

# Animal Law in the District of Columbia

Publication of the



*Environment, Energy and Natural Resources Section  
Animal Law Committee*

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# PREFACE

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This publication of the D.C. Bar Environment, Energy and Natural Resources Section, Animal Law Committee, provides a basic introduction to animal laws in the District of Columbia. It is organized around each relevant animal community in the District, and covers local and federal laws that affect animals in the District. Readers elsewhere in the national capital region should consult their own state and municipal laws concerning animal welfare.

This publication is meant to be informative, and should not be taken as legal advice. Laws and cases have been paraphrased to conserve space and clarify meaning, and the discussion excludes laws that may affect animal welfare but are not, in general, “animal laws.”

Further, the law changes as both legislatures and courts act on public policy, and this publication may not reflect those changes. As always, the best way to answer a legal question is to read the most current law.

For more information on animal law in the District, visit [www.dcbbar.org/for\\_lawyers/sections/environment\\_energy\\_and\\_natural\\_resources/animal\\_law/resources.cfm](http://www.dcbbar.org/for_lawyers/sections/environment_energy_and_natural_resources/animal_law/resources.cfm).

The Animal Law Committee thanks the George Washington University Law School Animal Welfare Project for its assistance in drafting this publication.



Washington, D.C., is home to many different animal populations, and governs each of these populations differently. The District's animal laws fall into two categories: animal control and animal cruelty.

Animal control laws govern such matters as stray animals, dangerous dogs, and licensing of companion animals. The D.C. Department of Health's Animal Disease Prevention Division functions as animal control for the District. However, the District government has contracted with the Washington Humane Society (WHS), a nonprofit organization chartered by Congress in 1870, to perform a significant portion of its animal control responsibilities, including the operation of the D.C. animal shelter.<sup>1</sup>

Animal cruelty laws govern the investigation and prosecution of animal abuse and neglect. The Humane Law Enforcement Division of WHS is responsible for anticruelty enforcement in the District.<sup>2</sup>

## COMPANION ANIMALS

### Animal-Specific Laws

#### *Dogs*

*Licensing.* Dogs four months of age or older must be licensed, and must wear their license on a collar. Owners/guardians<sup>3</sup> must license their dogs by July 1 of each year, or within 10 days of adopting the dog. Dogs must be vaccinated against rabies and distemper. The fee for a license is \$13 for a dog that is spayed or neutered, or cannot endure a spay or neuter operation, and \$46 for a dog that could be spayed or neutered but is not. There is no license fee for service dogs. The license must be renewed annually.<sup>4</sup>

The WHS conducts a low-cost spay and neuter clinic and provides vaccinations to animals.<sup>5</sup> For additional information, visit [www.washhumane.org/snclinic.asp](http://www.washhumane.org/snclinic.asp).

Failure to properly license a dog carries a fine of \$33 for the first violation, \$65 for the second violation, and \$130 for each subsequent violation.<sup>6</sup> An offender must be notified of a violation and has 15 days to respond to the notice. The options for the response are to pay the fine or to deposit a sum equal to the fine and request a trial.<sup>7</sup>

*Leash Laws.* Dogs must be kept on a leash or otherwise under physical control except when at home or in a dog park.<sup>8</sup> Dogs have to be under verbal control in dog parks.<sup>9</sup> A list of dog parks is available at [www.metropets.org/YellowPages/parks.php](http://www.metropets.org/YellowPages/parks.php).

*Attack and Guard Dogs.* It is illegal for a person to train or assist a dog to attack, threaten, or charge. However, D.C. law allows residents to

keep a properly trained dog on private property to defend the property and its occupants from intruders. Persons may also order a dog to defend a person under attack.<sup>10</sup>

*Dangerous Dogs.* The District considers a dog "dangerous" if the dog

- Has bitten or attacked a person or domestic animal without provocation;
- Approaches any person or domestic animal as if to attack in a menacing manner without provocation;
- Has demonstrated a propensity to attack without provocation; or
- Otherwise endangers the safety of human beings or domestic animals.<sup>11</sup>

If the mayor has probable cause to believe that a particular dog is dangerous, the mayor may call an informal hearing and conduct an investigation into the dog's behavior. If the mayor has probable cause to believe the dog is an imminent threat to the public, the mayor may seize the dog as well.

