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HOUSE BILL 1579

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Campbell, Kirby, O'Brien, Lantz, P. Sullivan, Chase, McCoy, Moeller, Dunshee and Sump

Read first time 01/28/2005.      Referred to Committee on Criminal Justice & Corrections.

1            AN ACT Relating to animal fighting; amending RCW 16.52.117;  
2 reenacting and amending RCW 9.94A.515; and prescribing penalties.

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

4            **Sec. 1.** RCW 16.52.117 and 1994 c 261 s 11 are each amended to read  
5 as follows:

6            (1) ~~((Any))~~ A person ~~((who does any of the following is guilty of~~  
7 ~~a gross misdemeanor punishable by imprisonment not to exceed one year,~~  
8 ~~or by a fine not to exceed five thousand dollars, or by both fine and~~  
9 ~~imprisonment))~~ commits the crime of animal fighting if the person  
10 knowingly does any of the following:

11            (a) Owns, possesses, keeps, ~~((or))~~ breeds, trains, buys, sells, or  
12 advertises or offers for sale any animal with the intent that the  
13 animal shall be engaged in an exhibition of fighting with another  
14 animal;

15            (b) ~~((For amusement or gain causes any animal to fight with another~~  
16 ~~animal, or causes any animals to injure each other; or~~

17            ~~(c) Permits any act in violation of (a) or (b) of this subsection~~  
18 ~~to be done on any premises under his or her charge or control, or~~  
19 ~~promotes or aids or abets any such act.))~~ Promotes, organizes,

1 conducts, participates in, advertises, or performs any service in the  
2 furtherance of an exhibition of animal fighting, transports spectators  
3 to an animal fight, or provides or serves as a stakeholder for any  
4 money wagered on an animal fight;

5 (c) Keeps or uses any place for the purpose of animal fighting, or  
6 manages or accepts payment of admission to any place kept or used for  
7 the purpose of animal fighting;

8 (d) Suffers or permits any place over which the person has  
9 possession or control to be occupied, kept, or used for the purpose of  
10 an exhibition of animal fighting; or

11 (e) Takes, leads away, possesses, confines, sells, transfers, or  
12 receives a stray animal or a pet animal, with the intent to deprive the  
13 owner of the pet animal, and with the intent of using the stray animal  
14 or pet animal for animal fighting, or for training or baiting for the  
15 purpose of animal fighting.

16 ~~(2) ((Any person who is knowingly present, as a spectator, at any~~  
17 ~~place or building where preparations are being made for an exhibition~~  
18 ~~of the fighting of animals, with the intent to be present at such~~  
19 ~~preparations, or is knowingly present at such exhibition or at any~~  
20 ~~other fighting or injuring as described in subsection (1)(b) of this~~  
21 ~~section, with the intent to be present at such exhibition, fighting, or~~  
22 ~~injuring, is guilty of a misdemeanor.))~~ A person who violates this  
23 section is guilty of a class C felony punishable under RCW 9A.20.021.

24 (3) Nothing in this section (~~may~~) prohibits the following:

25 (a) The use of (~~dogs~~) animals in the management of livestock, as  
26 defined by chapter 16.57 RCW, by the owner of the livestock or the  
27 owner's employees or agents or other persons in lawful custody of the  
28 livestock;

29 (b) The use of (~~dogs~~) animals in hunting as permitted by law; or

30 (c) The training of animals or the use of equipment in the training  
31 of animals for any purpose not prohibited by law.

