
Judiciary Committee

HB 2117

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

Brief Description: Preventing breed-based dog regulations.

Sponsors: Representatives Appleton, Reykdal, Goodman and Haigh.

Brief Summary of Bill

- Specifies that a dog's breed cannot factor into the determination of whether or not the dog is dangerous or potentially dangerous.
- Provides that in a criminal prosecution of an owner of a dog that severely injures or kills a person, the breed of the dog cannot be used to prove the owner knew the dog was potentially dangerous.
- Preempts local authority to prohibit possession of a particular breed of dog or to declare a breed of dog to be dangerous or potentially dangerous.

Hearing Date: 1/16/14

Staff: Omeara Harrington (786-7136).

Background:

Dangerous and Potentially Dangerous Dog Laws.

State Law:

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. A dog cannot be declared dangerous if the injured party was trespassing, committing a tort upon the premises, tormenting the dog, or committing a crime.

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.

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.

State law requires dangerous dogs to be registered and imposes specific requirements on owners of dangerous dogs. These requirements include: a proper enclosure for the dog, adequate warning signs, a surety bond or liability insurance policy in the amount of at least \$250,000 for personal injury inflicted by the dog, and specific restraints for the dog if it is off of the owner's property.

The state dangerous dog laws impose criminal penalties for violations of the act. In addition, an owner of a dog that aggressively attacks and causes severe injury or death of a human, whether or not the dog has been previously declared a dangerous dog, is guilty of a class C felony. The prosecution must show that the owner knew or should have known that the dog was potentially dangerous, and cannot make this showing based solely upon the dog's breed or breeds.

Local Regulation of Dangerous and Potentially Dangerous Dogs:

In addition to state laws regarding dangerous dogs, local jurisdictions may impose more stringent requirements restricting dangerous dogs, and may prohibit dangerous dogs altogether. Potentially dangerous dogs are regulated solely on the local level.

Breed-Specific Regulations.

In adopting ordinances based on the state dangerous dog laws, some local jurisdictions have modified the definitions of dangerous dog and potentially dangerous dog to include specific breeds. In those jurisdictions, restrictions or bans that apply to dangerous dogs or potentially dangerous dogs automatically apply to any referenced breed.

In addition, some local jurisdictions have adopted ordinances that completely ban the ownership or possession of particular breeds.

Summary of Bill:

State law definitions of "dangerous dog" and "potentially dangerous dog" are amended to specify that the breed of dog cannot be a factor in the determination of whether or not a dog meets the definition. Additionally, in a criminal prosecution of an owner of a dog that severely injures or kills a person, the prosecution 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 authority to adopt breed-specific ordinances is preempted. A local ordinance cannot 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.

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