
SENATE BILL 5379

State of Washington 60th Legislature 2007 Regular Session

By Senators Weinstein, Delvin, Kline, Tom, Haugen and Shin

Read first time 01/18/2007. Referred to Committee on Consumer Protection & Housing.

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;

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

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

14 (e) Veterinary hospitals or clinics;

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

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

19 (h) A research facility holding a class R license under the animal
20 welfare act, 7 U.S.C.A. 2131, as amended, for the species of animals
21 they are licensed for. This includes but is not limited to
22 universities, colleges, and laboratories holding a valid class R
23 license under the animal welfare act.

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

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

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

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

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

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

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

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

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

19 (a) The animal control authority or law enforcement officer has
20 probable cause to believe that the animal was acquired after the
21 effective date of this act in violation of section 4 of this act;

22 (b) The animal poses a public safety or health risk;

23 (c) The animal is in poor health and condition as a result of the
24 possessor; or

25 (d) The animal is being held in contravention of the act.

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

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

1 subsection (2) of this section in order for the animal to be returned
2 to the possessor.

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

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

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

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

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

24 NEW SECTION. **Sec. 8.** (1) The animal control authority and its
25 staff and agents, local law enforcement agents, and county sheriffs are
26 authorized and empowered to enforce the provisions of this chapter.
27 (2) If a locality does not have a local animal control authority,
28 the department of fish and wildlife shall enforce the provisions of
29 this chapter.

30 NEW SECTION. **Sec. 9.** If any provision of this act or its
31 application to any person or circumstance is held invalid, the
32 remainder of the act or the application of the provision to other
33 persons or circumstances is not affected.

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

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