32 **Sec. 2.** RCW 9.94A.515 and 2004 c 176 s 2 and 2004 c 94 s 3 are  
33 each reenacted and amended to read as follows:

34 TABLE 2

1 CRIMES INCLUDED WITHIN

2 EACH SERIOUSNESS LEVEL

- 3 XVI Aggravated Murder 1 (RCW  
4 10.95.020)
- 5 XV Homicide by abuse (RCW 9A.32.055)  
6 Malicious explosion 1 (RCW  
7 70.74.280(1))  
8 Murder 1 (RCW 9A.32.030)
- 9 XIV Murder 2 (RCW 9A.32.050)  
10 Trafficking 1 (RCW 9A.40.100(1))
- 11 XIII Malicious explosion 2 (RCW  
12 70.74.280(2))  
13 Malicious placement of an explosive 1  
14 (RCW 70.74.270(1))
- 15 XII Assault 1 (RCW 9A.36.011)  
16 Assault of a Child 1 (RCW 9A.36.120)  
17 Malicious placement of an imitation  
18 device 1 (RCW 70.74.272(1)(a))  
19 Rape 1 (RCW 9A.44.040)  
20 Rape of a Child 1 (RCW 9A.44.073)  
21 Trafficking 2 (RCW 9A.40.100(2))
- 22 XI Manslaughter 1 (RCW 9A.32.060)  
23 Rape 2 (RCW 9A.44.050)  
24 Rape of a Child 2 (RCW 9A.44.076)
- 25 X Child Molestation 1 (RCW 9A.44.083)  
26 Indecent Liberties (with forcible  
27 compulsion) (RCW  
28 9A.44.100(1)(a))  
29 Kidnapping 1 (RCW 9A.40.020)  
30 Leading Organized Crime (RCW  
31 9A.82.060(1)(a))  
32 Malicious explosion 3 (RCW  
33 70.74.280(3))  
34 Sexually Violent Predator Escape  
35 (RCW 9A.76.115)
- 36 IX Assault of a Child 2 (RCW 9A.36.130)

1 Explosive devices prohibited (RCW  
2 70.74.180)  
3 Hit and Run--Death (RCW  
4 46.52.020(4)(a))  
5 Homicide by Watercraft, by being  
6 under the influence of intoxicating  
7 liquor or any drug (RCW  
8 79A.60.050)  
9 Inciting Criminal Profiteering (RCW  
10 9A.82.060(1)(b))  
11 Malicious placement of an explosive 2  
12 (RCW 70.74.270(2))  
13 Robbery 1 (RCW 9A.56.200)  
14 Sexual Exploitation (RCW 9.68A.040)  
15 Vehicular Homicide, by being under  
16 the influence of intoxicating  
17 liquor or any drug (RCW  
18 46.61.520)  
19 VIII Arson 1 (RCW 9A.48.020)  
20 Homicide by Watercraft, by the  
21 operation of any vessel in a  
22 reckless manner (RCW  
23 79A.60.050)  
24 Manslaughter 2 (RCW 9A.32.070)  
25 Promoting Prostitution 1 (RCW  
26 9A.88.070)  
27 Theft of Ammonia (RCW 69.55.010)  
28 Vehicular Homicide, by the operation  
29 of any vehicle in a reckless  
30 manner (RCW 46.61.520)  
31 VII Burglary 1 (RCW 9A.52.020)  
32 Child Molestation 2 (RCW 9A.44.086)  
33 Civil Disorder Training (RCW  
34 9A.48.120)  
35 Dealing in depictions of minor  
36 engaged in sexually explicit  
37 conduct (RCW 9.68A.050)