The owner/guardian of the dog must be notified of the hearing, and the hearing must take place 5 to 10 days after notice is served. The owner/guardian will have the opportunity to present evidence at the hearing. The owner/guardian must be notified of the mayor's determination within five days after the hearing. Once a determination is made, the owner/guardian may petition the D.C. Superior Court to review it de novo.<sup>12</sup>

If the mayor determines that a dog is dangerous and that returning the dog would constitute a significant threat to public health and safety, the mayor may order the dog to be killed. Otherwise the mayor will register the dog and return the dog to the owner/guardian if the owner/guardian can establish that

- The owner/guardian is 18 years of age or older;
- The dog has a valid D.C. license;
- The dog has current vaccinations;
- The owner/guardian has the written permission of the property owner on whose property the dog will be kept;
- The owner/guardian has a proper enclosure for his or her dog;
- The owner/guardian has posted clearly visible signs warning that there is a dangerous dog, including a symbol to warn children;
- The owner/guardian has at least \$50,000 liability insurance, and allows the insurance company to notify the District if the policy ends;
- The dog has been photographed by an appropriate agency for identification; and

- The owner/guardian pays an annual fee in addition to routine dog license fees.<sup>13</sup>

In addition to the usual responsibilities of companion animal ownership, the owner/guardian of a dangerous dog must

- Register the dangerous dog with the city;
- Keep the dog muzzled and well leashed when outside;
- Notify the mayor within 24 hours if the dangerous dog is on the loose, has attacked another animal or human being, or has died, been sold, or been given away (if the dog has been sold or given away, the owner/guardian must give the mayor the name, address, and telephone number of the new owner/guardian);
- Maintain \$50,000 liability insurance;
- Surrender the dangerous dog to the mayor pending the disposition of a case when there is reason to believe that the dog is a significant threat to the public safety and health; and
- Comply with any additional special security or care requirements established by the mayor.<sup>14</sup>

The owner/guardian of a dangerous dog who violates any of these responsibilities may be fined up to \$300 for the first offense and \$500 for all subsequent offenses. If the dog seriously injures or kills a human being or domestic animal without provocation, the owner/guardian faces a fine of up to \$10,000. This fine is in addition to any tortious liability the owner/guardian may face.<sup>15</sup>

### **Cats**

The District does not license cats. However, cats must be vaccinated against rabies when they are four months of age or older.<sup>16</sup> Although there is no leash law for cats, they may be impounded if they are found "at large." Thus, cats should remain indoors for their own safety and to comply with District laws.

### **Other Companion Animals**

Exotic companion animals (such as alligators, venomous snakes, and nonhuman primates) are prohibited in the District. Persons are allowed to keep domesticated dogs and cats (excluding hybrids of domestic and wild species), domesticated rodents and rabbits, captive-bred common "cage" birds, nonpoisonous snakes, fish, turtles, and licensed racing pigeons. The mayor may make exceptions for professionals or animal shelters to keep exotics while a decision is made about what to do with the animals. Owners/guardians who had a dog and wolf, coyote, or jackal hybrid prior to March 17, 1993, may keep them.<sup>17</sup>

### **Service Animals and Their Guardians**

*General Protections for the Disabled.* The rights of persons with disabilities to use service animals are protected under a network of federal and local laws and regulations. Federal regulations under the Americans with Disabilities Act (ADA) specify that a service animal is "any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items."<sup>18</sup>

The District defines a guide dog as "a dog that is specially trained to assist a blind or deaf person and one which a blind or deaf person relies on for assistance."<sup>19</sup> The ADA protects the use of all service animals in the District regardless of any limitation of District law.

