
Judiciary Committee

HB 2053

Title: An act relating to protecting animals against cruelty.

Brief Description: Protecting animals against cruelty.

Sponsors: Representatives Carrell, Kirby and Delvin.

Brief Summary of Bill

- Provides that, for the purpose of proving second degree animal cruelty, an animal's constant, ongoing, and uncontrolled barking, whining, yelping, and crying creates a rebuttable presumption of a failure to provide adequate care for the animal.
- Defines "necessary space" for animal cruelty purposes.

Hearing Date: 3/3/03

Staff: Derek Green (786-5793), Trudes Tango Hutcheson (786-7384).

Background:

State law prohibits certain practices and activities that inflict harm upon animals. Specific crimes exist for engaging in such practices as promoting animal fighting, poisoning an animal, or transporting or confining animals in an unsafe manner.

There are also two offenses prohibiting animal cruelty in general. A person commits the crime of first degree animal cruelty by intentionally inflicting substantial pain, physical injury, or death with undue suffering upon an animal. First degree animal cruelty is a class C felony.

A person commits the crime of second degree animal cruelty if the person knowingly, recklessly or with criminal negligence inflicts unnecessary pain or suffering upon an animal. An owner of an animal may also be convicted of animal cruelty in the second degree for abandoning the animal or failing to provide necessary food, water, shelter, rest, sanitation, ventilation, space, or medical attention, if this failure results in unnecessary pain to the animal. Second degree animal cruelty is a misdemeanor.

It is an affirmative defense to second degree animal cruelty that the failure to provide adequate care was due to economic distress beyond the defendant's control. In addition, there are general exceptions to the laws against animal cruelty that cover, among other things, conduct that conforms with accepted husbandry practices and slaughtering animals for food.

In a criminal prosecution, the state has the burden of proving each element of a crime beyond a reasonable doubt.

Summary of Bill:

For the purpose of second degree animal cruelty, an animal's constant, ongoing, and uncontrolled barking, whining, yelping and crying creates a rebuttable presumption that the animal is not being provided with necessary food, water, shelter, rest, sanitation, ventilation, space or medical attention.

"Necessary space" for animal cruelty purposes is defined as providing adequate room, at suitable intervals, that is suitable for the animal's age and species and sufficient to provide a reasonable level of exercise for the animal.

Appropriation: None.

Fiscal Note: Requested on February 27, 2003.

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