
ENGROSSED SUBSTITUTE HOUSE BILL 1652

State of Washington

53rd Legislature

1994 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Romero, G. Cole, Valle, Orr, Cothorn, Brown, Veloria, Holm, Zellinsky, Scott, Brough, Jones, R. Meyers, Dorn, Quall, Van Luven, Roland, L. Johnson, Long, Johanson and Anderson)

Read first time 01/14/94. Referred to Committee on .

1 AN ACT Relating to animal cruelty; amending RCW 16.52.020,
2 16.52.085, 16.52.095, 16.52.100, 16.52.117, 16.52.180, 16.52.190,
3 16.52.200, 16.52.300, 9A.48.080, 13.40.020, and 81.56.120; reenacting
4 and amending RCW 9.94A.030; adding new sections to chapter 16.52 RCW;
5 repealing RCW 16.52.010, 16.52.030, 16.52.040, 16.52.050, 16.52.055,
6 16.52.060, 16.52.065, 16.52.070, 16.52.113, 16.52.120, 16.52.130,
7 16.52.140, and 16.52.160; and prescribing penalties.

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

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 16.52 RCW
10 to read as follows:

11 (1) Principles of liability as defined in chapter 9A.08 RCW apply
12 to this chapter.

13 (2) Unless the context clearly requires otherwise, the definitions
14 in this section apply throughout this chapter.

15 (a) "Animal" means any nonhuman mammal, bird, reptile, or
16 amphibian.

17 (b) "Animal care and control agency" means any city or county
18 animal control agency or authority authorized to enforce city or county
19 municipal ordinances regulating the care, control, licensing, or

1 treatment of animals within the city or county, and any corporation
2 organized under RCW 16.52.020 that contracts with a city or county to
3 enforce the city or county ordinances governing animal care and
4 control.

5 (c) "Animal control officer" means any individual employed,
6 contracted, or appointed pursuant to section 4 of this act by an animal
7 care and control agency or humane society to aid in the enforcement of
8 ordinances or laws regulating the care and control of animals. For
9 purposes of this chapter, the term "animal control officer" shall be
10 interpreted to include "humane officer" as defined in (e) of this
11 subsection and section 4 of this act.

12 (d) "Euthanasia" means the humane destruction of an animal
13 accomplished by a method that involves instantaneous unconsciousness
14 and immediate death, or by a method that causes painless loss of
15 consciousness, and death during the loss of consciousness.

16 (e) "Humane officer" means any individual employed, contracted, or
17 appointed by an animal care and control agency or humane society as
18 authorized under section 4 of this act.

19 (f) "Law enforcement agency" means a general authority Washington
20 law enforcement agency as defined in RCW 10.93.020.

21 (g) "Necessary food" means the provision at suitable intervals not
22 to exceed twenty-four hours of wholesome foodstuff suitable for the
23 animal's age and species and sufficient to provide a reasonable level
24 of nutrition for the animal.

25 (h) "Owner" means a person who has a right, claim, title, legal
26 share, or right of possession to an animal or a person having lawful
27 control, custody, or possession of an animal.

28 (i) "Person" means individuals, corporations, partnerships,
29 associations, or other legal entities, and agents of those entities.

30 (j) "Substantial bodily harm" means substantial bodily harm as
31 defined in RCW 9A.04.110.

32 NEW SECTION. **Sec. 2.** A new section is added to chapter 16.52 RCW
33 to read as follows:

34 (1) Law enforcement agencies and animal care and control agencies
35 may enforce the provisions of this chapter. Animal care and control
36 agencies may enforce the provisions of this chapter in a county or city
37 only if the county or city legislative authority has entered into a
38 contract with the agency to enforce the provisions of this chapter.

1 (2) Animal control officers enforcing this chapter shall comply
2 with the same constitutional and statutory restrictions concerning the
3 execution of police powers imposed on law enforcement officers who
4 enforce this chapter and other criminal laws of the state of
5 Washington.

6 (3) Animal control officers have the following enforcement powers
7 when enforcing this chapter:

8 (a) The power to issue citations based on probable cause to
9 offenders for misdemeanor and gross misdemeanor violations of this
10 chapter or RCW 9.08.070 or 81.56.120;

11 (b) The power to cause a law enforcement officer to arrest and take
12 into custody any person the animal control officer has probable cause
13 to believe has committed or is committing a violation of this chapter
14 or RCW 9.08.070 or 81.56.120. Animal control officers may make an oral
15 complaint to a law enforcement officer to initiate arrest. The animal
16 control officer causing the arrest shall file with the arresting agency
17 a written complaint within twenty-four hours of the arrest, excluding
18 Sundays and legal holidays, stating the alleged act or acts
19 constituting a violation;

20 (c) The power to carry nonfirearm protective devices for personal
21 protection;

22 (d) The power to prepare affidavits in support of search warrants
23 and to execute search warrants when accompanied by law enforcement
24 officers to investigate violations of this chapter or RCW 9.08.070 or
25 81.56.120, and to seize evidence of those violations.

26 (4) Upon request of an animal control officer who has probable
27 cause to believe that a person has violated this chapter or RCW
28 9.08.070 or 81.56.120, a law enforcement agency officer may arrest the
29 alleged offender.

30 **Sec. 3.** RCW 16.52.020 and 1973 1st ex.s. c 125 s 1 are each
31 amended to read as follows:

32 Any citizens of the state of Washington (~~who have heretofore, or~~
33 ~~who shall hereafter, incorporate as a body corporate,)) incorporated
34 under the laws of this state as a humane society or as a society for
35 the prevention of cruelty to animals may (~~avail themselves of the~~
36 ~~privileges of RCW 16.52.010 through 16.52.050, 16.52.070 through~~
37 ~~16.52.090 and 16.52.100 through 16.52.180: PROVIDED, That)) enforce
38 the provisions of this chapter through its animal control officers~~~~

1 subject to the limitations in sections 2 and 4 of this act. The
2 legislative authority in each county may grant exclusive authority to
3 exercise the privileges and authority granted by this section to one or
4 more qualified corporations for a period of up to three years based
5 upon ability to fulfill the purposes of this chapter.