*Public Accommodations.* District law and the ADA guarantee a blind person the legal right to be accompanied by a guide dog in its public buildings and public facilities, in all public accommodations, and on all public conveyances.<sup>20</sup> These laws provide that service animals must be permitted in all areas of a facility where customers are generally permitted.

*Housing.* The right to equal accommodation in housing is guaranteed to a guide dog user.<sup>21</sup> District law states that no additional charge can be levied because of the dog's presence, but the guide dog user is liable for any damage the dog may cause to the premises.<sup>22</sup> District landlords are not required to modify the premises, nor are they responsible for maintaining a higher degree of care than that provided other tenants.<sup>23</sup>

*Employment.* The ADA prohibits employers from discriminating against individuals because of their disability and requires that they make reasonable accommodations for them, such as allowing service animals.<sup>24</sup>

### **Easter-Related Animals**

No person can sell or offer for sale rabbits under the age of 16 weeks or chickens or ducks under the age of eight weeks except for food or experimentation. Persons cannot change the natural color of baby rabbits, chickens, ducks, or other fowl, or sell color-altered baby rabbits, chickens, ducks, or other fowl.<sup>25</sup>

### **General Laws**

#### ***Animal Hobby Permit***

A person who owns five or more mammals larger than a guinea pig (cats, dogs, rabbits, etc.)

must get an “animal hobby” permit. Persons with such permits must still license their dogs, and cannot keep the animals for commercial purposes. Pet shops, veterinary hospitals, circuses, and traveling exhibitions are not required to obtain animal hobby permits.<sup>26</sup>

### *Spay/Neuter Laws*

Animals adopted out by the city must be spayed or neutered. The law requires that female animals be spayed once they are six months, and male animals be neutered once they are ten months. However, animals may be spayed sooner, and the WHS generally spays or neuters all animals before adoption. Persons who adopt an animal before the animal is spayed or neutered are required to prepay for the operation.<sup>27</sup>

### *Animals “At Large”*

Animals found off their owner’s/guardian’s property and not under their owner’s/guardian’s control are considered “at large.”<sup>28</sup> If a dog injures a person while at large, the owner/guardian of the dog may be held liable for negligence. Lack of knowledge of the dog’s vicious propensity is not, by itself, a defense against such a claim.<sup>29</sup>

The mayor may impound any animal at large, and must attempt to notify the owner/guardian of the animal’s impoundment. Animals wearing identification must be kept for seven days after the mayor makes an attempt to notify the owner/guardian. Animals not wearing identification must be kept for five days after being impounded. While impounded, animals must be given proper vaccinations, and cannot be released unless vaccinated against rabies. Dogs with proper identification will also be given appropriate veterinary treatment. If an owner/guardian does not reclaim an animal in time, the animal becomes the property of the city and may be adopted out or killed.<sup>30</sup>

### *Housing Issues*

“No pet” terms in leases are generally enforced in the District unless the landlord waives the term. A landlord may implicitly waive such a term by accepting rent from a tenant after finding out the tenant has a companion animal and acquiescing to the animal’s presence.<sup>31</sup>

Elderly and physically challenged persons living in assisted housing have a statutory right to keep a common household pet (i.e., a companion animal). A “common household pet” is defined as a “domesticated animal, such as a dog, cat, bird, rodent, fish, or turtle, that is traditionally kept in the home for pleasure rather

than for commercial purposes.” Reptiles, other than turtles, are not included.<sup>32</sup>

Persons over the age of 60 are considered elderly. Persons are considered physically challenged if they have a physical impairment that prohibits and incapacitates 75 percent of their ability to move about, to assist themselves, or to engage in an occupation.<sup>33</sup>

The owners of the assisted housing cannot discriminate against companion animal owners/guardians in renting out units.<sup>34</sup> Any discrimination can be punished with a fine of up to \$300 per violation.<sup>35</sup> Companion animals can be removed if they are a nuisance or a threat to the community, or if they are living in cruel conditions.<sup>36</sup>

