

# SENATE BILL REPORT

## SSB 5290

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As Passed Senate, February 25, 2005

**Title:** An act relating to theft of or damage to livestock.

**Brief Description:** Including goats in theft of livestock in the first degree.

**Sponsors:** Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Delvin, Rasmussen, Schoesler, Shin, Morton, Jacobsen and Mulliken).

**Brief History:**

**Committee Activity:** Agriculture & Rural Economic Development: 2/3/05, 2/8/05 [DPS].  
Passed Senate: 2/25/05, 46-0.

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### SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

**Majority Report:** That Substitute Senate Bill No. 5290 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Schoesler, Ranking Minority Member; Delvin, Jacobsen, Morton and Sheldon.

**Staff:** Sam Thompson (786-7413)

**Background:** First degree theft of livestock--the willful taking of horses, mules, cows, heifers, bulls, steers, swine, or sheep with intent to sell or exchange and to deprive or defraud the owner-- is a class B felony. Class B felonies are punishable by imprisonment for up to ten years, or by a fine of up to \$20,000, or both.

A person who commits what would otherwise be first degree theft of livestock but without intent to sell or exchange, and for their use only, is guilty of second degree theft of livestock, a class C felony. Class C felonies are punishable by imprisonment for up to five years, or by a fine of up to \$10,000, or both.

In both cases, courts must impose a \$2,000 minimum fine for each animal killed or possessed, in addition to any other penalty.

A person who suffers damages from first or second degree theft of livestock may bring a civil action against the perpetrator for treble damages and attorney's fees.

Goats are not included in livestock theft statutes; instead, goat theft is punishable as ordinary property theft in the first degree (theft of property worth over \$1,500, a class B felony), second degree (theft of property worth over \$250 up to \$1,500, a class C felony), or third degree (theft of property worth up to \$250, a gross misdemeanor punishable by a jail term of up to one year and a fine of up to \$5,000). A minimum fine is not specified for any of these infractions.

It has been suggested that goats be included in the list of animals theft of which constitutes first or second degree theft of livestock and is the basis for a civil action for treble damages and attorney's fees.

**Summary of Bill:** Goats are added to the list of animals theft of which constitutes first or second degree theft of livestock and is the basis for a civil action for treble damages and attorney's fees.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Prosecutors are currently unable to charge goat thieves with felonious theft of livestock because goats are not included in the list of animals theft of which constitutes first or second degree theft of livestock. Goats can be quite valuable, and goat theft should be punishable under the same laws applying to theft of other livestock.

**Testimony Against:** None.

**Who Testified:** PRO: Senator Delvin, prime sponsor.

**House Amendment(s):** An incorrect cross-reference in existing law is rectified, clarifying that a person who suffers damages resulting from felonious harm to, but not theft of, livestock may bring a civil action against the perpetrator for treble damages and attorney's fees.

Passed House: 93-1.