

1 5629-S.E AMH AG H2804.2

2 **ESSB 5629** - H COMM AMD **ADOPTED 4-19-91**

3 By Committee on Agriculture & Rural Development

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 9.08 RCW
8 to read as follows:

9 There has been an increasing number of illegal acts committed
10 against animal production and research facilities involving injury or
11 loss of life to animals or humans, criminal trespass, and damage to
12 property. These actions not only abridge the property rights of the
13 owners, operators, and employees of the facility, they may also damage
14 the public interest by jeopardizing crucial animal production or
15 agricultural, scientific, or biomedical research. These actions may
16 also threaten the public safety by exposing communities to public
17 health concerns and creating traffic hazards. These actions
18 substantially disrupt or damage research and result in the potential
19 loss of physical and intellectual property. Therefore, it is in the
20 interest of the people of the state of Washington to protect the
21 welfare of humans and animals, as well as the productive use of private
22 or public funds, to promote and protect scientific and medical
23 research, foster education, and preserve and enhance agricultural
24 production."

25 "NEW SECTION. **Sec. 2.** A new section is added to chapter 9.08 RCW
26 to read as follows:

1 A person is guilty of a class C felony: If he or she, without
2 authorization, knowingly takes, releases, destroys, contaminates, or
3 damages any animal or animals kept in a research or educational
4 facility where the animal or animals are used or to be used for medical
5 research purposes or other research purposes or for educational
6 purposes; or if he or she, without authorization, knowingly destroys or
7 damages any records, equipment, research product, or other thing
8 pertaining to such animal or animals."

9 "NEW SECTION. **Sec. 3.** A new section is added to chapter 4.24 RCW
10 to read as follows:

11 (1) Joint and several liability for damages shall apply to persons
12 and organizations that commit an intentional tort of (a) taking,
13 releasing, destroying, contaminating, or damaging any animal or animals
14 kept in a research or educational facility, where the animal or animals
15 are used or to be used for medical research or other research purposes,
16 or for educational purposes; or (b) destroying or damaging any records,
17 equipment, research product, or other thing pertaining to such animal
18 or animals.

19 (2) Any person or organization that plans or participates in, or
20 assists in the development or execution of a plan to commit an
21 intentional tort covered by subsection (1) of this section shall be
22 liable for damages to the same extent as those who execute the plan,
23 regardless of whether the intentional tort is carried out as planned.

24 (3) In any case where damages are awarded under this section, the
25 court shall award to the plaintiff all costs of the litigation,
26 including reasonable attorneys' fees, investigation costs, and court
27 costs, and shall impose on any liable party a civil fine of not to
28 exceed one hundred thousand dollars to be paid to the plaintiff."

1 "NEW SECTION. **Sec. 4.** A new section is added to chapter 4.24 RCW
2 to read as follows:

3 (1) Joint and several liability for damages shall apply to persons
4 and organizations that commit an intentional tort of taking, releasing,
5 destroying or damaging any animal or animals kept by a farmer for farm
6 purposes or by a veterinarian for veterinary purposes; or of destroying
7 or damaging any farm or veterinary equipment or supplies pertaining to
8 such animal or animals.

9 (2) Any person or organization that plans or participates in, or
10 assists in the development or execution of a plan to commit an
11 intentional tort covered by subsection (1) of this section shall be
12 liable for damages to the same extent as those who execute the plan,
13 regardless of whether the intentional tort is carried out as planned.

14 (3) In any case where damages are awarded under this section, the
15 court shall award to the plaintiff all costs of the litigation,
16 including reasonable attorneys' fees, investigation costs, and court
17 costs, and shall impose on any liable party a civil fine of not to
18 exceed one hundred thousand dollars to be paid to the plaintiff."

19 "NEW SECTION. **Sec. 5.** A new section is added to chapter 4.24 RCW
20 to read as follows:

21 Any individual having reason to believe that he or she may be
22 injured by the commission of an intentional tort under section 3 or 4
23 of this act may apply for injunctive relief to prevent the occurrence
24 of the tort. Any individual who owns or is employed at a research or
25 educational facility or an agricultural production facility where
26 animals are used for research, educational, or agricultural purposes
27 who is harassed, or believes that he or she is about to be harassed, by
28 an organization, person, or persons whose intent is to stop or modify
29 the facility's use or uses of an animal or animals, may apply for

1 injunctive relief to prevent the harassment. Harassment, for purposes
2 of this section, means any threat, without lawful authority, which the
3 recipient has good reason to fear will be carried out and which would
4 cause injury to the person or property of the recipient, result in the
5 recipient's physical confinement or restraint, or maliciously do any
6 other act intended to substantially cause harm to the recipient's
7 mental health or safety."

8 "NEW SECTION. Sec. 6. If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 remainder of the act or the application of the provision to other
11 persons or circumstances is not affected."

12 "NEW SECTION. Sec. 7. This act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of the
14 state government and its existing public institutions, and shall take
15 effect immediately."

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19 On page 1, line 1 of the title, after "facilities;" strike the
20 remainder of the title and insert "adding new sections to chapter 9.08
21 RCW; adding new sections to chapter 4.24 RCW; prescribing penalties;
22 and declaring an emergency."