### *Companion Animal Trusts*

It is important to provide for the care of a companion animal in the event of the death of the owner/guardian. A trust may be created to provide for the care of an animal during the lifetime of the person who sets up the trust. The trust is funded with a portion of the decedent’s estate. The trust terminates upon the death of the last surviving animal for whom the trust was created. Such a trust may be enforced by a person appointed in the terms of the trust or, if no person is so appointed, by a person appointed by the court. A person having an interest in the welfare of the animal may request that the court appoint a person to enforce the trust or to remove a person appointed. Property of a companion animal trust may be applied only to its intended use, except to the extent the court determines that the value of the trust property exceeds the amount required for its intended use. Except as otherwise provided in the terms of the trust, property not required for its intended use must be distributed to the person establishing the trust, if then living, or to that person’s successors in interest.<sup>37</sup>

### *Pet Shops*

In the District pet shops must have a current business license, but do not face additional licensing requirements. The fee for a business license is \$35, plus \$10 for each endorsement added to the license. The fee to renew a business license is \$15, plus \$5 for each endorsement. Like all businesses, pet shops may be inspected to ensure they are complying with their business license, and may have their license revoked if they violate its terms.<sup>38</sup>

### *Veterinarian Licensing and Standard of Care*

The District Board of Veterinary Medicine evaluates, licenses, and regulates veterinarians

in the city.<sup>39</sup> Veterinarians may be licensed if they have graduated from a school of veterinary medicine approved by the mayor, have passed the designated examinations as prescribed by the mayor, and have not been found to have engaged in unprofessional behavior or cruelty to animals. Veterinarians who graduated from foreign schools have to present additional credentials, as determined by the mayor, and are limited to an annual license.<sup>40</sup>

Veterinarians may have their licenses suspended, revoked, or not renewed if they have had their license suspended or revoked in another state for reasons other than nonpayment of license fees, have been convicted of a felony or other crime involving “moral turpitude,” or have engaged in any of the following:

- Fraud or deceit in procuring or attempting to procure a license;
- Alcoholism or drug abuse;
- False or unprofessional advertising;
- Incompetence or gross negligence;
- Knowing employment of a person practicing veterinary medicine unlawfully;
- Fraud or dishonesty in reporting the results of animal disease tests;
- Failure to maintain a safe, clean, sanitary work environment;
- Gross negligence in inspecting foodstuffs;
- Failure to report contagious or infectious diseases when required by law;
- Cruelty to animals; or
- Any other unprofessional conduct as specified by the mayor.<sup>41</sup>

Before a veterinarian’s license can be revoked, the mayor must call a hearing and forward a copy of the charges to the veterinarian at least 20 days before the hearing is to be held. If a decision is made against the veterinarian, the veterinarian may ask for a review.<sup>42</sup>

Currently there is no D.C. statute or case law that expressly recognizes civil liability for veterinary malpractice. However, other jurisdictions do recognize such liability to enforce the requirement that veterinarians exercise due care when treating their animal patients. Such due care is typically determined on the basis of the skill and education ordinarily exercised by reasonably prudent members of the veterinarian profession.

If a person believes that his or her animal was injured by the failure of the veterinarian to exercise due care, the person should report the veterinarian to the Board of Veterinary Medicine and may consider other legal alternatives. For additional information, visit the Board of Veterinary Medicine’s Web site at <http://hpla.doh.dc.gov/hpla/cwp/view,a,1195,q,496989.asp>

### *Federal Lands in the District*

Many areas within the District are governed by federal law under the auspices of the National Park Service. These areas include Anacostia, Capitol Hill, Constitution Gardens, Fort Dupont and Rock Creek parks, and the National Mall. For a complete listing, visit <http://home.nps.gov/applications/parksearch/state.cfm?st=dc>.

