
SUBSTITUTE SENATE BILL 5501

State of Washington

64th Legislature

2015 Regular Session

By Senate Law & Justice (originally sponsored by Senators Fain, Frockt, Kohl-Welles, and Chase)

READ FIRST TIME 02/13/15.

1 AN ACT Relating to the prevention of animal cruelty; amending RCW
2 16.52.117, 16.52.320, 9.08.070, 16.52.205, and 16.52.180; reenacting
3 and amending RCW 16.52.011; adding a new section to chapter 16.52
4 RCW; and prescribing penalties.

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

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

8 (1) It is a class 2 civil infraction under RCW 7.80.120 to leave
9 or confine any animal unattended in a motor vehicle or enclosed space
10 if the animal could be harmed or killed by exposure to excessive
11 heat, cold, lack of ventilation, or lack of necessary water.

12 (2) To protect the health and safety of an animal, an animal
13 control officer or law enforcement officer who reasonably believes
14 that an animal is suffering or is likely to suffer harm from exposure
15 to excessive heat, cold, lack of ventilation, or lack of necessary
16 water is authorized to enter a vehicle or enclosed space to remove an
17 animal by any means reasonable under the circumstances if no other
18 person is present in the immediate area who has access to the vehicle
19 or enclosed space and who will immediately remove the animal. An
20 animal control officer, law enforcement officer, or the department or

1 agency employing such an officer is not liable for any damage to
2 property resulting from actions taken under this section.

3 (3) Nothing in this section prevents the person who has confined
4 the animal in the vehicle or enclosed space from being convicted of
5 separate offenses for animal cruelty under RCW 16.52.205 or
6 16.52.207.

7 (4) No part of this section shall be deemed to interfere with any
8 of the laws regulating or any legal right to engage in agriculture,
9 rodeos, farms, parades, use under game laws, official sport
10 competitions licensed or regulated by the state, use of service
11 animals, handling of animals known as dangerous to life, limb, or
12 property, any right to kill animals to be used for food, or with any
13 properly conducted scientific experiments or investigations, which
14 experiments or investigations must be performed only under the
15 authority of the faculty of a regularly incorporated college or
16 university of the state of Washington or a research facility
17 registered with the United States department of agriculture and
18 regulated by 7 U.S.C. Sec. 2131 et seq., or any other similar lawful
19 activities.

20 **Sec. 2.** RCW 16.52.011 and 2011 c 172 s 1 and 2011 c 67 s 3 are
21 each reenacted and amended to read as follows:

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

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

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

30 (b) "Animal" means any nonhuman mammal, bird, reptile, or
31 amphibian.

32 (c) "Animal care and control agency" means any city or county
33 animal control agency or authority authorized to enforce city or
34 county municipal ordinances regulating the care, control, licensing,
35 or treatment of animals within the city or county, and any
36 corporation organized under RCW 16.52.020 that contracts with a city
37 or county to enforce the city or county ordinances governing animal
38 care and control.

1 (d) "Animal control officer" means any individual employed,
2 contracted, or appointed pursuant to RCW 16.52.025 by an animal care
3 and control agency or humane society to aid in the enforcement of
4 ordinances or laws regulating the care and control of animals. For
5 purposes of this chapter, the term "animal control officer" shall be
6 interpreted to include "humane officer" as defined in (g) of this
7 subsection and RCW 16.52.025.

8 (e) "Euthanasia" means the humane destruction of an animal
9 accomplished by a method that involves instantaneous unconsciousness
10 and immediate death, or by a method that causes painless loss of
11 consciousness, and death during the loss of consciousness.

12 (f) "Food" means food or feed appropriate to the species for
13 which it is intended.

14 (g) "Humane officer" means any individual employed, contracted,
15 or appointed by an animal care and control agency or humane society
16 as authorized under RCW 16.52.025.

17 (h) "Law enforcement agency" means a general authority Washington
18 law enforcement agency as defined in RCW 10.93.020.

19 (i) "Livestock" includes, but is not limited to, horses, mules,
20 cattle, sheep, swine, goats, and bison.

21 (j) "Necessary food" means the provision at suitable intervals of
22 wholesome foodstuff suitable for the animal's age (~~and~~), species,
23 and condition, and that is sufficient to provide a reasonable level
24 of nutrition for the animal and is easily accessible to the animal or
25 as directed by a veterinarian for medical reasons.

26 (k) "Necessary water" means water that is in sufficient quantity
27 and of appropriate quality for the species for which it is intended
28 and that is accessible to the animal or as directed by a veterinarian
29 for medical reasons.

30 (l) "Owner" means a person who has a right, claim, title, legal
31 share, or right of possession to an animal or a person having lawful
32 control, custody, or possession of an animal.

33 (m) "Person" means individuals, corporations, partnerships,
34 associations, or other legal entities, and agents of those entities.