6 NEW SECTION. **Sec. 4.** A new section is added to chapter 16.52 RCW
7 to read as follows:

8 Trustees of humane societies incorporated pursuant to RCW 16.52.020
9 may appoint society members to act as animal control officers. The
10 trustee appointments shall be in writing. The appointment shall be
11 effective in a particular county only if an appointee obtains written
12 authorization from the superior court of the county in which the
13 appointee seeks to enforce this chapter. To obtain judicial
14 authorization, an appointee seeking judicial authorization on or after
15 the effective date of this section shall provide evidence satisfactory
16 to the judge that the appointee has successfully completed training
17 which has prepared the appointee to assume the powers granted to animal
18 control officers pursuant to section 2 of this act. The trustees shall
19 review appointments every three years and may revoke an appointment at
20 any time by filing a certified revocation with the superior court that
21 approved the appointment. Authorizations shall not exceed three years
22 or trustee termination, whichever occurs first. To qualify for
23 reappointment when a term expires on or after the effective date of
24 this section, the officer shall obtain training or satisfy the court
25 that the officer has sufficient experience to exercise the powers
26 granted to animal control officers pursuant to section 2 of this act.

27 **Sec. 5.** RCW 16.52.085 and 1987 c 335 s 1 are each amended to read
28 as follows:

29 (1) If ~~((the county sheriff or other))~~ a law enforcement officer
30 ~~((shall find))~~ or animal control officer has probable cause to believe
31 that ~~((said))~~ an owner of a domestic animal has ~~((been neglected by its~~
32 ~~owner, he or she))~~ violated this chapter and no responsible person can
33 be found to assume the animal's care, the officer may authorize, with
34 a warrant, the removal of the animal to a ~~((proper pasture or other))~~
35 suitable place for feeding and ~~((restoring to health.))~~ care, or may
36 place the animal under the custody of an animal care and control
37 agency. In determining what is a suitable place, the officer shall

1 consider the animal's needs, including its size and behavioral
2 characteristics. An officer may remove an animal under this subsection
3 without a warrant only if the animal is in an immediate life-
4 threatening condition.

5 (2) If a law enforcement officer or an animal control officer has
6 probable cause to believe a violation of this chapter has occurred, the
7 officer may authorize an examination of ~~((an))~~ a domestic animal
8 allegedly neglected (~~(domestic animal)~~) or abused in violation of this
9 chapter by a veterinarian to determine whether the level of neglect or
10 abuse in violation of this chapter is sufficient to require removal of
11 the animal. This section does not condone illegal entry onto private
12 property.

13 (3) Any owner whose domestic animal is removed ~~((to a suitable~~
14 ~~place))~~ pursuant to this chapter shall be given written notice of the
15 circumstances of the removal and notice of legal remedies available to
16 the owner. The notice shall be given by posting at the place of
17 seizure, by delivery to a person residing at the place of seizure, or
18 by registered mail if the owner is known. In making the decision to
19 remove an animal pursuant to this chapter, the ~~((law enforcement))~~
20 officer shall make a good faith effort to contact the animal's owner
21 before removal (~~(unless the animal is in a life-threatening condition~~
22 or unless the officer reasonably believes that the owner would remove
23 the animal from the jurisdiction)).

24 (4) The agency having custody of the animal may euthanize the
25 animal or may find a responsible person to adopt the animal not less
26 than fifteen business days after the animal is taken into custody. A
27 custodial agency may euthanize severely injured, diseased, or suffering
28 animals at any time. An owner may prevent the animal's destruction or
29 adoption by: (a) Petitioning the district court of the county where
30 the animal was seized for the animal's immediate return subject to
31 court-imposed conditions, or (b) posting a bond or security in an
32 amount sufficient to provide for the animal's care for a minimum of
33 thirty days from the seizure date. If the custodial agency still has
34 custody of the animal when the bond or security expires, the animal
35 shall become the agency's property unless the court orders an
36 alternative disposition. If a court order prevents the agency from
37 assuming ownership and the agency continues to care for the animal, the
38 court shall order the owner to renew a bond or security for the
39 agency's continuing costs for the animal's care.

1 (5) If no criminal case is filed within seventy-two hours of the
2 (~~removal of the animal~~) animal's removal, the owner may petition the
3 district court of the county where the (~~removal of the~~) animal
4 (~~occurred~~) was removed for the (~~return of the animal~~) animal's
5 return. The petition shall be filed with the court, with copies served
6 to the law enforcement or animal care and control agency responsible
7 for removing the animal and to the prosecuting attorney. If the court
8 grants the petition, the agency which seized the animal must deliver
9 the animal to the owner at no cost to the owner. If a criminal action
10 is filed after the petition is filed but before the animal is returned,
11 the petition shall be joined with the criminal matter.

12 (~~(5)~~) (6) In a motion or petition for the (~~return of the removed~~
13 ~~animal~~) animal's return before a trial, the burden is on the owner to
14 prove by a preponderance of the evidence that the animal will not
15 suffer future neglect or abuse and is not in need of being restored to
16 health.

17 (~~(6)~~) (7) Any authorized person treating or attempting to restore
18 an animal to health under this chapter shall not be civilly or
19 criminally liable for such action.

20 **Sec. 6.** RCW 16.52.095 and Code 1881 s 840 are each amended to read
21 as follows:

22 It shall not be lawful for any person to cut off more than one-half
23 of the ear or ears of any domestic animal such as an ox, cow, bull,
24 calf, sheep, goat or hog, or dog, and any person cutting off more than
25 one-half of the ear or ears of any such animals, shall be deemed guilty
26 of a misdemeanor, and upon conviction, shall be fined in any sum less
27 than twenty dollars. This section does not apply if cutting off more
28 than one-half of the ear of the animal is a customary husbandry
29 practice that is conducted under supervision of a licensed
30 veterinarian.

31 NEW SECTION. **Sec. 7.** A new section is added to chapter 16.52 RCW
32 to read as follows:

33 (1) A person is guilty of animal cruelty in the first degree if the
34 person intentionally tortures, torments, or cruelly treats any animal
35 and the animal suffers substantial bodily harm or substantial pain as
36 a result of the torture, torment, or cruel treatment.

37 (2) Animal cruelty in the first degree is a class C felony.

1 NEW SECTION. **Sec. 8.** A new section is added to chapter 16.52 RCW
2 to read as follows:

3 (1) A person is guilty of animal cruelty in the second degree if,
4 under circumstances not amounting to first degree animal cruelty, the
5 person knowingly, recklessly, or with criminal negligence inflicts
6 unnecessary suffering or pain upon an animal.

7 (2) An owner of an animal is guilty of animal cruelty in the second
8 degree if, under circumstances not amounting to first degree animal
9 cruelty, the owner knowingly, recklessly, or with criminal negligence:

10 (a) Fails to provide the animal with necessary food, water,
11 shelter, rest, sanitation, ventilation, space, or medical attention and
12 the animal suffers unnecessary or unjustifiable physical pain as a
13 result of the failure; or

14 (b) Abandons the animal.