The laws governing companion animals in these areas are similar to those enumerated in the D.C. Code. Companion animals are not allowed in public buildings or on public transportation (unless crated). It is unlawful to leave an animal unattended and tied to an object or to allow the animal to make unreasonable noise. Any animal found running at large may be impounded and the guardian charged fees for boarding, food, veterinary care, and any other necessary expense. The animal may be adopted or killed if not claimed by its guardian within 72 hours of notice to the guardian or 72 hours from capture if the guardian is unknown.<sup>43</sup>

## **WILD ANIMALS/FERAL CATS**

“Wild animals” are undomesticated animals that are not socialized to humans. The city cannot adopt out undomesticated dogs and cats after they are impounded.<sup>44</sup> Because of this law, “feral” cats impounded by the city are killed.

“Stray cats” are cats that are abandoned by their guardians and left to live on the streets. Stray unsterilized cats will reproduce. One unsterilized female cat roaming free can have hundreds of kittens over her lifetime. These kittens in turn have kittens, and the number of cats roaming the streets becomes a serious problem. Kittens that are born on the streets and remain there are considered “feral cats” because they are not socialized to humans. Feral cats often form colonies to help them survive the wild.

The WHS, through its Cat Neighborhood Partnership Program (CatNiPP), provides nonlethal control of feral and stray cats by sterilizing them to prevent further overpopulation. Through the Trap-Neuter-Return (TNR) program, stray and feral cats already living outdoors are humanely trapped and evaluated, then vaccinated and sterilized by veterinarians. Kittens and tame cats are adopted, whereas cats that are too wild to be adopted are returned to their colonies under the care of volunteers.<sup>45</sup>

The WHS conducts a free spay and neuter clinic for feral cats on the second Sunday of each month. For additional information, visit [www.washhumane.org/catnipp.asp](http://www.washhumane.org/catnipp.asp) and [www.washhumane.org/snclinic.asp](http://www.washhumane.org/snclinic.asp).

## HORSE-DRAWN CARRIAGES

Businesses that operate horse-drawn carriages must have a current business license, but do not face additional licensing requirements to operate such carriages. Drivers must be licensed and trained, and have knowledge of horse care and traffic regulations. Horse-drawn carriages are allowed on the streets except during morning and afternoon rush hour (except on the National Mall), between 1:30 and 5 a.m., and at other times and days the chief of police determines.

Horses must be examined by a licensed veterinarian annually to ensure they are fit to draw carriages, although there are no governmental standards prescribed. Horses should work no more than eight hours a day and must be given adequate rest periods, although what constitutes an “adequate rest period” is not defined in the code. The operator must provide the horse food and drinking water, and should not overdrive or overload the horse, or beat or prod the horse in a way that causes pain or injury. Carriages may not operate during weather that is too hot (exceeds 89 degrees Fahrenheit) or too cold (below 25 degrees Fahrenheit), or during snow or other inclement weather as established by the mayor.<sup>46</sup>

## ANIMALS USED FOR ENTERTAINMENT

Although no circuses are based in the District, many traveling circuses visit the city, and while here are subject to the District’s laws. Circuses must obtain a business license and pay \$19 per day per carload of equipment transported by railroad and \$14 per day per carload of equipment transported by wagon or truck, not to exceed \$875 per day.<sup>47</sup>

It is illegal to sponsor, promote, attend, or train an animal for an exhibition in which the animal

- Engages in unnatural behavior;
- Is wrestled or fought;
- Is mentally or physically harassed;
- Is struck, abused, or mentally or physically traumatized; or
- Is induced, goaded, or encouraged to perform or react through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause, or is likely to cause, physical or other injury or suffering.<sup>48</sup>

Further, it is a crime to cruelly chain any animal.<sup>49</sup>

Circuses are considered “exhibitors” under the federal Animal Welfare Act (AWA) and must be licensed by the U.S. Department of Agriculture (USDA). The USDA regulates the purchase, sale, housing, care, handling, and treatment of exhibition animals and establishes minimum standards for the

animals’ care. Horses used by circuses and other exhibitors are not subject to USDA regulation.<sup>50</sup>

