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**SENATE BILL 5804**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senators Fain, Palumbo, Bailey, and Billig

AN ACT Relating to the creation of an animal abuse registry; adding a new chapter to Title 16 RCW; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Animal abuse offense" means the criminal offense of:

(a) Animal cruelty in the first degree (RCW 16.52.205);

(b) Animal cruelty in the second degree (RCW 16.52.207);

(c) Animal fighting (RCW 16.52.117); and

(d) Poisoning animals (RCW 16.52.190).

(2) "Animal abuser" or "abuser" means a person over eighteen years of age or a minor who has been tried as an adult and convicted of an animal abuse offense.

(3) "Animal adoption programs" means adoption activities of any animal shelter, humane society, or any other organization or entity that seeks owners for homeless animals from among the public.

(4) "Conviction" means a judgment entered by a Washington court upon a plea of guilty, or a finding of guilt by a jury or the court, notwithstanding any pending appeal or habeas corpus proceeding arising from the judgment. Conviction includes a deferred prosecution under chapter 10.05 RCW, or an equivalent disposition.

NEW SECTION. **Sec.**  (1) The Washington state patrol must maintain a registry of persons convicted of an animal abuse offense and make the registry available for inquiry to: (a) All law enforcement entities within the state including animal control agencies; (b) veterinarians licensed under chapter 18.92 RCW to practice veterinary medicine in this state; (c) humane societies, animal shelters, animal-welfare organizations, and other groups involved in companion animal adoption programs; and (d) animal breeders and retail operators that sell pets. The registry information must not be available to the general public or entities and individuals not listed in (a) through (d) of this subsection.

(2) The registry of persons convicted of an animal abuse offense must include the person's name, date of birth, residential address, all animal abuse offense convictions, conviction dates, municipal, county, and state convictions, and other identifying data as the Washington state patrol determines is necessary for the public to properly identify the person. The Washington state patrol may use the driver's license photograph of the animal abuser maintained by the department of licensing for the registry. If no driver's license photograph is available, the Washington state patrol must use the photograph taken at the animal abuser's arrest.

(3) The clerk of the court in which a person's conviction for an animal abuse offense occurs must forward, electronically or otherwise, a copy of the judgment document of the conviction, the animal abuser's home address, and other information set out in subsection (2) of this section. The information must be forwarded to the Washington state patrol within sixty calendar days of the date of judgment.

NEW SECTION. **Sec.**  (1) Within forty-eight hours of changing residence, an animal abuser must notify the Washington state patrol of the change of address.

(2) An animal abuser who does not maintain a residence in this state remains subject to the registration requirements of this chapter.

NEW SECTION. **Sec.**  (1) An animal abuser who is subject to registration pursuant to this chapter must be assessed a fee of fifty dollars at the time of conviction.

(2) The fee assessed under subsection (1) of this section must be used for the sole purpose of defraying the costs of administering this chapter.

NEW SECTION. **Sec.**  (1) Upon a person's first conviction for an animal abuse offense, the Washington state patrolmust maintain the person's name and other identifying information, described in section 2(2) of this act for two years following the date of convictionafter which time the person's name and identifying information must be removed from the registryunless the person is convicted of another animal abuse offense during that two-year period.

(2) Upon a person's subsequent conviction for an animal abuse offense, the Washington state patrol must maintain the person's name and other identifying information described in section 2(2) of this act in the registry for five years following the date of the most recent conviction, after which time the person's name and identifying information must be removed from the list unless the person is convicted of another animal abuse offense during that five-year period.

(3) Upon receipt of notice of the death of a registered animal abuser, as evidenced by a death certificate, the Washington state patrol must remove all data pertaining to the deceased animal abuser from the registry.

NEW SECTION. **Sec.**  Any person who is subject to registration on the animal abuse registry may not own or adopt an animal, or have employment, or serve as a volunteer at any humane society, animal shelter, animal-welfare organization, animal breeder, retail operator that sell pets, or any other group involved in an animal adoption program.

NEW SECTION. **Sec.**  The Washington state patrol may adopt rules necessary to implement and administer the provisions of this chapter.

NEW SECTION. **Sec.**  Sections 1 through 7 of this act constitute a new chapter in Title 16 RCW.

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