
SENATE BILL 5629

State of Washington

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By Senators Bailey, Conner, Metcalf, Patterson, McCaslin, Hansen, Bauer, Anderson, Barr, Vognild, McMullen, Madsen, Rasmussen and Newhouse.

Read first time February 12, 1991. Referred to Committee on Agriculture & Water Resources.

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 agricultural production or scientific or biomedical, research.
12 These actions may also threaten the public safety by exposing
13 communities to public health concerns and creating traffic hazards.
14 These actions substantially disrupt or damage research and result in
15 the potential loss of physical and intellectual property. Therefore,

1 it is in the interest of the people of the state of Washington to
2 protect the welfare of humans and animals, as well as the productive
3 use of private or public funds, to require regulation to prevent
4 unauthorized possession, alteration, destruction, or transportation of
5 research records, test data, research materials, equipment, and
6 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 of or involving the use
14 of animals including, but not limited to: Any organization with a
15 primary purpose of representing the production, processing, promoting,
16 or 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 obtain access to an animal facility, or the property of an
10 animal facility, for the purpose of performing acts not authorized by
11 that facility;

12 (4) To enter into an animal facility, or the property of an animal
13 facility, with an intent to destroy, alter, duplicate, or obtain
14 unauthorized possession of records, data, materials, equipment, or
15 animals;

16 (5) To steal or to obtain control or to exert control over records,
17 data, material, equipment, or animals of any animal facility, or the
18 property of an animal facility, for the purpose of depriving the
19 rightful owner or animal facility of the records, material, data,
20 equipment, or animals or for the purpose of concealing, abandoning, or
21 destroying such records, material, data, equipment, or animals;

22 (6) To enter or remain on an animal facility, or the property of an
23 animal facility, with the intent to commit an act prohibited under this
24 section; or

25 (7) To interfere with or harass an owner, operator, or employee of
26 an animal facility.

27 NEW SECTION. **Sec. 4.** (1)(a) Any person who violates any
28 provision of section 3 of this act shall be guilty of a gross

1 misdemeanor for each such violation, unless the loss, cost, theft, or
2 damage to an animal facility and its property exceeds two hundred fifty
3 dollars in value.

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

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

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

16 (3)(a) The court shall conduct a hearing to determine the cost of
17 replacing materials, data, equipment, animals, and records that may
18 have been damaged, destroyed, lost, stolen, or cannot be returned, and
19 the reasonable cost of repeating any experimentation that may have been
20 interrupted or invalidated as a result of a violation of section 3 of
21 this act.

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

27 NEW SECTION. **Sec. 5.** Nothing in sections 1 and 3 through 5 of
28 this act and RCW 9.08.065 shall preclude any animal facility injured in
29 its business or property by a violation of sections 1 and 3 through 5

1 of this act and RCW 9.08.065 from seeking appropriate relief under any
2 other provision of law or remedy including the issuance of a permanent
3 injunction against any person who violates any provision of sections 1
4 and 3 through 5 of this act and RCW 9.08.065. The animal facility
5 owners, operators, or employees may petition the court to permanently
6 enjoin such person from violating sections 1 and 3 through 5 of this
7 act and RCW 9.08.065 and the court shall provide such relief.

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

10 NEW SECTION. **Sec. 7.** If any provision of this act or its
11 application to any person or circumstance is held invalid, the
12 remainder of the act or the application of the provision to other
13 persons or circumstances is not affected.

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