

SENATE BILL REPORT

ESSB 5614

As Passed Senate, February 19, 2020

Title: An act relating to harming a police animal.

Brief Description: Harming police animals.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Rivers, Wagoner, Warnick, Becker, Short, Hawkins, Fortunato, Palumbo and O'Ban).

Brief History:

Committee Activity: Law & Justice: 2/18/19, 2/21/19 [DPS, w/oRec].

Floor Activity:

Passed Senate: 2/19/20, 45-3.

Brief Summary of Engrossed First Substitute Bill

- Provides that a person commits the crime of harming a police dog, accelerant detection dog, or police horse, if they intentionally injure, disable, shoot, or kill the animal.
- Makes intentionally killing a police dog, accelerant detection dog, or police horse a class B felony ranked at the seriousness level of 6.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5614 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy, Kuderer and Wilson, L..

Minority Report: That it be referred without recommendation.

Signed by Senator Salomon.

Staff: Melissa Burke-Cain (786-7755)

Background: In Washington, police dogs are used by law enforcement agencies and work under a dog handler's control as a team. Police dogs perform a wide variety of duties including drug, bomb, and weapon detection; cadaver searches; and suspect apprehension.

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.

The dogs typically work and live with their handler so their training is continuous. Most police dogs are specialized for specific functions. For example, the Seattle Police Department's (SPD) K-9 unit includes patrol or generalist dogs trained to find criminal suspects and locate evidence. SPD also uses narcotics dogs trained to detect heroin, methamphetamine, and cocaine. Narcotics dogs work with SPD's Narcotics Unit, Major Crimes Task Force, precinct anti-crime teams, and patrol. SPD has bomb detection dogs trained to detect chemical compounds in gunpowder and explosives and dogs work with the arson/bomb team often assisting other agencies in the region. SPD also has one of three dogs in the country trained for electronic storage detection. The electronic storage detection dog works with the Internet Crimes against Children Unit.

The federal Customs and Border Protection, Bureau of Alcohol, Tobacco, Firearms and Explosives, Federal Bureau of Investigation, and U.S. Marshals Service also use police dogs. Assaulting or killing a federal law enforcement animal is a felony. Harming or killing a police animal is a crime in a number of states including California, Indiana, Iowa, Massachusetts, New Jersey, Ohio, Oregon, Texas, and Utah. For example, in Oregon causing serious harm or killing a police animal is a class C felony.

In Washington, an accelerant detection dog is used exclusively for accelerant detection by the state fire marshal or a fire department and works under the control of the state fire marshal or designee or a fire department handler. Fire accelerant dogs assist in arson investigations.

Law enforcement agencies use horses in police mounted units for crowd control in large metropolitan areas and for crime deterrence. The SPD's Mounted Unit also participates in community outreach. SPD considers its horses to be good will ambassadors. The mounted patrol averages 47 public appearances per year.

The maximum term of confinement for an unranked felony is one year. The sentencing range for a ranked felony with a seriousness level of 7 is 15-20 months for a first offense. The sentencing range for a ranked felony with a seriousness level of 6 is 13 to 18 months for a first offense.

Summary of Engrossed First Substitute Bill: A person commits the crime of harming a police dog, accelerant detection dog, or police horse by intentionally injuring, disabling, shooting, or killing the animal by any means. The person is still guilty whether the animal is actually performing their law enforcement or fire department duties at the time they are injured. Harming a police dog, accelerant detection dog, or police horse is a class C felony. Killing a police dog, accelerant detection dog, or police horse is a class B felony ranked at seriousness level of 6.

Appropriation: None.

Fiscal Note: Available.

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 on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This was an issue we worked on in the past while in the other body. The proposal here was brought to me by our prosecuting attorney. The killing of police dogs is a problem in southwest Washington. I believe that intent is important. Accidents do happen. If it is necessary to alter the content to address that, I am open to doing that.

CON: We are really not against this bill, but we are concerned about one part of it, and that is the seriousness level attached to the bill at a level 7. That level is equal to very serious crimes done against people. Other crimes ranking at a level 7 are burglary 1, child molestation 2, homicide by watercraft by disregard to the safety of others, indecent liberties without forcible compulsion, malicious placement of an explosive 3, and vehicular homicide by disregard for the safety of others. We believe that seriousness level should match the severity of the crime and a seriousness level of 5 or 6 would be more appropriate to the crime of killing a police dog, accelerant detection dog, or police horse.

Persons Testifying: PRO: Senator Ann Rivers, Prime Sponsor.

CON: Elissa Brine, Washington Association of Criminal Defense Lawyers.

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