

HOUSE BILL REPORT

SSB 6417

As Passed House:

March 1, 2006

Title: An act relating to animal cruelty.

Brief Description: Changing provisions relating to animal cruelty.

Sponsors: By Senate Committee on Judiciary (originally sponsored by Senators Roach, Kline, Jacobsen, Esser, Weinstein, Thibaudeau, Benson, Rasmussen, Schmidt, Carrell, Morton, Deccio, Stevens, Mulliken, McCaslin, Hargrove and Delvin).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/23/06 [DP].

Floor Activity:

Passed House: 3/1/06, 98-0.

Brief Summary of Substitute Bill

- Expands the crime of first degree animal cruelty to include any acts of sexual conduct or sexual contact with an animal.
- Establishes the crime of first degree animal cruelty involving sexual conduct or contact with an animal as a seriousness level III, class C felony offense.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby, Strow and Williams.

Staff: Yvonne Walker (786-7841).

Background:

The crime of animal cruelty in the first degree occurs when a person: (1) intentionally, inflicts substantial pain, causes physical injury, or kills an animal by causing undue suffering; or (2) with criminal negligence, starves, dehydrates, or suffocates an animal and as a result causes substantial and unjustifiable physical pain that extends for sufficient periods or death. Animal cruelty in the first degree is an unranked class C felony offense punishable by a maximum

incarceration sentence of 12 months in jail. The sentence may also include community restitution, legal financial obligations, a term of community supervision, and a fine.

Summary of Bill:

The definition of animal cruelty in the first degree is expanded. The crime includes the following when a person knowingly:

- engages in any sexual conduct or sexual contact with an animal;
- causes, aids, or abets another person to engage in any sexual conduct or sexual contact with an animal;
- permits any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her control;
- engages in, organizes, promotes, conducts, advertises, aids, abets, participates as an observer, or performs any service in the furtherance of an act involving sexual conduct or contact with an animal for a commercial or recreational purpose; or
- photographs or films for sexual gratification, a person engaged in a sexual act or contact with an animal.

The crime of animal cruelty in the first degree involving sexual conduct or contact with an animal is classified as a seriousness level III, class C felony offense.

In addition to any other penalty for any crime involving animal cruelty in the first degree, the court may order the offender to:

- not harbor or own any animals;
- not reside in any household where animals are present;
- participate in appropriate counseling at the defendant's expense; and
- reimburse the animal shelter or humane society for any reasonable costs associated with the care and maintenance of any animals confiscated as a result of animal cruelty.

The court may also order the seizure of all animals involved in the alleged violation as a condition of bond of a person charged with a violation.

An exemption is made for anyone participating in accepted animal husbandry practices or accepted veterinary medical practices by a licensed veterinarian or certified veterinary technician.

The following terms are defined: animal, sexual conduct, sexual contact, photographs, and films.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill is a result of a heinous case that happened in the 31st district. Zoophilia (or bestiality) is considered a paraphilia just like pedophilia, sexual masochism, and sadism. Earl Shriner was a pedophile who admitted to practicing bestiality. They view animals and others as lesser than themselves.

Currently, it is illegal to make an electronic production or reproduction of bestiality, but it is still legal to practice the act of bestiality. This bill would close that loophole.

There was a case in New York where mentally ill homeless women were taken off the street and held hostage. In exchange for food they would have to perform sexual acts with the animals. Since it was illegal in that state those men were prosecuted.

Another negative outcome as a result of having sexual contact with an animal is zoonotic diseases. These are diseases that are transmitted between animals and humans. The most prevalent disease today is bird flu which is a disease that will pass to the general population if this type of behavior continues.

This type of behavior is not only animal cruelty, but also an animal welfare issue. It is an issue of conduct that can escalate and become harmful and dangerous to humans. This is also a common behavior among sex offenders especially among juvenile offenders who are known to start their deviancy with family pets.

This bill should be considered part of the Legislature's comprehensive approach to dealing with sex offenders.

Testimony Against: None.

Persons Testifying: Susan Michaels, Pasado's Safe Haven; Dr. Dana Bridges Dum, Veterinarian Snohomish County; and Dan Satterberg, Chief of Staff, King County Prosecuting Attorney.

Persons Signed In To Testify But Not Testifying: None.