35 (n) "Similar animal" means: (i) For a mammal, another animal that
36 is in the same taxonomic order; or (ii) for an animal that is not a
37 mammal, another animal that is in the same taxonomic class.

38 (o) "Substantial bodily harm" means substantial bodily harm as
39 defined in RCW 9A.04.110.

1 (p) "Malice" has the same meaning as provided in RCW 9A.04.110,
2 but applied to acts against animals.

3 **Sec. 3.** RCW 16.52.117 and 2006 c 287 s 1 are each amended to
4 read as follows:

5 (1) A person commits the crime of animal fighting if the person
6 knowingly does any of the following or causes a minor to do any of
7 the following:

8 (a) Owns, possesses, keeps, breeds, trains, buys, sells, or
9 advertises or offers for sale any animal with the intent that the
10 animal shall be engaged in an exhibition of fighting with another
11 animal;

12 (b) (~~Knowingly~~) Promotes, organizes, conducts, participates in,
13 is a spectator of, advertises, prepares, or performs any service in
14 the furtherance of, an exhibition of animal fighting, transports
15 spectators to an animal fight, or provides or serves as a stakeholder
16 for any money wagered on an animal fight (~~at any place or~~
17 building));

18 (c) Keeps or uses any place for the purpose of animal fighting,
19 or manages or accepts payment of admission to any place kept or used
20 for the purpose of animal fighting;

21 (d) Suffers or permits any place over which the person has
22 possession or control to be occupied, kept, or used for the purpose
23 of an exhibition of animal fighting; or

24 (e) Takes, leads away, possesses, confines, sells, transfers, or
25 receives (~~a stray animal or a pet animal, with the intent to deprive~~
26 ~~the owner of the pet animal, and~~) an animal with the intent of using
27 the (~~stray~~) animal (~~or pet animal~~) for animal fighting, or for
28 training or baiting for the purpose of animal fighting.

29 (2) A person who violates this section is guilty of a class C
30 felony punishable under RCW 9A.20.021.

31 (3) Nothing in this section prohibits the following:

32 (a) The use of dogs in the management of livestock, as defined by
33 chapter 16.57 RCW, by the owner of the livestock or the owner's
34 employees or agents or other persons in lawful custody of the
35 livestock;

36 (b) The use of dogs in hunting as permitted by law; or

37 (c) The training of animals or the use of equipment in the
38 training of animals for any purpose not prohibited by law.

1 (4) (~~For the purposes of this section, "animal" means dogs or~~
2 ~~male chickens.~~) No part of this section shall be deemed to interfere
3 with any of the laws regulating or any legal right to engage in
4 agriculture, rodeos, farms, parades, use under game laws, official
5 sport competitions licensed or regulated by the state, use of service
6 animals, handling of animals known as dangerous to life, limb, or
7 property, any right to kill animals to be used for food, or with any
8 properly conducted scientific experiments or investigations, which
9 experiments or investigations must be performed only under the
10 authority of the faculty of a regularly incorporated college or
11 university of the state of Washington or a research facility
12 registered with the United States department of agriculture and
13 regulated by 7 U.S.C. Sec. 2131 et seq., or any other similar lawful
14 activities.

15 **Sec. 4.** RCW 16.52.320 and 2011 c 67 s 1 are each amended to read
16 as follows:

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

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

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

23 **Sec. 5.** RCW 9.08.070 and 2003 c 53 s 9 are each amended to read
24 as follows:

25 (1) Any person who, with intent to deprive or defraud the owner
26 thereof, does any of the following shall be guilty of a gross
27 misdemeanor punishable according to chapter 9A.20 RCW and by a
28 mandatory fine of not less than five hundred dollars per pet animal,
29 except as provided by subsection (2) of this section:

30 (a) Takes, leads away, confines, secretes or converts any pet
31 animal, except in cases in which the value of the pet animal exceeds
32 (~~two~~) seven hundred fifty dollars;

33 (b) Conceals the identity of any pet animal or its owner by
34 obscuring, altering, or removing from the pet animal any collar, tag,
35 license, tattoo, or other identifying device or mark;

36 (c) Willfully or recklessly kills or injures any pet animal,
37 unless excused by law.

1 (2) Nothing in this section shall prohibit a person from also
2 being convicted of separate offenses under RCW 9A.56.030, 9A.56.040,
3 or 9A.56.050 for theft (~~(or)~~), under RCW 9A.56.150, 9A.56.160, or
4 9A.56.170 for possession of stolen property, or under chapter 16.52
5 RCW for animal cruelty.

6 **Sec. 6.** RCW 16.52.205 and 2006 c 191 s 1 are each amended to
7 read as follows:

8 (1) A person is guilty of animal cruelty in the first degree
9 when, except as authorized in law, he or she (~~(intentionally)~~): (a)
10 Intentionally inflicts substantial pain on, (~~(b) causes physical~~
11 injury to, or (~~(c) kills an animal by a means causing undue suffering,~~
12 or forces a minor to inflict unnecessary pain, injury, or death on)
13 causes physical injury to, or kills an animal (i) by a means causing
14 undue suffering; (ii) with malice; or (iii) while manifesting an
15 extreme indifference to life; or (b) forces a minor to inflict
16 substantial pain on, cause physical injury to, or kill an animal.

