

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1243

62nd Legislature
2011 Regular Session

Passed by the House February 26, 2011
Yeas 97 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 5, 2011
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1243** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1243

Passed Legislature - 2011 Regular Session

State of Washington

62nd Legislature

2011 Regular Session

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

READ FIRST TIME 02/15/11.

1 AN ACT Relating to crimes against animals belonging to another
2 person; amending RCW 4.24.320 and 16.52.011; adding a new section to
3 chapter 16.52 RCW; and prescribing penalties.

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

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

7 (1) It is unlawful for a person to, with malice, kill or cause
8 substantial bodily harm to livestock belonging to another person.

9 (2) A violation of this section constitutes a class C felony.

10 (3) For the purposes of this section, "malice" has the same meaning
11 as provided in RCW 9A.04.110, but applied to acts against livestock.

12 **Sec. 2.** RCW 4.24.320 and 2005 c 419 s 2 are each amended to read
13 as follows:

14 Any person (~~who suffers damage to~~) whose livestock is damaged as
15 a result of actions described in RCW 16.52.205 or any owner of
16 livestock who suffers damage as a result of a willful, unauthorized act
17 described in RCW 9A.56.080 (~~or~~), 9A.56.083, or section 1 of this act
18 may bring an action against the person or persons committing the act in

1 a court of competent jurisdiction for exemplary damages up to three
2 times the actual damages sustained, plus attorney's fees. As used in
3 this section, "livestock" means the animals specified in RCW 9A.56.080
4 and 16.52.011.

5 **Sec. 3.** RCW 16.52.011 and 2009 c 287 s 1 are each amended to read
6 as follows:

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

9 (2) The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

11 (a) "Abandons" means the knowing or reckless desertion of an animal
12 by its owner or the causing of the animal to be deserted by its owner,
13 in any place, without making provisions for the animal's adequate care.

14 (b) "Animal" means any nonhuman mammal, bird, reptile, or
15 amphibian.

16 (c) "Animal care and control agency" means any city or county
17 animal control agency or authority authorized to enforce city or county
18 municipal ordinances regulating the care, control, licensing, or
19 treatment of animals within the city or county, and any corporation
20 organized under RCW 16.52.020 that contracts with a city or county to
21 enforce the city or county ordinances governing animal care and
22 control.

23 (d) "Animal control officer" means any individual employed,
24 contracted, or appointed pursuant to RCW 16.52.025 by an animal care
25 and control agency or humane society to aid in the enforcement of
26 ordinances or laws regulating the care and control of animals. For
27 purposes of this chapter, the term "animal control officer" shall be
28 interpreted to include "humane officer" as defined in (f) of this
29 subsection and RCW 16.52.025.

30 (e) "Euthanasia" means the humane destruction of an animal
31 accomplished by a method that involves instantaneous unconsciousness
32 and immediate death, or by a method that causes painless loss of
33 consciousness, and death during the loss of consciousness.

34 (f) "Humane officer" means any individual employed, contracted, or
35 appointed by an animal care and control agency or humane society as
36 authorized under RCW 16.52.025.

1 (g) "Law enforcement agency" means a general authority Washington
2 law enforcement agency as defined in RCW 10.93.020.

3 (h) "Necessary food" means the provision at suitable intervals of
4 wholesome foodstuff suitable for the animal's age and species and
5 sufficient to provide a reasonable level of nutrition for the animal.

6 (i) "Owner" means a person who has a right, claim, title, legal
7 share, or right of possession to an animal or a person having lawful
8 control, custody, or possession of an animal.

9 (j) "Person" means individuals, corporations, partnerships,
10 associations, or other legal entities, and agents of those entities.

11 (k) "Similar animal" means an animal classified in the same genus.

12 (l) "Substantial bodily harm" means substantial bodily harm as
13 defined in RCW 9A.04.110.

14 (m) "Livestock" includes, but is not limited to, horses, mules,
15 cattle, sheep, swine, goats, and bison.

--- END ---