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## Judiciary Committee

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### HB 1243

**Title:** An act relating to crimes against animals belonging to another person.

**Brief Description:** Concerning crimes against animals belonging to another person.

**Sponsors:** Representatives Kretz, Blake, Haigh, Smith, Johnson, Kelley, Finn, Warnick, Moeller, Harris, Roberts, McCune, Stanford, Haler, Taylor and Condotta.

Brief Summary of Bill
<ul style="list-style-type: none"><li>• Creates the crime of maliciously killing or causing substantial bodily harm to livestock belonging to another person or wildlife.</li><li>• Establishes a civil cause of action for damages for owners of livestock killed or harmed by another person.</li></ul>



**Hearing Date:** 2/7/11

**Staff:** Kelly Pfundheller (786-7289).

**Background:**

Livestock.

The term "livestock" includes horses, mules, cattle, sheep, swine, and goats. Related but separate provisions in the criminal code may apply when a person harms livestock. These include the crimes of animal cruelty, theft of livestock, and malicious mischief.

A person is guilty of animal cruelty in the first degree when, except as authorized in law, he or she intentionally (a) inflicts substantial pain on, (b) causes physical injury to, or (c) kills an animal by a means causing undue suffering. "Animal" in this context means every creature other than a human being. Animal cruelty in the first degree is a class C felony and is unranked, except for animal cruelty involving sexual conduct.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

A person is guilty of theft of livestock if the person intends to appropriate the horse or cattle for his or her own use or resale to another person. A person commits theft of livestock in the first degree when depriving and defrauding the lawful owner of an animal with the intent to sell or exchange the animal. Theft of livestock in the second degree occurs when the person willfully takes, leads, or transports away, conceals, withholds, slaughters, or otherwise appropriates an animal for his or her own use. Livestock theft in the first degree is a class B felony and is ranked at seriousness level IV under the Sentencing Reform Act.

A person is guilty of malicious mischief in the first degree if he knowingly and maliciously causes physical damage to the property of another in an amount exceeding \$1,500. Malicious mischief in the first degree is a class B felony and is ranked at seriousness level II.

### Wildlife.

The term "wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and certain types of mice, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish.

The Fish and Wildlife Enforcement Code (Code) contains a number of unlawful acts that relate to hunting, fishing, and other wildlife related activities. The penalties for violating these regulations range from civil natural resources infractions, to misdemeanors and felonies.

In addition to the violations outlined in the Code, the Fish and Wildlife Commission (Commission) has the authority to adopt rules that regulate the harvest of wildlife and fish. Rules adopted by the Commission can be enforced with criminal sanctions, and serve as a basis for some of the crimes expressly outlined in the Code. If a rule is not an element of a statutory crime, the Commission has the authority to provide for civil enforcement of the rule (RCW 77.15.020).

### Malice.

The term "malice" is defined in the criminal code as an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

### **Summary of Bill:**

A new crime is created. It is unlawful for a person to, with malice, kill or cause substantial bodily harm to livestock belonging to another person or wildlife. The crime is an unranked class C felony, carrying a standard sentence range of zero to 12 months in jail.

The owner of livestock that has been killed or harmed may bring a civil action for damages up to three times the actual damages sustained, plus attorney's fees.

**Appropriation:** None.

**Fiscal Note:** Requested on February 3, 2011.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.