
SENATE BILL 5976

State of Washington

68th Legislature

2024 Regular Session

By Senator Short

Prefiled 01/04/24.

1 AN ACT Relating to controlling dogs at large; and amending RCW
2 16.08.070 and 16.08.100.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 16.08.070 and 2002 c 244 s 1 are each amended to
5 read as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout RCW 16.08.070 through 16.08.100.

8 (1) "Potentially dangerous dog" means any dog that when
9 unprovoked: (a) Inflicts bites on a human or a domestic animal either
10 on public or private property, or (b) chases or approaches a person
11 upon the streets, sidewalks, or any public grounds in a menacing
12 fashion or apparent attitude of attack, or any dog with a known
13 propensity, tendency, or disposition to attack unprovoked, to cause
14 injury, or to cause injury or otherwise to threaten the safety of
15 humans or domestic animals.

16 (2) "Dangerous dog" means any dog that (a) inflicts severe injury
17 on a human being without provocation on public or private property,
18 (b) kills a domestic animal without provocation while the dog is off
19 the owner's property, or (c) has been previously found to be
20 potentially dangerous because of injury inflicted on a human, the

1 owner having received notice of such and the dog again aggressively
2 bites, attacks, or endangers the safety of humans.

3 (3) "Severe injury" means any physical injury that results in
4 broken bones or disfiguring lacerations requiring multiple sutures or
5 cosmetic surgery.

6 (4) "Proper enclosure of a dangerous dog" means, while on the
7 owner's property, a dangerous dog shall be securely confined indoors
8 or in a securely enclosed and locked pen or structure, suitable to
9 prevent the entry of young children and designed to prevent the
10 animal from escaping. Such pen or structure shall have secure sides
11 and a secure top, and shall also provide protection from the elements
12 for the dog.

13 (5) "Animal control authority" means an entity acting alone or in
14 concert with other local governmental units for enforcement of the
15 animal control laws of the city, county, and state and the shelter
16 and welfare of animals. In the absence of an animal control
17 authority, local law enforcement is the animal control authority.

18 (6) "Animal control officer" means any individual employed,
19 contracted with, or appointed by the animal control authority for the
20 purpose of aiding in the enforcement of this chapter or any other law
21 or ordinance relating to the licensure of animals, control of
22 animals, or seizure and impoundment of animals, and includes any
23 state or local law enforcement officer or other employee whose duties
24 in whole or in part include assignments that involve the seizure and
25 impoundment of any animal.

26 (7) "Owner" means any person, firm, corporation, organization, or
27 department possessing, harboring, keeping, having an interest in, or
28 having control or custody of an animal.

29 **Sec. 2.** RCW 16.08.100 and 2020 c 158 s 1 are each amended to
30 read as follows:

31 (1) Any dangerous dog shall be immediately confiscated by an
32 animal control authority if the: (a) Dog is not validly registered
33 under RCW 16.08.080; (b) owner does not secure the liability
34 insurance coverage required under RCW 16.08.080; (c) dog is not
35 maintained in the proper enclosure; or (d) dog is outside of the
36 dwelling of the owner, or outside of the proper enclosure and not
37 under physical restraint of the responsible person. The owner must
38 pay the costs of confinement and control. The animal control
39 authority must serve notice upon the dog owner in person or by

1 regular and certified mail, return receipt requested, specifying the
2 reason for the confiscation of the dangerous dog, that the owner is
3 responsible for payment of the costs of confinement and control, and
4 that the dog will be destroyed in an expeditious and humane manner if
5 the deficiencies for which the dog was confiscated are not corrected
6 within (~~twenty~~) 20 days. The animal control authority shall destroy
7 the confiscated dangerous dog in an expeditious and humane manner if
8 any deficiencies required by this subsection are not corrected within
9 twenty days of notification. In addition, the owner shall be guilty
10 of a gross misdemeanor punishable in accordance with RCW 9A.20.021.

11 (2) If a dangerous dog of an owner with a prior conviction under
12 this chapter attacks or bites a person or another domestic animal,
13 the dog's owner is guilty of a class C felony, punishable in
14 accordance with RCW 9A.20.021. It is an affirmative defense that the
15 defendant must prove by a preponderance of the evidence that he or
16 she was in compliance with the requirements for ownership of a
17 dangerous dog pursuant to this chapter and the person or domestic
18 animal attacked or bitten by the defendant's dog trespassed on the
19 defendant's real or personal property or provoked the defendant's dog
20 without justification or excuse. In addition, the dangerous dog shall
21 be immediately confiscated by an animal control authority, placed in
22 quarantine for the proper length of time, and thereafter destroyed in
23 an expeditious and humane manner.

24 (3) The owner of any dog that aggressively attacks and causes
25 severe injury or death of any human, whether or not the dog has
26 previously been declared potentially dangerous or dangerous, shall,
27 upon conviction, be guilty of a class C felony punishable in
28 accordance with RCW 9A.20.021. It is an affirmative defense that the
29 defendant must prove by a preponderance of the evidence that the
30 human severely injured or killed by the defendant's dog: (a)
31 Trespassed on the defendant's real or personal property which was
32 enclosed by fencing suitable to prevent the entry of young children
33 and designed to prevent the dog from escaping and marked with clearly
34 visible signs warning people, including children, not to trespass and
35 to beware of dog; or (b) provoked the defendant's dog without
36 justification or excuse on the defendant's real or personal property
37 which was enclosed by fencing suitable to prevent the entry of young
38 children and designed to prevent the dog from escaping and marked
39 with clearly visible signs warning people, including children, not to
40 trespass and to beware of dog. In such a prosecution, the state has

1 the burden of showing that the owner of the dog either knew or should
2 have known that the dog was potentially dangerous as defined in this
3 chapter. The state may not meet its burden of proof that the owner
4 should have known the dog was potentially dangerous solely by showing
5 the dog to be a particular breed or breeds. In addition, the dog
6 shall be immediately confiscated by an animal control authority,
7 quarantined, and upon conviction of the owner destroyed in an
8 expeditious and humane manner.

9 (4) An animal control authority may destroy any dangerous dog or
10 potentially dangerous dog found running at large if the owner cannot
11 be determined using reasonable means. The animal control authority
12 may also capture such a dog in an expeditious and humane manner.

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