

SENATE BILL REPORT

SB 5094

As of March 2, 2017

Title: An act relating to preventing breed-based dog regulations.

Brief Description: Preventing breed-based dog regulations.

Sponsors: Senators Palumbo, Fain and Wilson.

Brief History:

Committee Activity: Local Government: 1/17/17.

Brief Summary of Bill

- Specifies that a dog's breed cannot factor into the determination of whether or not a dog is dangerous or potentially dangerous.
- Restricts local jurisdictions from prohibiting the possession of dogs based on breed.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Staff: Alex Fairfortune (786-7416)

Background: Dangerous and Potentially Dangerous Dogs. Under state law, a dog is a dangerous dog if it is one that: (1) inflicts severe injury on a human without provocation; (2) kills a domestic animal without provocation while off of its owner's property; or (3) has been previously found to be potentially dangerous due to infliction of injury on a human, and again aggressively bites, attacks, or endangers the safety of human. State law requires dangerous dogs to be registered and imposes specific requirements on owners of dangerous dogs.

A potentially dangerous dog is defined under state law as a dog that: (1) bites a human or domestic animal without provocation; (2) chases or approaches a person in public in a menacing fashion; or (3) has a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to threaten the safety of humans or domestic animals. Potentially dangerous dogs are regulated solely on the local level.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

If a dog aggressively attacks and causes severe injury or death to a human, the owner may be found guilty of a class C felony. In proving this crime, the state must show that the owner knew or should have known the dog was potentially dangerous. The state cannot make this showing based solely on the dog's breed.

Local Regulation of Dogs. Local jurisdictions may impose more stringent requirements restricting dangerous dogs, and may prohibit dangerous dogs altogether. In some local jurisdictions, restrictions or bans that apply to dangerous dogs or potentially dangerous dogs automatically apply to a referenced breed. Some local jurisdictions have adopted ordinances that completely ban the ownership or possession of particular breeds.

Summary of Bill: Dangerous and Potentially Dangerous Dogs. The definitions of "dangerous dog" and "potentially dangerous dog" are amended to specify that the breed of a dog cannot be considered when determining if that dog is dangerous or potentially dangerous.

Additionally, in a criminal prosecution of an owner of a dog that severely injures or kills a person, the state may not prove the owner knew the dog was potentially dangerous based on the breed of the dog--as opposed to based solely on the breed of the dog.

Local Regulation of Dogs. A local jurisdiction may not consider the breed of a dog when declaring that dog dangerous or potentially dangerous. In addition, a local jurisdiction may not prohibit possession of a particular breed of dog, or declare a breed of dog to be dangerous or potentially dangerous.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The problem is not the breed of a dog, it is how that dog has been raised and trained. Breed-specific legislation (BSL) has been shown to be ineffective. Most dogs in shelters are pit and pit mixes, and this affects the ability for families to adopt these dogs. Government should not be telling people what types of pets they can and cannot have. Breed-specific laws force owners to make heartbreaking choices between keeping their dog or leaving the community. It can be hard to own some breeds because there is a stigma around them that isn't justified. It can also be a financial hardship because insurance companies won't provide insurance if you own certain breeds. Breed laws can be hard to enforce because it is difficult to know what breed a dog is just by looking at it. The AKC, American Vet Association, White House, and American Bar Association all strongly oppose breed based laws.

CON: In Ohio when a breed ban was in effect, six people were killed over the span of 25 years. Since it has been lifted there have been five deaths in four years. There is a list of uninsurable breeds, and together these breeds account for 75 percent of all dog bite fatalities.

This debate should be happening at the local level, because while the public safety concerns may not be statewide they do occur in particular areas. Pasco struck a balance with an ordinance that allows dogs to pass the AKC Good Citizen Test.

Persons Testifying: PRO: Senator Guy Palumbo, Prime Sponsor; Donald Murray, Pasado's Safe Haven, General Counsel; Marla Katz, Washington Alliance for Humane Legislation (Volunteer on behalf of Richard Hall); Kim Thornton Henning, Washington State Bar Association Animal Law Section; Greg Hanon, Washington State Veterinary Medical Association; Jessica Garcia.

CON: Briahna Murray, City of Pasco; Ellen Taft, Families and Dogs against Fighting Breeds.

Persons Signed In To Testify But Not Testifying: No one.