15 (3) Animal cruelty in the second degree is a misdemeanor.

16 **Sec. 9.** RCW 16.52.100 and 1982 c 114 s 6 are each amended to read
17 as follows:

18 (~~Any person who shall impound or confine or cause to be impounded~~
19 ~~or confined any domestic animal, shall supply the same during such~~
20 ~~confinement with a sufficient quantity of good and wholesome food and~~
21 ~~water, and in default thereof shall be guilty of a misdemeanor. In~~
22 ~~ease)) If any domestic animal (~~shall be~~) is impounded or confined
23 (~~as aforesaid and shall continue to be~~) without necessary food and
24 water for more than twenty-four consecutive hours, (~~it shall be lawful~~
25 ~~for~~) any person may, from time to time, as (~~it shall be deemed~~) is
26 necessary (~~to~~), enter into and open any pound or place of confinement
27 in which any domestic animal (~~shall be~~) is confined, and supply it
28 with necessary food and water so long as it (~~shall be~~) is confined.
29 (~~Such~~) The person shall not be liable to action for (~~such~~) the
30 entry, and may collect from the animal's owner the reasonable cost of
31 (~~such~~) the food and water (~~may be collected by him of the owner of~~
32 ~~such animal, and the said~~). The animal shall be subject to attachment
33 (~~therefor~~) for the costs and shall not be exempt from levy and sale
34 upon execution issued upon a judgment (~~therefor~~). If an
35 investigating officer finds it extremely difficult to supply (~~such~~)
36 confined animals with food and water, the officer may remove the
37 animals to protective custody for that purpose.~~

1 **Sec. 10.** RCW 16.52.117 and 1982 c 114 s 9 are each amended to read
2 as follows:

3 (1) Any person who does any of the following is guilty of a gross
4 misdemeanor punishable by imprisonment not to exceed one year, or by a
5 fine not to exceed five thousand dollars, or by both fine and
6 imprisonment:

7 (a) Owns, possesses, keeps, or trains any ~~((dog))~~ animal with the
8 intent that the ~~((dog))~~ animal shall be engaged in an exhibition of
9 fighting with another ~~((dog))~~ animal;

10 (b) For amusement or gain causes any ~~((dog))~~ animal to fight with
11 another ~~((dog))~~ animal, or causes any ~~((dogs))~~ animals to injure each
12 other; or

13 (c) Permits any act in violation of (a) or (b) of this subsection
14 to be done on any premises under his or her charge or control, or
15 promotes or aids or abets any such act.

16 (2) Any person who is knowingly present, as a spectator, at any
17 place or building where preparations are being made for an exhibition
18 of the fighting of ~~((dogs))~~ animals, with the intent to be present at
19 such preparations, or is knowingly present at such exhibition or at any
20 other fighting or injuring as described in subsection (1)(b) of this
21 section, with the intent to be present at such exhibition, fighting, or
22 injuring, is guilty of a misdemeanor.

23 (3) Nothing in this section may prohibit the following:

24 (a) The use of dogs in the management of livestock, as defined by
25 chapter 16.57 RCW, by the owner of the livestock or the owner's
26 employees or agents or other persons in lawful custody of the
27 livestock;

28 (b) The use of dogs in hunting as permitted by law; or

29 (c) The training of ~~((dogs))~~ animals or the use of equipment in the
30 training of ~~((dogs))~~ animals for any purpose not prohibited by law.

31 **Sec. 11.** RCW 16.52.180 and 1901 c 146 s 18 are each amended to
32 read as follows:

33 No part of ~~((RCW 16.52.010 through 16.52.050, 16.52.070 through~~
34 ~~16.52.090 and 16.52.100 through 16.52.180))~~ this chapter shall be
35 deemed to interfere with any of the laws of this state known as the
36 "game laws," nor ~~((shall RCW 16.52.010 through 16.52.050, 16.52.070~~
37 ~~through 16.52.090 and 16.52.100 through 16.52.180))~~ be deemed to
38 interfere with the right to destroy any venomous reptile or any known

1 as dangerous to life, limb or property, or to interfere with the right
2 to kill animals to be used for food or with any properly conducted
3 scientific experiments or investigations, which experiments or
4 investigations shall be performed only under the authority of the
5 faculty of some regularly incorporated college or university of the
6 state of Washington or a research facility registered with the United
7 States department of agriculture and regulated by 7 U.S.C. Sec. 2131 et
8 seq.

9 **Sec. 12.** RCW 16.52.190 and 1941 c 105 s 1 are each amended to read
10 as follows:

11 ~~((It shall be unlawful for any person to wilfully or maliciously~~
12 ~~poison any domestic animal or domestic bird:— PROVIDED, That the~~
13 ~~provisions))~~ (1) Except as provided in subsections (2) and (3) of this
14 section, a person is guilty of the crime of poisoning animals if the
15 person intentionally or knowingly poisons an animal under circumstances
16 which do not constitute animal cruelty in the first degree.

17 (2) Subsection (1) of this section shall not apply to ((the
18 killing)) euthanizing by poison ((such)) an animal ((or bird)) in a
19 lawful and humane manner by the animal's owner ((thereof)), or by a
20 duly authorized servant or agent of ((such)) the owner, or by a person
21 acting pursuant to instructions from a duly constituted public
22 authority.

23 (3) Subsection (1) of this section shall not apply to the
24 reasonable use of rodent or pest poison, insecticides, fungicides, or
25 slug bait for their intended purposes. As used in this section, the
26 term "rodent" includes but is not limited to Columbia ground squirrels,
27 other ground squirrels, rats, mice, gophers, rabbits, and any other
28 rodent designated as injurious to the agricultural interests of the
29 state as provided in chapter 17.16 RCW. The term "pest" as used in
30 this section includes any pest as defined in RCW 17.21.020.

31 **Sec. 13.** RCW 16.52.200 and 1987 c 335 s 2 are each amended to read
32 as follows:

33 (1) The sentence imposed for a misdemeanor or gross misdemeanor
34 violation of this chapter may be deferred or suspended in accordance
35 with RCW 3.66.067 and 3.66.068, however the probationary period shall
36 be two years.

1 (2) In case of multiple misdemeanor or gross misdemeanor
2 convictions, the sentences shall be consecutive, however the
3 probationary period shall remain two years.

