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SENATE BILL 5501

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State of Washington                      64th Legislature                      2015 Regular Session

By Senators Fain, Frockt, Kohl-Welles, and Chase

Read first time 01/22/15. Referred to Committee on Law & Justice.

1            AN ACT Relating to the prevention of animal cruelty; amending RCW  
2 16.52.117, 16.52.320, 9.08.070, and 16.52.205; reenacting and  
3 amending RCW 16.52.011; adding a new section to chapter 16.52 RCW;  
4 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 **Sec. 2.** RCW 16.52.011 and 2011 c 172 s 1 and 2011 c 67 s 3 are  
8 each reenacted and amended to read as follows:

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

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

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

17 (b) "Animal" means any nonhuman mammal, bird, reptile, or  
18 amphibian.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (1) A person commits the crime of animal fighting if the person  
32 knowingly does any of the following or causes a minor to do any of  
33 the following:

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

38 (b) (~~Knowingly~~) Promotes, organizes, conducts, participates in,  
39 is a spectator of, advertises, prepares, or performs any service in

1 the furtherance of, an exhibition of animal fighting, transports  
2 spectators to an animal fight, or provides or serves as a stakeholder  
3 for any money wagered on an animal fight (~~at any place or~~  
4 ~~building~~);

5 (c) Keeps or uses any place for the purpose of animal fighting,  
6 or manages or accepts payment of admission to any place kept or used  
7 for the purpose of animal fighting;

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

11 (e) Takes, leads away, possesses, confines, sells, transfers, or  
12 receives (~~a stray animal or a pet animal, with the intent to deprive~~  
13 ~~the owner of the pet animal, and~~) an animal with the intent of using  
14 the (~~stray~~) animal (~~or pet animal~~) for animal fighting, or for  
15 training or baiting for the purpose of animal fighting.

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

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

19 (a) The use of dogs in the management of livestock, as defined by  
20 chapter 16.57 RCW, by the owner of the livestock or the owner's  
21 employees or agents or other persons in lawful custody of the  
22 livestock;

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

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

26 (~~(4) For the purposes of this section, "animal" means dogs or~~  
27 ~~male chickens.~~)

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

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

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

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

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

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

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

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

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

14 (2) Nothing in this section shall prohibit a person from also  
15 being convicted of separate offenses under RCW 9A.56.030, 9A.56.040,  
16 or 9A.56.050 for theft ~~((or))~~, under RCW 9A.56.150, 9A.56.160, or  
17 9A.56.170 for possession of stolen property, or under chapter 16.52  
18 RCW for animal cruelty.

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

21 (1) A person is guilty of animal cruelty in the first degree  
22 when, except as authorized in law, he or she ~~((intentionally))~~: (a)  
23 Intentionally inflicts substantial pain on, ~~((b) causes physical~~  
24 injury to, or ~~((c) kills an animal by a means causing undue suffering,~~  
25 or forces a minor to inflict unnecessary pain, injury, or death on))  
26 causes physical injury to, or kills an animal (i) by a means causing  
27 undue suffering; (ii) with malice; or (iii) while manifesting an  
28 extreme indifference to life; or (b) forces a minor to inflict  
29 substantial pain on, cause physical injury to, or kill an animal.

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

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

38 (a) Knowingly engages in any sexual conduct or sexual contact  
39 with an animal;

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

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

6 (d) Knowingly engages in, organizes, promotes, conducts,  
7 advertises, aids, abets, participates in as an observer, or performs  
8 any service in the furtherance of an act involving any sexual conduct  
9 or sexual contact with an animal for a commercial or recreational  
10 purpose; or

11 (e) Knowingly photographs or films, for purposes of sexual  
12 gratification, a person engaged in a sexual act or sexual contact  
13 with an animal.

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

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

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

20 (b) Participate in appropriate counseling at the defendant's  
21 expense;

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

26 (6) Nothing in this section may be considered to prohibit  
27 accepted animal husbandry practices or accepted veterinary medical  
28 practices by a licensed veterinarian or certified veterinary  
29 technician.

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

34 (8) For purposes of this section:

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

37 (b) "Sexual conduct" means any touching or fondling by a person,  
38 either directly or through clothing, of the sex organs or anus of an  
39 animal or any transfer or transmission of semen by the person upon

1 any part of the animal, for the purpose of sexual gratification or  
2 arousal of the person.

3 (c) "Sexual contact" means any contact, however slight, between  
4 the mouth, sex organ, or anus of a person and the sex organ or anus  
5 of an animal, or any intrusion, however slight, of any part of the  
6 body of the person into the sex organ or anus of an animal, or any  
7 intrusion of the sex organ or anus of the person into the mouth of  
8 the animal, for the purpose of sexual gratification or arousal of the  
9 person.

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

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