
SUBSTITUTE SENATE BILL 5379

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Consumer Protection & Housing (originally sponsored by Senators Weinstein, Delvin, Kline, Tom, Haugen and Shin)

READ FIRST TIME 02/16/07.

1 AN ACT Relating to the keeping of dangerous wild animals; adding a
2 new chapter to Title 16 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** It is the intent of the state of Washington
5 to protect the public against the serious health and safety risks that
6 dangerous wild animals pose to the community.

7 NEW SECTION. **Sec. 2.** (1) "Animal control authority" means an
8 entity acting alone or in concert with other local governmental units
9 for enforcement of the animal control laws of the city, county, and
10 state and the shelter and welfare of animals.

11 (2) "Potentially dangerous wild animal" means one of the following
12 types of animals, whether bred in the wild or in captivity, and any or
13 all hybrids thereof:

14 (a) Class mammalia

15 (i) Order carnivora

16 (A) Family felidae, only lions, tigers, captive-bred cougars,
17 jaguars, cheetahs, leopards, snow leopards, and clouded leopards;

18 (B) Family canidae, wolves, excluding wolf-hybrids;

1 (C) Family ursidae, all bears;
2 (D) Family hyaenidae, such as hyenas;
3 (ii) Order perissodactyla, only rhinoceroses;
4 (iii) Order primates, all nonhuman primate species;
5 (iv) Order proboscidae, all elephants species;
6 (b) Class reptilia
7 (i) Order squamata
8 (A) Family atractaspidae, all species;
9 (B) Family colubridae, only dispholidus typus;
10 (C) Family elapidae, all species, such as cobras, mambas, kraits,
11 coral snakes, and Australian tiger snakes;
12 (D) Family hydrophiidae, all species, such as sea snakes;
13 (E) Family varanidae, only water monitors and crocodile monitors;
14 (F) Family viperidae, all species, such as rattlesnakes,
15 cottonmouths, bushmasters, puff adders, and gaboon vipers;
16 (ii) Order crocodilia, all species, such as crocodiles, alligators,
17 caimans, and gavials.
18 (3) "Person" means any individual, partnership, corporation,
19 organization, trade or professional association, firm, limited
20 liability company, joint venture, association, trust, estate, or any
21 other legal entity, and any officer, member, shareholder, director,
22 employee, agent, or representative thereof.
23 (4) "Possessor" means any person who owns, possesses, keeps,
24 harbors, brings into the state, or has custody or control of a
25 potentially dangerous wild animal.
26 (5) "Wildlife sanctuary" means a nonprofit organization, as
27 described in RCW 84.36.800, that cares for animals defined as
28 potentially dangerous and:
29 (a) No activity that is not inherent to the animal's nature,
30 natural conduct, or the animal in its natural habitat is conducted;
31 (b) No commercial activity involving an animal occurs including,
32 but not limited to, the sale of or trade in animals, animal parts,
33 animal byproducts, or animal offspring, or the sale of photographic
34 opportunities involving an animal, or the use of an animal for any type
35 of entertainment purpose;
36 (c) No unescorted public visitations or direct contact between the
37 public and an animal; or
38 (d) No breeding of animals occurs in the facility.

1 NEW SECTION. **Sec. 3.** (1) The provisions of this chapter do not
2 apply to:

3 (a) Institutions authorized by the Washington department of fish
4 and wildlife to hold, possess, and propagate deleterious exotic
5 wildlife pursuant to RCW 77.12.047;

6 (b) Institutions accredited or certified by the American zoo and
7 aquarium association or a facility with a current signed memorandum of
8 participation with an association of zoos and aquariums species
9 survival plan;

10 (c) Duly incorporated nonprofit animal protection organizations,
11 such as humane societies and shelters, housing an animal at the written
12 request of the animal control authority or acting under the authority
13 of this chapter;

14 (d) Animal control authority, law enforcement officers, or county
15 sheriffs acting under the authority of this chapter;

16 (e) Veterinary hospitals or clinics;

17 (f) A holder of a valid wildlife rehabilitation permit issued by
18 the Washington department of fish and wildlife;

19 (g) Any wildlife sanctuary as defined under section 2(5) of this
20 act;

21 (h) A research facility as defined by the animal welfare act, 7
22 U.S.C. 2131, as amended, for the species of animals for which they are
23 registered. This includes but is not limited to universities,
24 colleges, and laboratories registered as research facilities under the
25 animal welfare act.

