
SUBSTITUTE SENATE BILL 5153

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Natural Resources (originally sponsored by Senators Hargrove, Owen, Snyder and Hochstatter)

Read first time 02/21/95.

1 AN ACT Relating to life-threatening animals; adding a new section
2 to chapter 77.16 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds a growing interaction
5 between human beings and wild animals. The legislature also finds it
6 important for individuals to know their right to defend themselves
7 against attack from a wild animal. It is not the intent of this
8 legislation to change the common law defense of necessity.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.16 RCW
10 to read as follows:

11 A person charged with unlawfully killing a wild animal under this
12 chapter may assert the defense of necessity.

13 (1) To establish the defense of necessity, the person must show
14 that:

15 (a) At the time of the killing, the physical forces of nature or
16 the pressure of the circumstances were such that the individual
17 reasonably believed that killing the wild animal was necessary to avoid
18 real and immediate harm to human life;

1 (b) The compelling circumstances were not brought about by the
2 accused's or any other person's intentional, knowing, reckless, or
3 negligent actions; and

4 (c) A legal alternative did not exist and the person had no other
5 means to avoid real and immediate harm to human life.

6 (2) The defense of necessity must be established by a preponderance
7 of the evidence.

8 (3) A wild animal killed under this section remains the property of
9 the state.

10 (4) When an individual believes he or she has killed a wild animal
11 out of necessity as defined in this section, that person must
12 immediately notify the department of the killing.

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