4 (3) In addition to the penalties imposed by the court, the court
5 shall order the forfeiture of all animals held by law enforcement or
6 animal care and control authorities under the provisions of this
7 chapter if any one of the animals involved dies as a result of a
8 violation of this chapter or if the defendant has a prior conviction
9 under this chapter. In other cases the court may enter an order
10 requiring the owner to forfeit the animal if the court deems the
11 ~~((crue+))~~ animal's treatment to have been severe and likely to reoccur.
12 If forfeiture is ordered, the owner shall be prohibited from owning or
13 caring for any similar animals for a period of two years. The court
14 may delay its decision on forfeiture under this subsection until the
15 end of the probationary period.

16 (4) In addition to fines and court costs, the ~~((owner))~~ defendant,
17 only if convicted or in agreement, shall be liable for reasonable costs
18 incurred pursuant to this chapter by ~~((the))~~ law enforcement agencies,
19 animal care and control agencies, or authorized private or public
20 entities involved with the care of the animals. Reasonable costs
21 include expenses of the investigation, and the animal's care,
22 euthanization, or adoption.

23 (5) If convicted, the ~~((owner))~~ defendant shall also pay a civil
24 penalty of one ~~((hundred))~~ thousand dollars to the county to prevent
25 cruelty to animals. These funds shall be used to prosecute offenses
26 under this chapter and to care for forfeited animals pending trial.

27 (6) As a condition of the sentence imposed under this chapter or
28 RCW 9.08.070, the court may also order the defendant to participate in
29 an available animal cruelty prevention or education program or obtain
30 available psychological counseling to treat mental health problems
31 contributing to the violation's commission. The defendant shall bear
32 the costs of the program or treatment.

33 **Sec. 14.** RCW 16.52.300 and 1990 c 226 s 1 are each amended to read
34 as follows:

35 (1) If any person ~~((who uses))~~ commits the crime of animal cruelty
36 in the first or second degree by using or trapping to use domestic dogs
37 or cats as bait, prey, or targets for the purpose of training dogs or
38 other animals to track, fight, or hunt, ~~((in such a fashion as to~~

1 torture, torment, deprive of necessary sustenance, cruelly beat, or
2 mutilate such animals, shall be guilty of a misdemeanor.

3 (2) Any person who violates the provisions of subsection (1) of
4 this section, and whose actions result in the death of the animal,
5 shall be guilty of a gross misdemeanor.

6 (3) Any person who captures by trap a domestic dog or cat to be
7 used as bait, prey, or targets for the purpose of training dogs or
8 other animals to track, fight, or hunt, in such a fashion as to
9 torture, torment, deprive of necessary sustenance, cruelly beat, or
10 mutilate such animals, shall be guilty of a misdemeanor.

11 (4) Any person who violates the provisions of subsection (3) of
12 this section, and whose actions result in the death of the animal,
13 shall be guilty of a gross misdemeanor.

14 (5) If a person violates this section,)) law enforcement
15 ((authorities)) officers or animal control officers shall seize and
16 hold the animals being trained. ((Such)) The seized animals shall be
17 disposed of by the court pursuant to the provisions of RCW
18 16.52.200(3).

19 ((+6)) (2) This section shall not in any way interfere with or
20 impair the operation of any provision of Title 28B RCW, relating to
21 higher education or biomedical research.

22 **Sec. 15.** RCW 9.94A.030 and 1994 c 1 s 3 (Initiative Measure No.
23 593), 1993 c 338 s 2, 1993 c 251 s 4, and 1993 c 164 s 1 are each
24 reenacted and amended to read as follows:

25 Unless the context clearly requires otherwise, the definitions in
26 this section apply throughout this chapter.

27 (1) "Collect," or any derivative thereof, "collect and remit," or
28 "collect and deliver," when used with reference to the department of
29 corrections, means that the department is responsible for monitoring
30 and enforcing the offender's sentence with regard to the legal
31 financial obligation, receiving payment thereof from the offender, and,
32 consistent with current law, delivering daily the entire payment to the
33 superior court clerk without depositing it in a departmental account.

34 (2) "Commission" means the sentencing guidelines commission.

35 (3) "Community corrections officer" means an employee of the
36 department who is responsible for carrying out specific duties in
37 supervision of sentenced offenders and monitoring of sentence
38 conditions.

1 (4) "Community custody" means that portion of an inmate's sentence
2 of confinement in lieu of earned early release time served in the
3 community subject to controls placed on the inmate's movement and
4 activities by the department of corrections.

5 (5) "Community placement" means that period during which the
6 offender is subject to the conditions of community custody and/or
7 postrelease supervision, which begins either upon completion of the
8 term of confinement (postrelease supervision) or at such time as the
9 offender is transferred to community custody in lieu of earned early
10 release. Community placement may consist of entirely community
11 custody, entirely postrelease supervision, or a combination of the two.

12 (6) "Community service" means compulsory service, without
13 compensation, performed for the benefit of the community by the
14 offender.

15 (7) "Community supervision" means a period of time during which a
16 convicted offender is subject to crime-related prohibitions and other
17 sentence conditions imposed by a court pursuant to this chapter or RCW
18 16.52.200(6) or 46.61.524. For first-time offenders, the supervision
19 may include crime-related prohibitions and other conditions imposed
20 pursuant to RCW 9.94A.120(5). For purposes of the interstate compact
21 for out-of-state supervision of parolees and probationers, RCW
22 9.95.270, community supervision is the functional equivalent of
23 probation and should be considered the same as probation by other
24 states.

25 (8) "Confinement" means total or partial confinement as defined in
26 this section.

27 (9) "Conviction" means an adjudication of guilt pursuant to Titles
28 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
29 acceptance of a plea of guilty.

30 (10) "Court-ordered legal financial obligation" means a sum of
31 money that is ordered by a superior court of the state of Washington
32 for legal financial obligations which may include restitution to the
33 victim, statutorily imposed crime victims' compensation fees as
34 assessed pursuant to RCW 7.68.035, court costs, county or interlocal
35 drug funds, court-appointed attorneys' fees, and costs of defense,
36 fines, and any other financial obligation that is assessed to the
37 offender as a result of a felony conviction. Upon conviction for
38 vehicular assault while under the influence of intoxicating liquor or
39 any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the

1 influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a),
2 legal financial obligations may also include payment to a public agency
3 of the expense of an emergency response to the incident resulting in
4 the conviction, subject to the provisions in RCW 38.52.430.

