
**Criminal Justice & Corrections
Committee**

SSB 6417

Brief Description: Changing provisions relating to animal cruelty.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Roach, Kline, Jacobsen, Esser, Weinstein, Thibaudeau, Benson, Rasmussen, Schmidt, Carrell, Morton, Deccio, Stevens, Mulliken, McCaslin, Hargrove and Delvin).

Brief Summary of Substitute Bill

- Expands first degree animal cruelty to include any acts of sexual conduct or sexual contact with an animal.
- Establishes the crime of first degree animal cruelty involving sexual conduct or contact with an animal as a seriousness level III, class C felony offense.

Hearing Date: 2/23/06

Staff: Yvonne Walker (786-7841).

Background:

The crime of animal cruelty in the first degree occurs when a person: (1) intentionally, inflicts substantial pain, causes physical injury, or kills an animal by causing undue suffering; or (2) with criminal negligence, starves, dehydrates, or suffocates an animal and as a result causes substantial and unjustifiable physical pain that extends for sufficient periods or death. Animal cruelty in the first degree is an unranked class C felony offense punishable by a maximum incarceration sentence of 12 months in jail. The sentence may also include community restitution, legal financial obligations, a term of community supervision, and a fine.

Summary of Bill:

The definition of animal cruelty in the first degree is expanded. The crime includes the following when a person knowingly:

- engages in any sexual conduct or sexual contact with an animal;
- causes, aids, or abets another person to engage in any sexual conduct or sexual contact with an animal;
- permits any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her control;

- engages in, organizes, promotes, conducts, advertises, aids, abets, participates as an observer, or performs any service in the furtherance of an act involving sexual conduct or contact with an animal for a commercial or recreational purpose; or
- photographs or films for sexual gratification, a person engaged in a sexual act or contact with an animal.

The crime of animal cruelty in the first degree involving sexual conduct or contact with an animal is classified as a seriousness level III, class C felony offense.

In addition to any other penalty for any crime involving animal cruelty in the first degree, the court may order the offender to:

- not harbor or own any animals;
- not reside in any household where animals are present;
- participate in appropriate counseling at the defendant's expense; and
- reimburse the animal shelter or humane society for any reasonable costs associated with the care and maintenance of any animals confiscated as a result of animal cruelty.

The court may also order the seizure of all animals involved in the alleged violation as a condition of bond of a person charged with a violation.

An exemption is made for anyone participating in accepted animal husbandry practices or accepted veterinary medical practices by a licensed veterinarian or certified veterinary technician.

The following terms are defined: animal, sexual conduct, sexual contact, photographs, and films.

Appropriation: None.

Fiscal Note: Not requested.

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