## ANIMALS USED FOR EXPERIMENTATION

Scientific laboratories and medical research centers that use animals for experiments are exempt from most of the District’s animal cruelty laws.<sup>51</sup> They are not exempt from laws concerning abandoning animals, animal fighting, and Easter-related animals.<sup>52</sup>

However, these institutions are regulated by the USDA under the AWA.<sup>53</sup> The USDA regulates the purchase, sale, housing, care, handling, and treatment of animals used for research and establishes minimum standards for the animals’ care. Birds, rats, and mice bred for research purposes, horses not used for research, other farm animals bred for food, and cold-blooded animals are excluded from protection under the AWA.<sup>54</sup>

There are five research facilities that experiment on animals in the District: Children’s National Medical Center, Georgetown University, George Washington University, Howard University College of Medicine, and MedStar Research Institute.<sup>55</sup>

The USDA’s compliance inspection guidelines may be reviewed on its Web site at [www.aphis.usda.gov/lpa/pubs/fsheet\\_fa\\_notice/fs\\_awinspect.html](http://www.aphis.usda.gov/lpa/pubs/fsheet_fa_notice/fs_awinspect.html). Links to the USDA’s regulations can be accessed at [www.aphis.usda.gov/animal\\_welfare/index.shtml](http://www.aphis.usda.gov/animal_welfare/index.shtml).

## ANIMAL CRUELTY

### Definitions

For animal cruelty prosecutions, “animal” includes all living and sentient creatures except human beings. “Owner” and “person” include businesses as well as individuals.<sup>56</sup>

### Neglecting or Abandoning Sick or Disabled Animals

An owner/guardian or person who has charge of an infirm animal and fails to provide proper food and shelter for the animal for more than five consecutive hours is guilty of a misdemeanor.<sup>57</sup> If that individual abandons such an animal or leaves it to lie in a road or other public place for more than three hours after receiving notice that the animal has been left disabled, the individual is also guilty of a misdemeanor.<sup>58</sup> The penalty may be a fine between \$10 and \$250, or imprisonment of no more than 180 days.

A WHS humane enforcement officer may euthanize an animal found abandoned and not properly cared for if the animal appears, in the

judgment of two reputable citizens called by the officer to view the animal in the officer's presence, to be injured or sick beyond recovery. If a person is arrested for abandoning an animal, the WHS may seize any and all animals that person keeps.<sup>59</sup>

### Neglecting Impounded Animals

Any person who impounds and/or keeps impounded animals must provide the animals proper food and water. Failure to do so is per se animal cruelty.<sup>60</sup> If an impounded animal is not provided proper food or water for 12 successive hours, an officer of the WHS may enter the premises as often as necessary to feed and water the animal without liability. However, the animal must remain confined.<sup>61</sup>

### Misdemeanor Animal Cruelty

Actions constituting animal cruelty include overworking, torturing, and cruelly chaining, beating, or mutilating an animal; acquiring an animal with the intent of treating the animal cruelly; and neglecting an animal.<sup>62</sup>

"Neglect" includes unnecessarily depriving an animal of food, drink, air, light, space, veterinary care, shelter, or protection from the weather. To "cruelly chain" means to leash an animal to a stationary object in a way that endangers its health. This treatment includes, but is not limited to, using a chain that

- Exceeds one-eighth of the animal's body weight;
- Causes the animal to choke;
- Is too short for the animal to move around, or for the animal to urinate or defecate in an area separate from where the animal eats, drinks, and sleeps;
- Is situated where the animal can become entangled;
- Does not permit the animal access to food, water, shade, dry ground, or shelter; or
- Does not permit the animal to escape harm.<sup>63</sup>

Animal cruelty is a misdemeanor, punishable by a fine of up to \$250 or imprisonment of up to 180 days per instance of cruelty.<sup>64</sup>

### Aggravated Animal Cruelty

"Aggravated animal cruelty" is any action that would constitute animal cruelty when done with the intent to cause serious bodily harm or death to an animal, or when done with extreme indifference to animal life and results in serious bodily harm or death to the animal.<sup>65</sup>