5 (11) "Crime-related prohibition" means an order of a court
6 prohibiting conduct that directly relates to the circumstances of the
7 crime for which the offender has been convicted, and shall not be
8 construed to mean orders directing an offender affirmatively to
9 participate in rehabilitative programs or to otherwise perform
10 affirmative conduct.

11 (12)(a) "Criminal history" means the list of a defendant's prior
12 convictions, whether in this state, in federal court, or elsewhere.
13 The history shall include, where known, for each conviction (i) whether
14 the defendant has been placed on probation and the length and terms
15 thereof; and (ii) whether the defendant has been incarcerated and the
16 length of incarceration.

17 (b) "Criminal history" shall always include juvenile convictions
18 for sex offenses and shall also include a defendant's other prior
19 convictions in juvenile court if: (i) The conviction was for an
20 offense which is a felony or a serious traffic offense and is criminal
21 history as defined in RCW 13.40.020(~~((6)(a))~~) (9); (ii) the defendant
22 was fifteen years of age or older at the time the offense was
23 committed; and (iii) with respect to prior juvenile class B and C
24 felonies or serious traffic offenses, the defendant was less than
25 twenty-three years of age at the time the offense for which he or she
26 is being sentenced was committed.

27 (13) "Department" means the department of corrections.

28 (14) "Determinate sentence" means a sentence that states with
29 exactitude the number of actual years, months, or days of total
30 confinement, of partial confinement, of community supervision, the
31 number of actual hours or days of community service work, or dollars or
32 terms of a legal financial obligation. The fact that an offender
33 through "earned early release" can reduce the actual period of
34 confinement shall not affect the classification of the sentence as a
35 determinate sentence.

36 (15) "Disposable earnings" means that part of the earnings of an
37 individual remaining after the deduction from those earnings of any
38 amount required by law to be withheld. For the purposes of this
39 definition, "earnings" means compensation paid or payable for personal

1 services, whether denominated as wages, salary, commission, bonuses, or
2 otherwise, and, notwithstanding any other provision of law making the
3 payments exempt from garnishment, attachment, or other process to
4 satisfy a court-ordered legal financial obligation, specifically
5 includes periodic payments pursuant to pension or retirement programs,
6 or insurance policies of any type, but does not include payments made
7 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
8 or Title 74 RCW.

9 (16) "Drug offense" means:

10 (a) Any felony violation of chapter 69.50 RCW except possession of
11 a controlled substance (RCW 69.50.401(d)) or forged prescription for a
12 controlled substance (RCW 69.50.403);

13 (b) Any offense defined as a felony under federal law that relates
14 to the possession, manufacture, distribution, or transportation of a
15 controlled substance; or

16 (c) Any out-of-state conviction for an offense that under the laws
17 of this state would be a felony classified as a drug offense under (a)
18 of this subsection.

19 (17) "Escape" means:

20 (a) Escape in the first degree (RCW 9A.76.110), escape in the
21 second degree (RCW 9A.76.120), willful failure to return from furlough
22 (RCW 72.66.060), willful failure to return from work release (RCW
23 72.65.070), or willful failure to be available for supervision by the
24 department while in community custody (RCW 72.09.310); or

25 (b) Any federal or out-of-state conviction for an offense that
26 under the laws of this state would be a felony classified as an escape
27 under (a) of this subsection.

28 (18) "Felony traffic offense" means:

29 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
30 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-
31 and-run injury-accident (RCW 46.52.020(4)); or

32 (b) Any federal or out-of-state conviction for an offense that
33 under the laws of this state would be a felony classified as a felony
34 traffic offense under (a) of this subsection.

35 (19) "Fines" means the requirement that the offender pay a specific
36 sum of money over a specific period of time to the court.

37 (20)(a) "First-time offender" means any person who is convicted of
38 a felony (i) not classified as a violent offense or a sex offense under
39 this chapter, or (ii) that is not the manufacture, delivery, or

1 possession with intent to manufacture or deliver a controlled substance
2 classified in schedule I or II that is a narcotic drug or the selling
3 for profit of any controlled substance or counterfeit substance
4 classified in schedule I, RCW 69.50.204, except leaves and flowering
5 tops of marihuana, and except as provided in (b) of this subsection,
6 who previously has never been convicted of a felony in this state,
7 federal court, or another state, and who has never participated in a
8 program of deferred prosecution for a felony offense.

9 (b) For purposes of (a) of this subsection, a juvenile adjudication
10 for an offense committed before the age of fifteen years is not a
11 previous felony conviction except for adjudications of sex offenses.

12 (21) "Most serious offense" means any of the following felonies or
13 a felony attempt to commit any of the following felonies, as now
14 existing or hereafter amended:

15 (a) Any felony defined under any law as a class A felony or
16 criminal solicitation of or criminal conspiracy to commit a class A
17 felony;

18 (b) Assault in the second degree;

19 (c) Assault of a child in the second degree;

20 (d) Child molestation in the second degree;

21 (e) Controlled substance homicide;

22 (f) Extortion in the first degree;

23 (g) Incest when committed against a child under age fourteen;

24 (h) Indecent liberties;

25 (i) Kidnapping in the second degree;

26 (j) Leading organized crime;

27 (k) Manslaughter in the first degree;

28 (l) Manslaughter in the second degree;

29 (m) Promoting prostitution in the first degree;

30 (n) Rape in the third degree;

31 (o) Robbery in the second degree;

32 (p) Sexual exploitation;

33 (q) Vehicular assault;

34 (r) Vehicular homicide, when proximately caused by the driving of
35 any vehicle by any person while under the influence of intoxicating
36 liquor or any drug as defined by RCW 46.61.502, or by the operation of
37 any vehicle in a reckless manner;

38 (s) Any other class B felony offense with a finding of sexual
39 motivation, as "sexual motivation" is defined under this section;

1 (t) Any other felony with a deadly weapon verdict under RCW
2 9.94A.125;

3 (u) Any felony offense in effect at any time prior to December 2,
4 1993, that is comparable to a most serious offense under this
5 subsection, or any federal or out-of-state conviction for an offense
6 that under the laws of this state would be a felony classified as a
7 most serious offense under this subsection.

8 (22) "Nonviolent offense" means an offense which is not a violent
9 offense.

10 (23) "Offender" means a person who has committed a felony
11 established by state law and is eighteen years of age or older or is
12 less than eighteen years of age but whose case has been transferred by
13 the appropriate juvenile court to a criminal court pursuant to RCW
14 13.40.110. Throughout this chapter, the terms "offender" and
15 "defendant" are used interchangeably.

