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SENATE BILL 5790

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State of Washington

61st Legislature

2009 Regular Session

By Senators Carrell, Holmquist, Benton, Marr, Oemig, Stevens, Brandland, Honeyford, Hatfield, Roach, Kohl-Welles, Shin, Tom, and McDermott

Read first time 02/02/09. Referred to Committee on Judiciary.

1 AN ACT Relating to animal cruelty; and amending RCW 16.52.200.

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

3 **Sec. 1.** RCW 16.52.200 and 2003 c 53 s 113 are each amended to read  
4 as follows:

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

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

12 (3) In addition to the penalties imposed by the court, the court  
13 shall order the forfeiture of all animals held by law enforcement or  
14 animal care and control authorities under the provisions of this  
15 chapter if any one of the animals involved dies as a result of a  
16 violation of this chapter or if the defendant has a prior conviction  
17 under this chapter. In other cases the court may enter an order  
18 requiring the owner to forfeit the animal if the court deems the  
19 animal's treatment to have been severe and likely to reoccur. If

1 forfeiture is ordered, the owner shall be prohibited from owning or  
2 caring for any similar animals for a period of (~~two years~~) time as  
3 follows:

4 (a) For an owner who has been convicted of animal cruelty in the  
5 second degree under RCW 16.52.207, a period of two years;

6 (b) For an owner who has been convicted of animal cruelty in the  
7 first degree under RCW 16.52.205, a period of five years;

8 (c) For an owner who has previously been convicted of animal  
9 cruelty in the first degree under RCW 16.52.205 or animal cruelty in  
10 the second degree under RCW 16.52.207, the prohibition from owning or  
11 caring for any similar animals shall be permanent. The court may delay  
12 its decision on forfeiture under this subsection until the end of the  
13 probationary period.

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

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

25 (6) As a condition of the sentence imposed under this chapter or  
26 RCW 9.08.070 through 9.08.078, the court may also order the defendant  
27 to participate in an available animal cruelty prevention or education  
28 program or obtain available psychological counseling to treat mental  
29 health problems contributing to the violation's commission. The  
30 defendant shall bear the costs of the program or treatment.

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