

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5501

Chapter 235, Laws of 2015
(partial veto)

64th Legislature
2015 Regular Session

CIVIL INFRACTIONS--CRIMES--ANIMAL CRUELTY

EFFECTIVE DATE: 7/24/2015

Passed by the Senate April 16, 2015
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Passed by the House April 14, 2015
Yeas 59 Nays 38

FRANK CHOPP

Speaker of the House of Representatives

Approved May 11, 2015 2:30 PM, with the
exception of Section 7, which is
vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is **SUBSTITUTE SENATE
BILL 5501** as passed by Senate and
the House of Representatives on the
dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

May 12, 2015

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5501

AS AMENDED BY THE HOUSE

Passed Legislature - 2015 Regular Session

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 16.52.185; 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 **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 inflicts substantial pain on, (b) causes physical injury to, or (c)
24 kills an animal by a means causing undue suffering or while
25 manifesting an extreme indifference to life, or forces a minor to
26 inflict unnecessary pain, injury, or death on an animal.

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

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

35 (a) Knowingly engages in any sexual conduct or sexual contact
36 with an animal;

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

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

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

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

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

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

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

18 (b) Participate in appropriate counseling at the defendant's
19 expense;

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

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

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

32 (8) For purposes of this section:

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

35 (b) "Sexual conduct" means any touching or fondling by a person,
36 either directly or through clothing, of the sex organs or anus of an
37 animal or any transfer or transmission of semen by the person upon
38 any part of the animal, for the purpose of sexual gratification or
39 arousal of the person.

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

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

11 ***Sec. 7. RCW 16.52.185 and 1994 c 261 s 22 are each amended to**
12 **read as follows:**

13 ***Nothing in this chapter applies to accepted husbandry practices***
14 ***used in the commercial or noncommercial raising or slaughtering of***
15 ***livestock or poultry, or products thereof or to the use of animals in***
16 ***the normal and usual course of rodeo events or to the customary use***
17 ***or exhibiting of animals in normal and usual events at fairs as***
18 ***defined in RCW 15.76.120.***

****Sec. 7 was vetoed. See message at end of chapter.***

Passed by the Senate April 16, 2015.

Passed by the House April 14, 2015.

Approved by the Governor May 11, 2015, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 12, 2015.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 7, Substitute Senate Bill No. 5501 entitled:

"AN ACT Relating to the prevention of animal cruelty."

Section 7, by expanding the exceptions for "accepted husbandry practices" used in commercial farming to noncommercial farming, could potentially leave livestock and other animals subject to neglect or cruelty. Contrary to the purpose of this bill, animal control officers and prosecutors will have more difficulty enforcing animal cruelty laws in cases involving backyard farming and hobby farms.

For these reasons I have vetoed Section 7 of Substitute Senate Bill No. 5501.

With the exception of Section 7, Substitute Senate Bill No. 5501 is approved."