17 (2) A person is guilty of animal cruelty in the first degree
18 when, except as authorized by law, he or she, with criminal
19 negligence, starves, dehydrates, or suffocates an animal and as a
20 result causes: (a) Substantial and unjustifiable physical pain that
21 extends for a period sufficient to cause considerable suffering; or
22 (b) death.

23 (3) A person is guilty of animal cruelty in the first degree when
24 he or she:

25 (a) Knowingly engages in any sexual conduct or sexual contact
26 with an animal;

27 (b) Knowingly causes, aids, or abets another person to engage in
28 any sexual conduct or sexual contact with an animal;

29 (c) Knowingly permits any sexual conduct or sexual contact with
30 an animal to be conducted on any premises under his or her charge or
31 control;

32 (d) Knowingly engages in, organizes, promotes, conducts,
33 advertises, aids, abets, participates in as an observer, or performs
34 any service in the furtherance of an act involving any sexual conduct
35 or sexual contact with an animal for a commercial or recreational
36 purpose; or

37 (e) Knowingly photographs or films, for purposes of sexual
38 gratification, a person engaged in a sexual act or sexual contact
39 with an animal.

1 (4) Animal cruelty in the first degree is a class C felony.

2 (5) In addition to the penalty imposed in subsection (4) of this
3 section, the court may order that the convicted person do any of the
4 following:

5 (a) Not harbor or own animals or reside in any household where
6 animals are present;

7 (b) Participate in appropriate counseling at the defendant's
8 expense;

9 (c) Reimburse the animal shelter or humane society for any
10 reasonable costs incurred for the care and maintenance of any animals
11 taken to the animal shelter or humane society as a result of conduct
12 proscribed in subsection (3) of this section.

13 (6) Nothing in this section may be considered to prohibit
14 accepted animal husbandry practices or accepted veterinary medical
15 practices by a licensed veterinarian or certified veterinary
16 technician.

17 (7) If the court has reasonable grounds to believe that a
18 violation of this section has occurred, the court may order the
19 seizure of all animals involved in the alleged violation as a
20 condition of bond of a person charged with a violation.

21 (8) For purposes of this section:

22 (a) "Animal" means every creature, either alive or dead, other
23 than a human being.

24 (b) "Sexual conduct" means any touching or fondling by a person,
25 either directly or through clothing, of the sex organs or anus of an
26 animal or any transfer or transmission of semen by the person upon
27 any part of the animal, for the purpose of sexual gratification or
28 arousal of the person.

29 (c) "Sexual contact" means any contact, however slight, between
30 the mouth, sex organ, or anus of a person and the sex organ or anus
31 of an animal, or any intrusion, however slight, of any part of the
32 body of the person into the sex organ or anus of an animal, or any
33 intrusion of the sex organ or anus of the person into the mouth of
34 the animal, for the purpose of sexual gratification or arousal of the
35 person.

36 (d) "Photographs" or "films" means the making of a photograph,
37 motion picture film, videotape, digital image, or any other
38 recording, sale, or transmission of the image.

39 (9) No part of this section shall be deemed to interfere with any
40 of the laws regulating or any legal right to engage in agriculture,

1 rodeos, farms, parades, use under game laws, official sport
2 competitions licensed or regulated by the state, use of service
3 animals, handling of animals known as dangerous to life, limb, or
4 property, any right to kill animals to be used for food, or with any
5 properly conducted scientific experiments or investigations, which
6 experiments or investigations must be performed only under the
7 authority of the faculty of a regularly incorporated college or
8 university of the state of Washington or a research facility
9 registered with the United States department of agriculture and
10 regulated by 7 U.S.C. Sec. 2131 et seq., or any other similar lawful
11 activities.

12 **Sec. 7.** RCW 16.52.180 and 1994 c 261 s 12 are each amended to
13 read as follows:

14 No part of this chapter shall be deemed to interfere with any of
15 the laws regulating or any legal right to engage in agriculture,
16 rodeos, farms, parades, use under game laws, official sport
17 competitions licensed or regulated by the state, use of service
18 animals, nor to interfere with any of the laws of this state known as
19 the "game laws," nor be deemed to interfere with the right to destroy
20 any venomous reptile or any known as dangerous to life, limb, or
21 property, or to interfere with the right to kill animals to be used
22 for food or with any properly conducted scientific experiments or
23 investigations, which experiments or investigations shall be
24 performed only under the authority of the faculty of some regularly
25 incorporated college or university of the state of Washington or a
26 research facility registered with the United States department of
27 agriculture and regulated by 7 U.S.C. Sec. 2131 et seq.

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