
ENGROSSED SUBSTITUTE SENATE BILL 5629

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Bailey, Conner, Metcalf, Patterson, McCaslin, Hansen, Bauer, Anderson, Barr, Vognild, McMullen, Madsen, Rasmussen and Newhouse).

Read first time March 4, 1991.

1 AN ACT Relating to acts committed against animal facilities;
2 amending RCW 9.08.065; adding new sections to chapter 9.08 RCW;
3 prescribing penalties; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** There has been an increasing number of
6 illegal acts committed against animal production and research
7 facilities involving injury or loss of life to animals or humans,
8 criminal trespass, and damage to property. These actions not only
9 abridge the property rights of the owners, operators, and employees of
10 the facility, they may also damage the public interest by jeopardizing
11 crucial animal production or agricultural, scientific, or biomedical
12 research. These actions may also threaten the public safety by
13 exposing communities to public health concerns and creating traffic
14 hazards. These actions substantially disrupt or damage research and
15 result in the potential loss of physical and intellectual property.

1 Therefore, it is in the interest of the people of the state of
2 Washington to protect the welfare of humans and animals, as well as the
3 productive use of private or public funds, to require regulation to
4 prevent unauthorized possession, alteration, destruction, or
5 transportation of research records, test data, research materials,
6 equipment, and research and agricultural production animals.

7 **Sec. 2.** RCW 9.08.065 and 1989 c 359 s 1 are each amended to read
8 as follows:

9 (1) As used in this chapter:

10 (a) "Animal" means every living creature, domestic or wild, but
11 does not include man.

12 (b) "Animal facility" means any facility engaging in legal
13 agricultural production or scientific research involving the use of
14 animals including, but not limited to: Any organization with a primary
15 purpose of representing the production, processing, promoting, or
16 marketing of livestock or livestock products; any person licensed to
17 practice veterinary medicine; and any organization with a primary
18 purpose of representing any such person, organization, or institution.
19 "Animal facility" shall include the owners, operators, or employees of
20 any animal facility and any premises where animals are located.

21 (2) As used in RCW 9.08.070:

22 ~~((1))~~ (a) "Pet animal" means a tamed or domesticated animal
23 legally retained by a person and kept as a companion. "Pet animal"
24 does not include livestock raised for commercial purposes.

25 ~~((2))~~ (b) "Research institution" means a facility licensed by the
26 United States department of agriculture to use animals in biomedical or
27 product research.

28 ~~((3))~~ (c) "U.S.D.A. licensed dealer" means a person who is
29 licensed or required to be licensed by the United States department of

1 agriculture to commercially buy, receive, sell, negotiate for sale, or
2 transport animals.

3 NEW SECTION. **Sec. 3.** It shall be unlawful for any person:

4 (1) To release, steal, or otherwise intentionally cause the death,
5 injury, or loss of any animal of, at, or from an animal facility and
6 not authorized by that facility;

7 (2) To damage, vandalize, or steal any property in, of, or on an
8 animal facility;

9 (3) To unlawfully enter or to remain unlawfully on an animal
10 facility with the intent to perform illegal acts, including the
11 unauthorized destruction, alteration, duplication, or possession of
12 records, data, materials, equipment, or animals; or

13 (4) To interfere with the agricultural production or scientific or
14 biomedical research work of an owner, operator, or employee of an
15 animal facility at an animal facility.

16 NEW SECTION. **Sec. 4.** (1)(a) Any person who violates any
17 provision of section 3 of this act shall be guilty of a gross
18 misdemeanor for each such violation, unless the loss, cost, theft, or
19 damage to an animal facility and its property exceeds two hundred fifty
20 dollars in value.

21 (b) If the loss, cost, theft, or damage to an animal facility and
22 its property exceeds two hundred fifty dollars in value but does not
23 exceed one thousand five hundred dollars in value, the person is guilty
24 of a class C felony.

25 (c) If the loss, cost, theft, or damage to an animal facility and
26 its property exceeds one thousand five hundred dollars in value, the
27 person is guilty of a class B felony.

1 (2) A person who, with the intent that any violation of any
2 provision of section 3 of this act be committed, agrees with another to
3 the commission of the violation and commits an act in furtherance of
4 this agreement is guilty of the same class of felony as provided in
5 this section for that violation.

6 (3)(a) The court shall conduct a hearing to determine the cost of
7 replacing materials, data, equipment, animals, and records that may
8 have been damaged, destroyed, lost, stolen, or cannot be returned, and
9 the reasonable cost of repeating any experimentation that may have been
10 interrupted or invalidated as a result of a violation of section 3 of
11 this act.

12 (b) Any persons convicted of such violation shall be ordered
13 jointly and severally to make restitution within thirty days of such
14 order to the owners, operators, or employees, or any combination
15 thereof, of the animal facility in the full amount of the cost
16 determined under this section.

17 NEW SECTION. **Sec. 5.** Nothing in sections 1 and 3 through 5 of
18 this act and RCW 9.08.065 shall preclude any animal facility injured in
19 its business or property by a violation of sections 1 and 3 through 5
20 of this act and RCW 9.08.065 from seeking appropriate relief under any
21 other provision of law or remedy including the issuance of a permanent
22 injunction against any person who violates any provision of sections 1
23 and 3 through 5 of this act and RCW 9.08.065. The animal facility
24 owners, operators, or employees may petition the court to permanently
25 enjoin such person from violating sections 1 and 3 through 5 of this
26 act and RCW 9.08.065 and the court shall provide such relief.

27 NEW SECTION. **Sec. 6.** Sections 1 and 3 through 5 of this act
28 are each added to chapter 9.08 RCW.

1 NEW SECTION. **Sec. 7.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of the
7 state government and its existing public institutions, and shall take
8 effect immediately.