26 (i) Circuses, defined as incorporated, class C licensees under the
27 animal welfare act, 7 U.S.C.A. 2131, as amended, that are temporarily
28 in this state, and that offer performances by live animals, clowns, and
29 acrobats for public entertainment;

30 (j) A person temporarily transporting and displaying a potentially
31 dangerous wild animal through the state if the transit time is not more
32 than twenty-one days and the animal is at all times maintained within
33 a confinement sufficient to prevent the animal from escaping;

34 (k) Domesticated animals subject to this title or native wildlife
35 subject to Title 77 RCW; and

36 (l) A person displaying animals at a fair approved by the
37 Washington department of agriculture pursuant to chapter 15.76 or 36.37
38 RCW.

1 (2) This chapter does not require a city or county that does not
2 have an animal control authority to create that office.

3 NEW SECTION. **Sec. 4.** (1) A person shall not own, possess, keep,
4 harbor, bring into the state, or have custody or control of a
5 potentially dangerous wild animal, except as provided in subsection (3)
6 of this section.

7 (2) A person shall not breed a potentially dangerous wild animal.

8 (3) A person in legal possession of a potentially dangerous wild
9 animal prior to the effective date of this act and who is the legal
10 possessor of the animal may keep possession of the animal for the
11 remainder of the animal's life. The person must maintain veterinary
12 records, acquisition papers for the animal, if available, or other
13 documents or records that establish that the person possessed the
14 animal prior to the effective date of this act, and present the
15 paperwork to an animal control or law enforcement authority upon
16 request. The person shall have the burden of proving that he or she
17 possessed the animal prior to the effective date of this act.

18 NEW SECTION. **Sec. 5.** (1) The animal control authority or a law
19 enforcement officer may immediately confiscate a potentially dangerous
20 wild animal if:

- 21 (a) The animal control authority or law enforcement officer has
22 probable cause to believe that the animal was acquired after the
23 effective date of this act in violation of section 4 of this act;
- 24 (b) The animal poses a public safety or health risk;
- 25 (c) The animal is in poor health and condition as a result of the
26 possessor; or
- 27 (d) The animal is being held in contravention of the act.

28 (2) A potentially dangerous wild animal that is confiscated under
29 this section may be returned to the possessor only if the animal
30 control authority or law enforcement officer establishes that the
31 possessor had possession of the animal prior to the effective date of
32 this act and the return does not pose a public safety or health risk.

33 (3) The animal control authority or law enforcement officer shall
34 serve notice upon the possessor in person or by regular and certified
35 mail, return receipt requested, notifying the possessor of the
36 confiscation, that the possessor is responsible for payment of

1 reasonable costs for caring and providing for the animal during the
2 confiscation, and that the possessor must meet the requirements of
3 subsection (2) of this section in order for the animal to be returned
4 to the possessor.

5 (4) If a potentially dangerous wild animal confiscated under this
6 section is not returned to the possessor, the animal control authority
7 or law enforcement officer may release the animal to a facility such as
8 a wildlife sanctuary or a facility exempted pursuant to section 3 of
9 this act. If the animal control authority or law enforcement officer
10 is unable to relocate the animal within a reasonable period of time, it
11 may euthanize the animal.

12 (5) An animal control authority or law enforcement officer may
13 euthanize a potentially dangerous wild animal under this section only
14 if all known reasonable placement options, including relocation to a
15 wildlife sanctuary, are unavailable.

16 (6) This section applies to animal confiscations on or after the
17 effective date of this act.

18 NEW SECTION. **Sec. 6.** A city or county may adopt an ordinance
19 governing potentially dangerous wild animals that is more restrictive
20 than this chapter. However, nothing in this chapter requires a city or
21 county to adopt an ordinance to be in compliance with this chapter.

22 NEW SECTION. **Sec. 7.** A person who violates section 4 of this act
23 is liable for a civil penalty of not less than two hundred dollars and
24 not more than two thousand dollars for each animal with respect to
25 which there is a violation and for each day the violation continues.

26 NEW SECTION. **Sec. 8.** (1) The animal control authority and its
27 staff and agents, local law enforcement agents, and county sheriffs are
28 authorized and empowered to enforce the provisions of this chapter.

29 (2) If a locality does not have a local animal control authority,
30 the department of fish and wildlife shall enforce the provisions of
31 this chapter.

32 NEW SECTION. **Sec. 9.** If any provision of this act or its
33 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act constitute
4 a new chapter in Title 16 RCW.

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