
HOUSE BILL 1860

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53rd Legislature

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By Representatives Orr, Fuhrman, Padden, Romero, Sheldon, Brough, Long, Jones and Van Luven

Read first time 02/12/93. Referred to Committee on Judiciary.

1 AN ACT Relating to cruelty to animals; amending RCW 9A.48.070,
2 9A.48.080, 16.52.065, 16.52.070, 16.52.113, 16.52.117, 16.52.120,
3 16.52.160, and 16.52.300; and prescribing penalties.

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

5 **Sec. 1.** RCW 9A.48.070 and 1983 1st ex.s. c 4 s 1 are each amended
6 to read as follows:

7 (1) A person is guilty of malicious mischief in the first degree if
8 he knowingly and maliciously:

9 (a) Causes physical damage to the property of another in an amount
10 exceeding one thousand five hundred dollars;

11 (b) Causes an interruption or impairment of service rendered to the
12 public by physically damaging or tampering with an emergency vehicle or
13 property of the state, a political subdivision thereof, or a public
14 utility or mode of public transportation, power, or communication;
15 ((or))

16 (c) Causes an impairment of the safety, efficiency, or operation of
17 an aircraft by physically damaging or tampering with the aircraft or
18 aircraft equipment, fuel, lubricant, or parts; or

1 (d) Notwithstanding RCW 16.52.070, causes physical damage,
2 destruction, or injury by amputation, mutilation, castration, or other
3 malicious act to a horse, mule, cow, heifer, bull, steer, swine, goat,
4 or sheep which is the property of another.

5 (2) Malicious mischief in the first degree is a class B felony.

6 **Sec. 2.** RCW 9A.48.080 and 1979 c 145 s 2 are each amended to read
7 as follows:

8 (1) A person is guilty of malicious mischief in the second degree
9 if he knowingly and maliciously:

10 (a) Causes physical damage to the property of another in an amount
11 exceeding two hundred fifty dollars; or

12 (b) Creates a substantial risk of interruption or impairment of
13 service rendered to the public, by physically damaging or tampering
14 with an emergency vehicle or property of the state, a political
15 subdivision thereof, or a public utility or mode of public
16 transportation, power, or communication(~~(i) or~~

17 ~~(c) Notwithstanding RCW 16.52.070, causes physical damage,~~
18 ~~destruction, or injury by amputation, mutilation, castration, or other~~
19 ~~malicious act to a horse, mule, cow, heifer, bull, steer, swine, goat,~~
20 ~~or sheep which is the property of another)).~~

21 (2) Malicious mischief in the second degree is a class C felony.

22 **Sec. 3.** RCW 16.52.065 and 1982 c 114 s 3 are each amended to read
23 as follows:

24 Whosoever shall wantonly or cruelly pluck, maim, torture, deprive
25 of necessary food or drink, or wantonly kill any fowl or insectivorous
26 bird, ~~((shall be deemed))~~ is guilty of a ((misdemeanor)) class C felony
27 punishable under chapter 9A.20 RCW.

28 **Sec. 4.** RCW 16.52.070 and 1982 c 114 s 4 are each amended to read
29 as follows:

30 Except as provided in RCW ~~((9A.48.080))~~ 9A.48.070, every person who
31 cruelly overdrives, overloads, drives when overloaded, overworks,
32 tortures, torments, deprives of necessary sustenance, cruelly beats,
33 mutilates or cruelly kills, or causes, procures, authorizes, requests
34 or encourages so to be overdriven, overloaded, driven when overloaded,
35 overworked, tortured, tormented, deprived of necessary sustenance,
36 cruelly beaten or mutilated or cruelly killed, any animal; and whoever

1 having the charge or custody of any animal, either as owner or
2 otherwise, inflicts unnecessary suffering or pain upon the same, or
3 unnecessarily fails to provide the same with the proper food, drink,
4 air, light, space, shelter or protection from the weather, or who
5 willfully and unreasonably drives the same when unfit for labor or with
6 yoke or harness that chafes or galls it, or check rein or any part of
7 its harness too tight for its comfort, or at night when it has been six
8 consecutive hours without a full meal, or who cruelly abandons any
9 animal, (~~shall be~~) is guilty of a (~~misdemeanor~~) class C felony
10 punishable under chapter 9A.20 RCW. For the purposes of this section,
11 necessary sustenance or proper food means the provision at suitable
12 intervals, not to exceed twenty-four hours, of wholesome foodstuff
13 suitable for the species and age of the animal and sufficient to
14 provide a reasonable level of nutrition for the animal.

