

FINAL BILL REPORT

SHB 1243

C 67 L 11
Synopsis as Enacted

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

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Kretz, Blake, Haigh, Smith, Johnson, Kelley, Finn, Warnick, Moeller, Harris, Roberts, McCune, Stanford, Haler, Taylor and Condotta).

House Committee on Judiciary
Senate Committee on Judiciary

Background:

Related but separate provisions in the criminal code may apply when a person harms livestock. These include, but are not limited to, 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: (1) inflicts substantial pain on; (2) causes physical injury to; or (3) kills an animal by a means causing undue suffering. Animal Cruelty in the first degree is an unranked class C felony, except for animal cruelty involving sexual conduct, which is ranked at seriousness level III under the Sentencing Reform Act.

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 first degree is a class B felony and is ranked at seriousness level IV. 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. Theft of Livestock in the second degree is a class C felony and is ranked at seriousness level III.

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.

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.

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, an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

Summary:

The term "livestock" includes, but is not limited to, horses, mules, cattle, sheep, swine, goats, and bison.

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. 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 of up to three times the actual damages sustained, plus attorney's fees.

Votes on Final Passage:

House	97	0
Senate	49	0

Effective: July 22, 2011