

HOUSE BILL REPORT

HB 1398

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to theft of livestock.

Brief Description: Including goats in theft of livestock in the first degree.

Sponsors: Representatives Haler, O'Brien, Newhouse, Walsh, Grant, Curtis, McCune, Hankins and Kretz.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/4/05, 2/10/05 [DPS].

Brief Summary of Substitute Bill

- Extends the crimes of livestock theft in the first and second degrees and the civil action for livestock theft to include goats.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Kirby and Strow.

Staff: Christopher Abbott (786-7119), Yvonne Walker (786-7841).

Background:

A person commits theft of livestock by: (1) willfully taking, leading, transporting, concealing, withholding, slaughtering, or otherwise appropriating from the legal owner several types of livestock, and (2) acting with the intent to deprive or defraud the owner of the animal.

There are two degrees of livestock theft:

1. First Degree. A person commits first degree livestock theft if he or she intends to sell or exchange the animal. This is a class B felony, which means a maximum sentence of 10 years imprisonment and a \$20,000 fine.

2. Second Degree. A person commits second degree livestock theft if he or she intends only to steal the animal for their own use. This is a class C felony, which means a maximum sentence of five years imprisonment and a \$10,000 fine.

In both cases, courts must impose a \$2,000 minimum fine (which may not be suspended, deferred, or modified) for each animal killed or possessed in addition to any other penalty.

A livestock owner who is harmed by livestock theft can also bring a private action against the thief for damages. If successful, they may recover up to three times the actual damages sustained and attorney's fees.

Goats are not included in the livestock theft statutes. Theft of a goat is punishable as ordinary theft in the first, second, or third degree (depending on its market value), but the minimum fine does not apply and no private right of action exists for goat owners.

Summary of Substitute Bill:

A person who steals a goat from its lawful owner is guilty of first degree theft of livestock if he or she intends to sell or exchange the animal. If the person only intends to steal the animal for personal use, he or she is guilty of second degree theft of livestock. A goat owner who is a victim of livestock theft can also bring a private action against the thief.

Substitute Bill Compared to Original Bill:

The substitute bill eliminates a reference to a repealed provision of the malicious mischief statute.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The types of goats stolen include some worth between \$2,000 and \$5,000. Theft of goats is a serious problem when it occurs.

Testimony Against: None.

Persons Testifying: Representative Haler, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.