15 **Sec. 5.** RCW 16.52.113 and 1982 c 114 s 8 are each amended to read
16 as follows:

17 Any person who for amusement or gain causes any bull, bear, or
18 other animal except a dog to fight with an animal of like kind, or
19 causes any such animal, including dogs, to fight with a different kind
20 of animal; or who for amusement or gain injures any bull, bear, dog, or
21 other animal, or causes any bull, bear, or other animal except a dog to
22 worry or injure another such animal; and any person who permits any of
23 these acts to be done on any premises under his or her charge or
24 control or who aids, abets, or is present at such fighting, chasing, or
25 worrying of such animal is guilty of a (~~misdemeanor~~) class C felony
26 punishable under chapter 9A.20 RCW.

27 **Sec. 6.** RCW 16.52.117 and 1982 c 114 s 9 are each amended to read
28 as follows:

29 (1) Any person who does any of the following is guilty of a (~~gross~~
30 ~~misdemeanor~~) class C felony punishable (~~by imprisonment not to exceed~~
31 one year, or by a fine not to exceed five thousand dollars, or by both
32 fine and imprisonment) under chapter 9A.20 RCW:

33 (a) Owns, possesses, keeps, or trains any dog with the intent that
34 the dog shall be engaged in an exhibition of fighting with another dog;

35 (b) For amusement or gain causes any dog to fight with another dog,
36 or causes any dogs to injure each other; or

1 (c) Permits any act in violation of (a) or (b) of this subsection
2 to be done on any premises under his or her charge or control, or aids
3 or abets any such act.

4 (2) Any person who is knowingly present, as a spectator, at any
5 place or building where preparations are being made for an exhibition
6 of the fighting of dogs, with the intent to be present at such
7 preparations, or is knowingly present at such exhibition or at any
8 other fighting or injuring as described in subsection (1)(b) of this
9 section, with the intent to be present at such exhibition, fighting, or
10 injuring, is guilty of a misdemeanor.

11 (3) Nothing in this section may prohibit the following:

12 (a) The use of dogs in the management of livestock, as defined by
13 chapter 16.57 RCW, by the owner of the livestock or the owner's
14 employees or agents or other persons in lawful custody of the
15 livestock;

16 (b) The use of dogs in hunting as permitted by law; or

17 (c) The training of dogs or the use of equipment in the training of
18 dogs for any purpose not prohibited by law.

19 **Sec. 7.** RCW 16.52.120 and 1982 c 114 s 11 are each amended to read
20 as follows:

21 Every person who wantonly or for the amusement of himself, herself,
22 or others, or for gain, shall cause any cock to fight, chase, worry, or
23 injure any other animal, or to be fought, chased, worried, or injured
24 by any person or animal, and every person who shall permit the same to
25 be done on any premises under his or her charge or control is guilty of
26 a class C felony punishable under chapter 9A.20 RCW; and every person
27 who shall aid, abet, or be present at such fighting, chasing, worrying
28 or injuring of such animal as a spectator, (~~shall be~~) is guilty of a
29 misdemeanor.

30 **Sec. 8.** RCW 16.52.160 and 1901 c 146 s 9 are each amended to read
31 as follows:

32 Every person who shall attempt to do any act or thing which by RCW
33 16.52.010 through 16.52.050, 16.52.070 through 16.52.090 and 16.52.100
34 through 16.52.180 is made a misdemeanor or a felony shall be guilty of
35 a misdemeanor.

1 **Sec. 9.** RCW 16.52.300 and 1990 c 226 s 1 are each amended to read
2 as follows:

3 (1) Any person who uses domestic dogs or cats as bait, prey, or
4 targets for the purpose of training dogs or other animals to track,
5 fight, or hunt, in such a fashion as to torture, torment, deprive of
6 necessary sustenance, cruelly beat, or mutilate such animals, (~~shall~~
7 be)) is guilty of a ((misdemeanor)) class C felony punishable under
8 chapter 9A.20 RCW.

9 (2) Any person who violates the provisions of subsection (1) of
10 this section, and whose actions result in the death of the animal,
11 (~~shall be~~) is guilty of a ((gross misdemeanor)) class B felony
12 punishable under chapter 9A.20 RCW.

13 (3) Any person who captures by trap a domestic dog or cat to be
14 used as bait, prey, or targets for the purpose of training dogs or
15 other animals to track, fight, or hunt, in such a fashion as to
16 torture, torment, deprive of necessary sustenance, cruelly beat, or
17 mutilate such animals, (~~shall be~~) is guilty of a ((misdemeanor))
18 class C felony punishable under chapter 9A.20 RCW.

19 (4) Any person who violates the provisions of subsection (3) of
20 this section, and whose actions result in the death of the animal,
21 (~~shall be~~) is guilty of a ((gross misdemeanor)) class B felony
22 punishable under chapter 9A.20 RCW.

23 (5) If a person violates this section, law enforcement authorities
24 shall seize and hold the animals being trained. Such animals shall be
25 disposed of by the court pursuant to the provisions of RCW
26 16.52.200(3).

27 (6) This section shall not in any way interfere with or impair the
28 operation of any provision of Title 28B RCW, relating to higher
29 education or biomedical research.

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