"Serious bodily harm" means bodily injury that involves substantial risk of death, uncon-

sciousness, extreme physical pain, protracted or obvious disfigurement, mutilation, or protracted loss or impairment of a body member or organ. Examples of serious bodily injury include, but are not limited to, broken bones, burns, internal injuries, severe malnutrition, severe lacerations or abrasions, and injuries resulting from untreated medical conditions.<sup>66</sup>

Aggravated animal cruelty is a felony, punishable by a fine of up to \$25,000 or imprisonment of up to five years per instance of cruelty.<sup>67</sup>

### Animal Fighting

Any person who commits the following is guilty of animal fighting:

- Organizes, sponsors, conducts, stages, promotes, is employed at, collects an admission fee for, or bets or wagers any money or valuable consideration on the outcome of an animal fight;
- Owns, trains, buys, sells, offers to buy or sell, steals, transports, or possesses any animal with the intent that the animal engage in a fight;
- Knowingly allows any animal used for such fighting or baiting to be kept, boarded, housed, trained on, or transported in any property owned or controlled by him or her;
- Owns, manages, or operates any facility and knowingly allows that facility to be kept or used for the purpose of fighting or baiting an animal; or
- Knowingly or recklessly permits any act described above to be done on any premises under his or her ownership or control, or who aids or abets that act.<sup>68</sup>

A person who keeps or uses a place for animal fighting is guilty of animal fighting, and may be arrested without a warrant by a police officer on order of the WHS.<sup>69</sup>

Animal fighting is a felony, punishable by a fine of up to \$25,000 or imprisonment of up to five years per instance of animal fighting.<sup>70</sup>

It is a misdemeanor to knowingly attend an animal fight or preparations for an animal fight, or to knowingly or recklessly aid and abet another person in preparing for an animal fight. These misdemeanors are punishable by a fine of up to \$1,000 or imprisonment of up to 180 days per instance.<sup>71</sup>

### Reporting Animal Cruelty

Animal cruelty should be reported immediately to the Washington Humane Society at 202-234-8626. For more information, visit [www.washhumane.org/report.asp](http://www.washhumane.org/report.asp).

WHS officers have powers beyond those of private citizens. WHS officers may order the

Metropolitan Police to arrest a person for animal cruelty without a warrant,<sup>72</sup> and may seize an animal to protect the animal from neglect or cruelty upon issuance of a search warrant.<sup>73</sup>

## NOTES

<sup>1</sup> D.C. Code § 8-1802 (2001).

<sup>2</sup> *Id.* § 44-1508.

<sup>3</sup> This publication uses the term “owner/guardian” to properly capture the understanding that people owe animals in their custody a duty of care and protection.

<sup>4</sup> *Id.* § 8-1804.

<sup>5</sup> *Id.* § 8-1810.

<sup>6</sup> *Id.* § 8-1811.

<sup>7</sup> *Id.* § 8-1813.

<sup>8</sup> *Id.* § 8-1808.

<sup>9</sup> *Id.* § 8-1808.01.

<sup>10</sup> *Id.* § 8-1808(j).

<sup>11</sup> *Id.* § 8-1901.

<sup>12</sup> *Id.* § 8-1902.

<sup>13</sup> *Id.* § 8-1904.

<sup>14</sup> *Id.* § 8-1905.

<sup>15</sup> *Id.* § 8-1906.

<sup>16</sup> *Id.* § 8-1803.

<sup>17</sup> *Id.* § 8-1808(h).

<sup>18</sup> 28 C.F.R. § 36.104 (2004).

<sup>19</sup> D.C. Code § 7-1009 (2001).

<sup>20</sup> 40 U.S.C. § 3103 (2000); D.C. Code § 7-1002(b) (2001); *see also* Department of Justice, *Commonly Asked Questions About Service Animals in Places of Business*, available at <http://www.usdoj.gov/crt/ada/qasrvc.htm>.

<sup>21</sup> 24 C.F.R. § 100.204 (2004); D.C. Code § 7-1006(b) (2001).

