

HOUSE BILL REPORT

SHB 1257

As Passed House:

February 11, 2004

Title: An act relating to the sale or purchase of any dog for fighting purposes.

Brief Description: Using dogs for fighting.

Sponsors: By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Carrell, Haigh, O'Brien and Shabro).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/4/03, 2/14/03 [DPS].

Floor Activity:

Passed House: 2/26/03, 96-0;

Passed House: 2/11/04, 93-0.

Brief Summary of Substitute Bill

- Creates a gross misdemeanor offense for participating in the sale or purchase of a dog with the intent to use the dog in fighting with other animals for exhibition.
- Specifies that ownership or possession of an animal does not create a presumption that the animal is owned or possessed for animal fighting.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Lovick and Pearson.

Staff: Derek Green (786-5793); Yvonne Walker (786-7841).

Background:

Participating in or promoting the exhibition of animal fighting is a gross misdemeanor. Persons are prohibited from owning, possessing, keeping or training an animal with the

intent to use the animal for animal fighting exhibitions. It is also a gross misdemeanor to cause any animal to injure another for amusement or gain, to allow these activities on any premises under one's control, or to aid and abet in such activities. Spectators may also be punished with a misdemeanor offense. Prior to 1994, this law only applied to dogs.

Current law also prohibits general cruelty to animals. Animal cruelty in the first degree consists of intentionally inflicting substantial pain, injury, or death with undue suffering upon an animal, and is a class C felony. Animal cruelty in the second degree consists of inflicting unnecessary pain or suffering upon an animal that does not rise to the level of the first degree offense, and is a misdemeanor. Animal cruelty laws also contain more specific prohibitions on activities such as transporting or confining animals in an unsafe manner, cutting a horse's tail, cutting an animal's ear, and poisoning an animal. There are general exceptions for, among other things, following accepted husbandry practices and slaughtering animals for food.

Summary of Substitute Bill:

The animal fighting statute is amended to create a gross misdemeanor offense for selling or purchasing a dog with the intent that the dog be used in an animal fighting exhibition. The statute is also amended to make it a gross misdemeanor offense to promote, aid or abet in the purchasing or selling of a dog for use in an exhibition of animal fighting, or to permit these activities on any premises under one's control.

In addition, a provision is added stating that mere ownership or possession of any animal does not create a presumption that the animal is owned for any purposes prohibited under the animal fighting statute.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Original bill) The bill addresses a problem within the state. Up to 30 percent of certain breeds of dogs rescued by animal shelters have scars indicating repeated fighting. The bill is narrow in scope to address concerns over added financial costs. It will not cost the state much money and the impact on local governments will most likely be minimal as well. The bill is aimed at the most serious offenders.

Testimony Against: None.

Testified: Representative Carrell, prime sponsor; and Phil Olson, Humane Society for Tacoma and Pierce County.