16 (24) "Partial confinement" means confinement for no more than one
17 year in a facility or institution operated or utilized under contract
18 by the state or any other unit of government, or, if home detention or
19 work crew has been ordered by the court, in an approved residence, for
20 a substantial portion of each day with the balance of the day spent in
21 the community. Partial confinement includes work release, home
22 detention, work crew, and a combination of work crew and home detention
23 as defined in this section.

24 (25) "Persistent offender" is an offender who:

25 (a) Has been convicted in this state of any felony considered a
26 most serious offense; and

27 (b) Has, before the commission of the offense under (a) of this
28 subsection, been convicted as an offender on at least two separate
29 occasions, whether in this state or elsewhere, of felonies that under
30 the laws of this state would be considered most serious offenses and
31 would be included in the offender score under RCW 9.94A.360; provided
32 that of the two or more previous convictions, at least one conviction
33 must have occurred before the commission of any of the other most
34 serious offenses for which the offender was previously convicted.

35 (26) "Postrelease supervision" is that portion of an offender's
36 community placement that is not community custody.

37 (27) "Restitution" means the requirement that the offender pay a
38 specific sum of money over a specific period of time to the court as

1 payment of damages. The sum may include both public and private costs.
2 The imposition of a restitution order does not preclude civil redress.

3 (28) "Serious traffic offense" means:

4 (a) Driving while under the influence of intoxicating liquor or any
5 drug (RCW 46.61.502), actual physical control while under the influence
6 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving
7 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));
8 or

9 (b) Any federal, out-of-state, county, or municipal conviction for
10 an offense that under the laws of this state would be classified as a
11 serious traffic offense under (a) of this subsection.

12 (29) "Serious violent offense" is a subcategory of violent offense
13 and means:

14 (a) Murder in the first degree, homicide by abuse, murder in the
15 second degree, assault in the first degree, kidnapping in the first
16 degree, or rape in the first degree, assault of a child in the first
17 degree, or an attempt, criminal solicitation, or criminal conspiracy to
18 commit one of these felonies; or

19 (b) Any federal or out-of-state conviction for an offense that
20 under the laws of this state would be a felony classified as a serious
21 violent offense under (a) of this subsection.

22 (30) "Sentence range" means the sentencing court's discretionary
23 range in imposing a nonappealable sentence.

24 (31) "Sex offense" means:

25 (a) A felony that is a violation of chapter 9A.44 RCW or RCW
26 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal
27 attempt, criminal solicitation, or criminal conspiracy to commit such
28 crimes;

29 (b) A felony with a finding of sexual motivation under RCW
30 9.94A.127; or

31 (c) Any federal or out-of-state conviction for an offense that
32 under the laws of this state would be a felony classified as a sex
33 offense under (a) of this subsection.

34 (32) "Sexual motivation" means that one of the purposes for which
35 the defendant committed the crime was for the purpose of his or her
36 sexual gratification.

37 (33) "Total confinement" means confinement inside the physical
38 boundaries of a facility or institution operated or utilized under

1 contract by the state or any other unit of government for twenty-four
2 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

3 (34) "Transition training" means written and verbal instructions
4 and assistance provided by the department to the offender during the
5 two weeks prior to the offender's successful completion of the work
6 ethic camp program. The transition training shall include instructions
7 in the offender's requirements and obligations during the offender's
8 period of community custody.

9 (35) "Victim" means any person who has sustained emotional,
10 psychological, physical, or financial injury to person or property as
11 a direct result of the crime charged.

12 (36) "Violent offense" means:

13 (a) Any of the following felonies, as now existing or hereafter
14 amended: Any felony defined under any law as a class A felony or an
15 attempt to commit a class A felony, criminal solicitation of or
16 criminal conspiracy to commit a class A felony, manslaughter in the
17 first degree, manslaughter in the second degree, indecent liberties if
18 committed by forcible compulsion, kidnapping in the second degree,
19 arson in the second degree, assault in the second degree, assault of a
20 child in the second degree, extortion in the first degree, robbery in
21 the second degree, vehicular assault, and vehicular homicide, when
22 proximately caused by the driving of any vehicle by any person while
23 under the influence of intoxicating liquor or any drug as defined by
24 RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

25 (b) Any conviction for a felony offense in effect at any time prior
26 to July 1, 1976, that is comparable to a felony classified as a violent
27 offense in (a) of this subsection; and

28 (c) Any federal or out-of-state conviction for an offense that
29 under the laws of this state would be a felony classified as a violent
30 offense under (a) or (b) of this subsection.

31 (37) "Work crew" means a program of partial confinement consisting
32 of civic improvement tasks for the benefit of the community of not less
33 than thirty-five hours per week that complies with RCW 9.94A.135. The
34 civic improvement tasks shall have minimal negative impact on existing
35 private industries or the labor force in the county where the service
36 or labor is performed. The civic improvement tasks shall not affect
37 employment opportunities for people with developmental disabilities
38 contracted through sheltered workshops as defined in RCW 82.04.385.
39 Only those offenders sentenced to a facility operated or utilized under

1 contract by a county or the state are eligible to participate on a work
2 crew. Offenders sentenced for a sex offense as defined in subsection
3 (31) of this section are not eligible for the work crew program.

4 (38) "Work ethic camp" means an alternative incarceration program
5 designed to reduce recidivism and lower the cost of corrections by
6 requiring offenders to complete a comprehensive array of real-world job
7 and vocational experiences, character-building work ethics training,
8 life management skills development, substance abuse rehabilitation,
9 counseling, literacy training, and basic adult education.

10 (39) "Work release" means a program of partial confinement
11 available to offenders who are employed or engaged as a student in a
12 regular course of study at school. Participation in work release shall
13 be conditioned upon the offender attending work or school at regularly
14 defined hours and abiding by the rules of the work release facility.

15 (40) "Home detention" means a program of partial confinement
16 available to offenders wherein the offender is confined in a private
17 residence subject to electronic surveillance. Home detention may not
18 be imposed for offenders convicted of a violent offense, any sex
19 offense, any drug offense, reckless burning in the first or second
20 degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third
21 degree as defined in RCW 9A.36.031, assault of a child in the third
22 degree, unlawful imprisonment as defined in RCW 9A.40.040, or
23 harassment as defined in RCW 9A.46.020. Home detention may be imposed
24 for offenders convicted of possession of a controlled substance (RCW
25 69.50.401(d)) or forged prescription for a controlled substance (RCW
26 69.50.403) if the offender fulfills the participation conditions set
27 forth in this subsection and is monitored for drug use by treatment
28 alternatives to street crime (TASC) or a comparable court or agency-
29 referred program.

