elements, or comfortably sit or lie down. Chains and tethers can become embedded in a dog's neck, causing extreme pain and infection. Dogs become entangled in their tethers, causing loss of limbs and strangulation. Chained dogs are more likely to bark as they become frustrated and anxious with their inability to move freely. Lack of basic exercise and socialization is not only inhumane, but can cause dogs to develop aggressive behaviors. They can become reactive or protective and are more likely to bite another dog or a person as a result of this environment. This bill will allow animal control and law enforcement to address tethering in a practicable, equitable, and commonsense manner.

To put a face on this issue, Sadie was a dog that came to the humane society a couple months ago with a chain embedded in her neck. She was nursing 10 puppies. Thankfully, due to the care the humane society provided to her, her 10 puppies were adopted, she made a full recovery, and she was adopted by an animal control officer.

It is important that the Legislature pass this tethering bill because it sets minimum, reasonable, commonsense standards for people to follow that will provide a degree of protection to tethered dogs and guidance to dog owners and animal control officers. Many communities in Washington have no tethering standards or ordinances, and some have suggested that state law provide the minimum standards for local use. This bill emphasizes education as the first step of enforcement, starting with a warning and moving on to infractions if violations continue. For all of the dogs who have lived their lives at the end of a chain—Hershey, Kingston, and Coffee to name a few—consider this bill.

This bill has been worked on for over seven years by many stakeholders. This is a strong bill, and it has great stakeholder input. It works for folks all over the state; it works for rural communities and urban communities. It has high care standards for dogs, but it is not overly prohibitive. The punishment is really based on education and warnings. There is no criminal penalty. It is based on civil penalties and fines.

(Opposed) None.

Persons Testifying: Laura Clark, Whatcom Humane Society; Erika Johnson, Thurston County Animal Services; and Dan Paul, The Humane Society of the United States.

Persons Signed In To Testify But Not Testifying: None.