

FORMATTING NOTE:

In initiatives, legislative bills and other proposed measures, language that is to be deleted from current statutes is represented by a "strikethrough" character and language that is to be added is underlined. Because these special characters cannot be formatted in all Internet browsers, a different set of symbols is used for presenting these proposals on-line. The symbols are as follows:

- Text that is surrounded by (({- text here -})) is text that will be DELETED FROM the existing statute if the proposed measure is approved.
- Text that is surrounded by {+ text here +} is text that will be ADDED TO the existing statute if the proposed measure is approved.
- {+ NEW SECTION+} (found at the beginning of a section or paragraph) indicates that ALL of the text in that section will become law if the proposed measure is approved.

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INITIATIVE 656

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 656 to the People is a true and correct copy as it was received by this office.

AN ACT Relating to pit bull dogs; amending RCW 16.08.070 and 16.08.090; and adding a new section to chapter 16.08 RCW.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 16.08.070 and 1987 c 94 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 16.08.070 through 16.08.100 {+ and section 3 of this act +}.

(1) "Potentially dangerous dog" means any dog that when unprovoked:

(a) Inflicts bites on a human or a domestic animal either on public or private property, or (b) chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to cause injury or otherwise to threaten the safety of humans or domestic animals. {+ "Potentially dangerous dog" includes all pit bull dogs. +}

(2) {+ "Pit bull dog" means any dog over the age of six months known by the owner to be a pit bull terrier. Pit bull terrier means any bull terrier, American pit bull terrier, Staffordshire bull terrier, or American Staffordshire terrier breed of dog or any mixed breed of dog that contains as an element of its breeding, the breed of bull terrier, American pit bull terrier, Staffordshire bull terrier, or American Staffordshire terrier so as to be identifiable as partially of the breed bull terrier, American pit bull terrier, Staffordshire bull terrier, or American Staffordshire terrier.

(3) +} "Dangerous dog" means any dog that according to the records of the appropriate authority, (a) has inflicted severe injury on a human being without provocation on public or private property, (b) has killed a domestic animal without provocation while off the owner's property, or (c) has been previously found to be potentially dangerous,

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

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

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

(({- (5) -})) {+ (6) +} "Proper enclosure of a licensed pit bull dog" means, while on the owner's property, secure confinement indoors or in a securely enclosed and locked pen, kennel, or structure, except when leashed and muzzled. The pen, kennel, or structure shall have secure sides and a secure top attached to the sides to prevent the animal from escaping. Any pen, kennel, or structure used to confine licensed pit bull dogs shall be locked with a key or combination lock when occupied by such animals. The pen, kennel, or structure shall have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet. Any pen, kennel, or structure erected to house pit bull dogs shall comply with all zoning and building regulations of the local jurisdiction. Any pen, kennel, or structure shall be adequately lighted and ventilated and kept in a clean and sanitary condition. No licensed pit bull dog shall be kept on a porch, patio, or in any part of a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(7) +} "Animal control authority" means an entity acting alone or in concert with other local governmental units for enforcement of the animal control laws of the city, county, and state and the shelter and welfare of animals.

(({- (6) -})) {+ (8) +} "Animal control officer" means any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

(({- (7) -})) {+ (9) +} "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

Sec. 2. RCW 16.08.090 and 1987 c 94 s 3 are each amended to read as follows:

(1) It is unlawful for an owner of a dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

(2) (({- Potentially dangerous dogs shall be regulated only by local, municipal, and county ordinances. -})) Nothing in this (({- section -})) {+ chapter +} limits restrictions local jurisdictions may place on owners of potentially dangerous dogs.

(3) Dogs shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a wilful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

{+ NEW SECTION. +} Sec. 3. A new section is added to chapter 16.08 RCW to read as follows:

(1) It is unlawful to keep, harbor, own, or in any way possess a pit bull dog in the state of Washington, without a certificate of registration.

(2) The keeping of registered pit bull dogs shall be subject to the following requirements:

(a) No person shall sell, barter, or in any other way dispose of a pit bull dog registered in the state of Washington unless the recipient person resides permanently in the same household and on the same premises as the registered owner of the pit bull dog. The owner of a registered pit bull dog may sell or otherwise dispose of a registered pit bull dog or the offspring of such dog to persons who do not reside within the state of Washington.

(b) All offspring born to registered pit bull dogs shall be removed from the state of Washington within six weeks of the birth of such animal.

(c) All owners, keepers, or harborers of registered pit bull dogs shall report the following information in writing to the appropriate animal control authority within ten days of its occurrence:

(i) The removal from the state of Washington or the death of a registered pit bull dog;

(ii) The birth of offspring of a registered pit bull dog; or

(iii) The new address of the owner of a registered pit bull dog if the owner moves within the state of Washington.

(d) No person shall permit a registered pit bull dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than four feet in length. No person shall permit a registered pit bull dog to be kept on a chain, rope, or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs shall not be leashed to inanimate objects such as trees, posts, or buildings. A registered pit bull dog on a leash outside the animal's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals.

(3) The animal control authority of the city or county in which an owner has a pit bull dog shall issue a certificate of registration to the owner of the animal if the owner presents to the animal control unit sufficient evidence of:

(a) A secure enclosure to confine a pit bull dog and the posting of the premises with a clearly visible warning sign that there is a pit bull dog on the property. In addition, the owner must conspicuously display a sign with a warning symbol that informs children of the presence of a pit bull dog and a sign easily readable by the public using the words "Beware of dog." All registered pit bull dogs must be identified by means of a blaze orange collar at least two inches wide; and

(b) A surety bond issued by a surety insurer qualified under chapter 48.28 RCW in a form acceptable to the animal control authority in the sum of at least one hundred thousand dollars, payable to any person injured by the pit bull dog; or

(c) A policy of liability insurance, such as homeowner's insurance

issued by an insurer qualified under Title 48 RCW in the amount of at least one hundred thousand dollars, insuring the owner for any personal injuries inflicted by the pit bull dog.

(4) All owners, keepers, or harborers of registered pit bull dogs shall provide, within ten days of the effective date of this act or within ten days of the registration of the dog, to the appropriate animal control authority, two three-inch by five-inch colored photographs of the registered animal. The owner or keeper shall, within the ten-day period at their own expense, have the registration number tattooed upon the pit bull dog by a licensed veterinarian. The tattoo shall be placed either on the upper inner lip or inside upper left rear thigh of the dog.

(5) All owners, keepers, or harborers of registered pit bull dogs shall, within ten days of the effective date of this act or at the time of registration of the dog, show proof to the appropriate animal control officer that a registered pit bull dog has been vaccinated against rabies within the last three years. Failure of a pit bull dog at any time to wear an up-to-date rabies vaccination tag issued by a licensed veterinarian who administered the vaccine shall be prima facie evidence of the dog's lack of vaccination against rabies and subjects such dog to immediate confiscation by the animal control authority. All pit bull dogs must be vaccinated against rabies every three years.

(6) It shall be unlawful for the owner, keeper, or harborer of a pit bull dog registered in the state of Washington to fail to comply with the requirements and conditions in this chapter. Each day of violation shall be a separate offense. Any pit bull dog found to be kept in violation of this section shall be immediately confiscated by an animal control authority, and thereafter destroyed in an expeditious and humane manner unless a court of competent jurisdiction orders its release or the owner provides adequate proof to the animal control authority that such registered dog shall no longer reside in the state of Washington.

{+ NEW SECTION. +} Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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