30 (a) Home detention may be imposed for offenders convicted of
31 burglary in the second degree as defined in RCW 9A.52.030 or
32 residential burglary conditioned upon the offender: (i) Successfully
33 completing twenty-one days in a work release program, (ii) having no
34 convictions for burglary in the second degree or residential burglary
35 during the preceding two years and not more than two prior convictions
36 for burglary or residential burglary, (iii) having no convictions for
37 a violent felony offense during the preceding two years and not more
38 than two prior convictions for a violent felony offense, (iv) having no

1 prior charges of escape, and (v) fulfilling the other conditions of the
2 home detention program.

3 (b) Participation in a home detention program shall be conditioned
4 upon: (i) The offender obtaining or maintaining current employment or
5 attending a regular course of school study at regularly defined hours,
6 or the offender performing parental duties to offspring or minors
7 normally in the custody of the offender, (ii) abiding by the rules of
8 the home detention program, and (iii) compliance with court-ordered
9 legal financial obligations. The home detention program may also be
10 made available to offenders whose charges and convictions do not
11 otherwise disqualify them if medical or health-related conditions,
12 concerns or treatment would be better addressed under the home
13 detention program, or where the health and welfare of the offender,
14 other inmates, or staff would be jeopardized by the offender's
15 incarceration. Participation in the home detention program for medical
16 or health-related reasons is conditioned on the offender abiding by the
17 rules of the home detention program and complying with court-ordered
18 restitution.

19 **Sec. 16.** RCW 9A.48.080 and 1979 c 145 s 2 are each amended to read
20 as follows:

21 (1) A person is guilty of malicious mischief in the second degree
22 if he or she knowingly and maliciously:

23 (a) Causes physical damage to the property of another in an amount
24 exceeding two hundred fifty dollars; or

25 (b) Creates a substantial risk of interruption or impairment of
26 service rendered to the public, by physically damaging or tampering
27 with an emergency vehicle or property of the state, a political
28 subdivision thereof, or a public utility or mode of public
29 transportation, power, or communication(~~(i) or~~

30 ~~(c) Notwithstanding RCW 16.52.070, causes physical damage,~~
31 ~~destruction, or injury by amputation, mutilation, castration, or other~~
32 ~~malicious act to a horse, mule, cow, heifer, bull, steer, swine, goat,~~
33 ~~or sheep which is the property of another)).~~

34 (2) Malicious mischief in the second degree is a class C felony.

35 **Sec. 17.** RCW 13.40.020 and 1993 c 373 s 1 are each amended to read
36 as follows:

37 For the purposes of this chapter:

1 (1) "Serious offender" means a person fifteen years of age or older
2 who has committed an offense which if committed by an adult would be:
3 (a) A class A felony, or an attempt to commit a class A felony;
4 (b) Manslaughter in the first degree; or
5 (c) Assault in the second degree, extortion in the first degree,
6 child molestation in the second degree, kidnapping in the second
7 degree, robbery in the second degree, residential burglary, or burglary
8 in the second degree, where such offenses include the infliction of
9 bodily harm upon another or where during the commission of or immediate
10 withdrawal from such an offense the perpetrator is armed with a deadly
11 weapon or firearm as defined in RCW 9A.04.110;

12 (2) "Community service" means compulsory service, without
13 compensation, performed for the benefit of the community by the
14 offender as punishment for committing an offense. Community service
15 may be performed through public or private organizations or through
16 work crews;

17 (3) "Community supervision" means an order of disposition by the
18 court of an adjudicated youth not committed to the department. A
19 community supervision order for a single offense may be for a period of
20 up to two years for a sex offense as defined by RCW 9.94A.030 and up to
21 one year for other offenses. Community supervision is an
22 individualized program comprised of one or more of the following:

23 (a) Community-based sanctions;
24 (b) Community-based rehabilitation;
25 (c) Monitoring and reporting requirements;

26 (4) Community-based sanctions may include one or more of the
27 following:
28 (a) A fine, not to exceed one hundred dollars;
29 (b) Community service not to exceed one hundred fifty hours of
30 service;

31 (5) "Community-based rehabilitation" means one or more of the
32 following: Attendance of information classes; counseling, outpatient
33 substance abuse treatment programs, outpatient mental health programs,
34 anger management classes, education or outpatient treatment programs to
35 prevent animal cruelty, or other services; or attendance at school or
36 other educational programs appropriate for the juvenile as determined
37 by the school district. Placement in community-based rehabilitation
38 programs is subject to available funds;

1 (6) "Monitoring and reporting requirements" means one or more of
2 the following: Curfews; requirements to remain at home, school, work,
3 or court-ordered treatment programs during specified hours;
4 restrictions from leaving or entering specified geographical areas;
5 requirements to report to the probation officer as directed and to
6 remain under the probation officer's supervision; and other conditions
7 or limitations as the court may require which may not include
8 confinement;

9 (7) "Confinement" means physical custody by the department of
10 social and health services in a facility operated by or pursuant to a
11 contract with the state, or physical custody in a detention facility
12 operated by or pursuant to a contract with any county. The county may
13 operate or contract with vendors to operate county detention
14 facilities. The department may operate or contract to operate
15 detention facilities for juveniles committed to the department.
16 Pretrial confinement or confinement of less than thirty-one days
17 imposed as part of a disposition or modification order may be served
18 consecutively or intermittently, in the discretion of the court and may
19 be served in a detention group home, detention foster home, or with
20 electronic monitoring. Detention group homes and detention foster
21 homes used for confinement shall not also be used for the placement of
22 dependent children. Confinement in detention group homes and detention
23 foster homes and electronic monitoring are subject to available funds;

24 (8) "Court", when used without further qualification, means the
25 juvenile court judge(s) or commissioner(s);

26 (9) "Criminal history" includes all criminal complaints against the
27 respondent for which, prior to the commission of a current offense:

28 (a) The allegations were found correct by a court. If a respondent
29 is convicted of two or more charges arising out of the same course of
30 conduct, only the highest charge from among these shall count as an
31 offense for the purposes of this chapter; or

32 (b) The criminal complaint was diverted by a prosecutor pursuant to
33 the provisions of this chapter on agreement of the respondent and after
34 an advisement to the respondent that the criminal complaint would be
35 considered as part of the respondent's criminal history;

