

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5629

52nd Legislature
1991 Regular Session

Passed by the Senate April 25, 1991
Yeas 41 Nays 0

President of the Senate

Passed by the House April 27, 1991
Yeas 92 Nays 2

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5629** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5629

AS RECOMMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 1991 Regular Session

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; adding
2 new sections to chapter 9.08 RCW; adding new sections to chapter 4.24.
3 RCW; prescribing penalties; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.08 RCW
6 to read as follows:

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

1 substantially disrupt or damage research and result in the potential
2 loss of physical and intellectual property. While the criminal code,
3 particularly the malicious mischief crimes, adequately covers those who
4 intentionally and without authority damage or destroy farm animals, the
5 code does not adequately cover similar misconduct directed against
6 research and educational facilities. Therefore, it is in the interest
7 of the people of the state of Washington to protect the welfare of
8 humans and animals, as well as the productive use of private or public
9 funds, to promote and protect scientific and medical research, foster
10 education, and preserve and enhance agricultural production.

11 It is the intent of the legislature that the courts in deciding
12 applications for injunctive relief under section 5 of this act give
13 full consideration to the constitutional rights of persons to speak
14 freely, to picket, and to conduct other lawful activities.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.08 RCW
16 to read as follows:

17 A person is guilty of a class C felony: If he or she, without
18 authorization, knowingly takes, releases, destroys, contaminates, or
19 damages any animal or animals kept in a research or educational
20 facility where the animal or animals are used or to be used for medical
21 research purposes or other research purposes or for educational
22 purposes; or if he or she, without authorization, knowingly destroys or
23 damages any records, equipment, research product, or other thing
24 pertaining to such animal or animals.

25 NEW SECTION. **Sec. 3.** A new section is added to chapter 4.24 RCW
26 to read as follows:

27 (1) Joint and several liability for damages shall apply to persons
28 and organizations that commit an intentional tort by (a) taking,

1 releasing, destroying, contaminating, or damaging any animal or animals
2 kept in a research or educational facility, where the animal or animals
3 are used or to be used for medical research or other research purposes,
4 or for educational purposes; or (b) destroying or damaging any records,
5 equipment, research product, or other thing pertaining to such animal
6 or animals.

7 (2) Any person or organization that plans or assists in the
8 development of a plan to commit an intentional tort covered by
9 subsection (1) of this section is liable for damages to the same extent
10 as a person who has committed the tort. However, a person or
11 organization that assists in the development of a plan is not liable
12 under this subsection, if, at the time of providing the assistance the
13 person or organization does not know, or have reason to know, that the
14 assistance is promoting the commission of the tort. Membership in a
15 liable organization does not in itself establish the member's liability
16 under this subsection. The common law defense of prior renunciation is
17 allowed in actions brought under this subsection.

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

23 NEW SECTION. **Sec. 4.** A new section is added to chapter 4.24 RCW
24 to read as follows:

25 (1) Joint and several liability for damages shall apply to persons
26 and organizations that commit an intentional tort by taking, releasing,
27 destroying or damaging any animal or animals kept by a person for
28 agricultural production purposes or by a veterinarian for veterinary

1 purposes; or by destroying or damaging any farm or veterinary equipment
2 or supplies pertaining to such animal or animals.

3 (2) Any person or organization that plans or assists in the
4 development of a plan to commit an intentional tort covered by
5 subsection (1) of this section is liable for damages to the same extent
6 as a person who has committed the tort. However, a person or
7 organization that assists in the development of a plan is not liable
8 under this subsection, if, at the time of providing the assistance the
9 person or organization does not know, or have reason to know, that the
10 assistance is promoting the commission of the tort. Membership in a
11 liable organization does not in itself establish the member's liability
12 under this subsection. The common law defense of prior renunciation is
13 allowed in actions brought under this subsection.

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 (4) "Agricultural production," for purposes of this section, means
20 all activities associated with the raising of animals for agricultural
21 purposes, including but not limited to animals raised for wool or fur.
22 Agricultural production also includes the exhibiting or marketing of
23 live animals raised for agricultural purposes.

24 NEW SECTION. **Sec. 5.** A new section is added to chapter 4.24 RCW
25 to read as follows:

26 Any individual having reason to believe that he or she may be
27 injured by the commission of an intentional tort under section 3 or 4
28 of this act may apply for injunctive relief to prevent the occurrence
29 of the tort. Any individual who owns or is employed at a research or

1 educational facility or an agricultural production facility where
2 animals are used for research, educational, or agricultural purposes
3 who is harassed, or believes that he or she is about to be harassed, by
4 an organization, person, or persons whose intent is to stop or modify
5 the facility's use or uses of an animal or animals, may apply for
6 injunctive relief to prevent the harassment.

7 For the purposes of this section:

8 (1) "Agricultural production" means all activities associated with
9 the raising of animals for agricultural purposes, including but not
10 limited to animals raised for wool or fur. Agricultural production
11 also includes the exhibiting or marketing of live animals raised for
12 agricultural purposes; and

13 (2) "Harassment" means any threat, without lawful authority, that
14 the recipient has good reason to fear will be carried out, that is
15 knowingly made for the purpose of stopping or modifying the use of
16 animals, and that either (a) would cause injury to the person or
17 property of the recipient, or result in the recipient's physical
18 confinement or restraint, or (b) is a malicious threat to do any other
19 act intended to substantially cause harm to the recipient's mental
20 health or safety.

21 NEW SECTION. **Sec. 6.** If any provision of this act or its
22 application to any person or circumstance is held invalid, the
23 remainder of the act or the application of the provision to other
24 persons or circumstances is not affected.

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