<sup>22</sup> D.C. Code § 7-1006(b) (2001).

<sup>23</sup> *Id.* § 7-1006(c).

<sup>24</sup> 42 U.S.C. § 12112 (2000); *Interpretive Guidance on Title I of the ADA*, 29 C.F.R. pt. 1630.2(o), app. (2003).

<sup>25</sup> D.C. Code § 8-1808(f) (2001).

<sup>26</sup> *Id.* § 8-1809.

<sup>27</sup> *Id.* § 8-1807.

<sup>28</sup> *Id.* § 8-1801(1).

<sup>29</sup> *Id.* § 8-1812.

<sup>30</sup> *Id.* § 8-1805.

<sup>31</sup> *Shannon & Luchs Co. v. Tindal*, 415 A.2d 805 (D.C. 1980).

<sup>32</sup> D.C. Code § 8-2201(5) (2001).

<sup>33</sup> *Id.* § 8-2201.

<sup>34</sup> *Id.* § 8-2202.

<sup>35</sup> *Id.* § 8-2204.

<sup>36</sup> *Id.* § 8-2203.

<sup>37</sup> *Id.* § 19-1304.08.

<sup>38</sup> *Id.* §§ 47-2851.01 to .08.

<sup>39</sup> *Id.* § 3-505.

<sup>40</sup> *Id.* § 3-507.

<sup>41</sup> *Id.* § 3-509.

<sup>42</sup> *Id.* §§ 3-510, 3-511.

<sup>43</sup> *See* 3 C.F.R. § 2.15 (2004).

<sup>44</sup> D.C. Code § 8-1808(h)(1) (2001).

<sup>45</sup> *See Alley Cat Allies, The Basics of Trap-Neuter-Return*, available at [www.alleycat.org/resources\\_care.html](http://www.alleycat.org/resources_care.html).

<sup>46</sup> *See generally* D.C. Code §§ 8-2001 to -2013 (2001).

<sup>47</sup> *Id.* § 47-2825.

<sup>48</sup> *Id.* § 8-1808(i).

<sup>49</sup> *See* “Misdemeanor Animal Cruelty,” *infra*.

<sup>50</sup> 7 U.S.C. § 2132(g) (2000).

<sup>51</sup> Specifically, they are exempt from D.C. Code §§ 22-1001 to -1009, 22-1011, and 22-1309.

<sup>52</sup> D.C. Code § 22-1012(b) (2001).

<sup>53</sup> 7 U.S.C. §§ 2131–2159 (2000).

<sup>54</sup> *Id.* § 2132(g).

<sup>55</sup> Department of Agriculture, *Research Facility List at 4*, available at [http://www.aphis.usda.gov/animal\\_welfare/efoia/downloads/reports/R\\_cert\\_holders.pdf](http://www.aphis.usda.gov/animal_welfare/efoia/downloads/reports/R_cert_holders.pdf).

<sup>56</sup> D.C. Code § 22-1013 (2001).

<sup>57</sup> *Id.* § 22-1011.

<sup>58</sup> *Id.* § 22-1012(a).

<sup>59</sup> *Id.*

<sup>60</sup> *Id.* § 22-1007.

<sup>61</sup> *Id.* § 22-1008.

<sup>62</sup> *Id.* § 22-1001(a).

<sup>63</sup> *Id.* § 22-1001(a)–(b).

<sup>64</sup> *Id.* § 22-1001(a).

<sup>65</sup> *Id.* § 22-1001(d).

<sup>66</sup> *Id.* § 22-1001(c).

<sup>67</sup> *Id.* § 22-1001(d).

<sup>68</sup> *Id.* § 22-1015(a).

<sup>69</sup> *Id.* § 22-1009.

<sup>70</sup> *Id.* § 22-1015(a).

<sup>71</sup> *Id.* § 22-1015(b).

<sup>72</sup> *Id.* §§ 22-1004, 44-1505.

<sup>73</sup> *Id.* §§ 22-1004(b) to -1005.