36 (10) "Department" means the department of social and health
37 services;

1 (11) "Detention facility" means a county facility for the physical
2 confinement of a juvenile alleged to have committed an offense or an
3 adjudicated offender subject to a disposition or modification order;

4 (12) "Diversion unit" means any probation counselor who enters into
5 a diversion agreement with an alleged youthful offender, or any other
6 person or entity except a law enforcement official or entity, with whom
7 the juvenile court administrator has contracted to arrange and
8 supervise such agreements pursuant to RCW 13.40.080, or any person or
9 entity specially funded by the legislature to arrange and supervise
10 diversion agreements in accordance with the requirements of this
11 chapter;

12 (13) "Institution" means a juvenile facility established pursuant
13 to chapters 72.05 and 72.16 through 72.20 RCW;

14 (14) "Juvenile," "youth," and "child" mean any individual who is
15 under the chronological age of eighteen years and who has not been
16 previously transferred to adult court;

17 (15) "Juvenile offender" means any juvenile who has been found by
18 the juvenile court to have committed an offense, including a person
19 eighteen years of age or older over whom jurisdiction has been extended
20 under RCW 13.40.300;

21 (16) "Manifest injustice" means a disposition that would either
22 impose an excessive penalty on the juvenile or would impose a serious,
23 and clear danger to society in light of the purposes of this chapter;

24 (17) "Middle offender" means a person who has committed an offense
25 and who is neither a minor or first offender nor a serious offender;

26 (18) "Minor or first offender" means a person sixteen years of age
27 or younger whose current offense(s) and criminal history fall entirely
28 within one of the following categories:

29 (a) Four misdemeanors;

30 (b) Two misdemeanors and one gross misdemeanor;

31 (c) One misdemeanor and two gross misdemeanors;

32 (d) Three gross misdemeanors;

33 (e) One class C felony except manslaughter in the second degree and
34 one misdemeanor or gross misdemeanor;

35 (f) One class B felony except: Any felony which constitutes an
36 attempt to commit a class A felony; manslaughter in the first degree;
37 assault in the second degree; extortion in the first degree; indecent
38 liberties; kidnapping in the second degree; robbery in the second

1 degree; burglary in the second degree; residential burglary; vehicular
2 homicide; or arson in the second degree.

3 For purposes of this definition, current violations shall be
4 counted as misdemeanors;

5 (19) "Offense" means an act designated a violation or a crime if
6 committed by an adult under the law of this state, under any ordinance
7 of any city or county of this state, under any federal law, or under
8 the law of another state if the act occurred in that state;

9 (20) "Respondent" means a juvenile who is alleged or proven to have
10 committed an offense;

11 (21) "Restitution" means financial reimbursement by the offender to
12 the victim, and shall be limited to easily ascertainable damages for
13 injury to or loss of property, actual expenses incurred for medical
14 treatment for physical injury to persons, lost wages resulting from
15 physical injury, and costs of the victim's counseling reasonably
16 related to the offense if the offense is a sex offense. Restitution
17 shall not include reimbursement for damages for mental anguish, pain
18 and suffering, or other intangible losses. Nothing in this chapter
19 shall limit or replace civil remedies or defenses available to the
20 victim or offender;

21 (22) "Secretary" means the secretary of the department of social
22 and health services;

23 (23) "Services" mean services which provide alternatives to
24 incarceration for those juveniles who have pleaded or been adjudicated
25 guilty of an offense or have signed a diversion agreement pursuant to
26 this chapter;

27 (24) "Sex offense" means an offense defined as a sex offense in RCW
28 9.94A.030;

29 (25) "Sexual motivation" means that one of the purposes for which
30 the respondent committed the offense was for the purpose of his or her
31 sexual gratification;

32 (26) "Foster care" means temporary physical care in a foster family
33 home or group care facility as defined in RCW 74.15.020 and licensed by
34 the department, or other legally authorized care;

35 (27) "Violation" means an act or omission, which if committed by an
36 adult, must be proven beyond a reasonable doubt, and is punishable by
37 sanctions which do not include incarceration.

1 **Sec. 18.** RCW 81.56.120 and 1961 c 14 s 81.56.120 are each amended
2 to read as follows:

3 Railroad companies in carrying or transporting animals shall not
4 permit them to be confined in cars for a longer period than forty-eight
5 consecutive hours without unloading them for rest, water and feeding
6 for a period of at least two consecutive hours, unless prevented from
7 so unloading them by unavoidable accident. In estimating such
8 confinement, the time during which the animals have been confined
9 without such rest on connecting roads from which they are received
10 shall be included. Animals so unloaded shall, during such rest, be
11 properly fed, watered by the owner or person having the custody of
12 them, or in case of his default in so doing, then by the railroad
13 company transporting them, at the expense of said owner or person in
14 custody thereof, and said company shall in such case have a lien upon
15 such animals for food, care and custody furnished, and shall not be
16 liable for such detention of such animals. If animals are transported
17 where they can and do have proper food, water, space and opportunity
18 for rest, the foregoing provision in regard to their being unloaded
19 shall not apply. Violators of this section shall be punished by fine
20 not exceeding one (~~hundred~~) thousand dollars per animal.

21 NEW SECTION. **Sec. 19.** The following acts or parts of acts are
22 each repealed:

- 23 (1) RCW 16.52.010 and 1901 c 146 s 17;
- 24 (2) RCW 16.52.030 and 1982 c 114 s 2 & 1901 c 146 s 2;
- 25 (3) RCW 16.52.040 and 1901 c 146 s 14;
- 26 (4) RCW 16.52.050 and 1901 c 146 s 10;
- 27 (5) RCW 16.52.055 and 1901 c 146 s 3;
- 28 (6) RCW 16.52.060 and 1987 c 202 s 182 & 1893 c 27 s 9;
- 29 (7) RCW 16.52.065 and 1982 c 114 s 3 & 1893 c 27 s 8;
- 30 (8) RCW 16.52.070 and 1982 c 114 s 4, 1979 c 145 s 4, & 1901 c 146
31 s 4;
- 32 (9) RCW 16.52.113 and 1982 c 114 s 8;
- 33 (10) RCW 16.52.120 and 1982 c 114 s 11 & 1901 c 146 s 7;
- 34 (11) RCW 16.52.130 and 1982 c 114 s 12 & 1901 c 146 s 8;
- 35 (12) RCW 16.52.140 and 1901 c 146 s 11; and
- 36 (13) RCW 16.52.160 and 1901 c 146 s 9.

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