1 Drive-by Shooting (RCW 9A.36.045)  
2 Homicide by Watercraft, by disregard  
3 for the safety of others (RCW  
4 79A.60.050)  
5 Indecent Liberties (without forcible  
6 compulsion) (RCW 9A.44.100(1)  
7 (b) and (c))  
8 Introducing Contraband 1 (RCW  
9 9A.76.140)  
10 Malicious placement of an explosive 3  
11 (RCW 70.74.270(3))  
12 Sending, bringing into state depictions  
13 of minor engaged in sexually  
14 explicit conduct (RCW  
15 9.68A.060)  
16 Unlawful Possession of a Firearm in  
17 the first degree (RCW  
18 9.41.040(1))  
19 Use of a Machine Gun in Commission  
20 of a Felony (RCW 9.41.225)  
21 Vehicular Homicide, by disregard for  
22 the safety of others (RCW  
23 46.61.520)  
24 VI Bail Jumping with Murder 1 (RCW  
25 9A.76.170(3)(a))  
26 Bribery (RCW 9A.68.010)  
27 Incest 1 (RCW 9A.64.020(1))  
28 Intimidating a Judge (RCW  
29 9A.72.160)  
30 Intimidating a Juror/Witness (RCW  
31 9A.72.110, 9A.72.130)  
32 Malicious placement of an imitation  
33 device 2 (RCW 70.74.272(1)(b))  
34 Rape of a Child 3 (RCW 9A.44.079)  
35 Theft of a Firearm (RCW 9A.56.300)  
36 Unlawful Storage of Ammonia (RCW  
37 69.55.020)

1 V Abandonment of dependent person 1  
2 (RCW 9A.42.060)  
3 Advancing money or property for  
4 extortionate extension of credit  
5 (RCW 9A.82.030)  
6 Bail Jumping with class A Felony  
7 (RCW 9A.76.170(3)(b))  
8 Child Molestation 3 (RCW 9A.44.089)  
9 Criminal Mistreatment 1 (RCW  
10 9A.42.020)  
11 Custodial Sexual Misconduct 1 (RCW  
12 9A.44.160)  
13 Domestic Violence Court Order  
14 Violation (RCW 10.99.040,  
15 10.99.050, 26.09.300, 26.10.220,  
16 26.26.138, 26.50.110, 26.52.070,  
17 or 74.34.145)  
18 Extortion 1 (RCW 9A.56.120)  
19 Extortionate Extension of Credit  
20 (RCW 9A.82.020)  
21 Extortionate Means to Collect  
22 Extensions of Credit (RCW  
23 9A.82.040)  
24 Incest 2 (RCW 9A.64.020(2))  
25 Kidnapping 2 (RCW 9A.40.030)  
26 Perjury 1 (RCW 9A.72.020)  
27 Persistent prison misbehavior (RCW  
28 9.94.070)  
29 Possession of a Stolen Firearm (RCW  
30 9A.56.310)  
31 Rape 3 (RCW 9A.44.060)  
32 Rendering Criminal Assistance 1  
33 (RCW 9A.76.070)  
34 Sexual Misconduct with a Minor 1  
35 (RCW 9A.44.093)  
36 Sexually Violating Human Remains  
37 (RCW 9A.44.105)

1 Stalking (RCW 9A.46.110)  
2 Taking Motor Vehicle Without  
3 Permission 1 (RCW 9A.56.070)  
4 IV Arson 2 (RCW 9A.48.030)  
5 Assault 2 (RCW 9A.36.021)  
6 Assault by Watercraft (RCW  
7 79A.60.060)  
8 Bribing a Witness/Bribe Received by  
9 Witness (RCW 9A.72.090,  
10 9A.72.100)  
11 Cheating 1 (RCW 9.46.1961)  
12 Commercial Bribery (RCW  
13 9A.68.060)  
14 Counterfeiting (RCW 9.16.035(4))  
15 Endangerment with a Controlled  
16 Substance (RCW 9A.42.100)  
17 Escape 1 (RCW 9A.76.110)  
18 Hit and Run--Injury (RCW  
19 46.52.020(4)(b))  
20 Hit and Run with Vessel--Injury  
21 Accident (RCW 79A.60.200(3))  
22 Identity Theft 1 (RCW 9.35.020(2))  
23 Indecent Exposure to Person Under  
24 Age Fourteen (subsequent sex  
25 offense) (RCW 9A.88.010)  
26 Influencing Outcome of Sporting  
27 Event (RCW 9A.82.070)  
28 Malicious Harassment (RCW  
29 9A.36.080)  
30 Residential Burglary (RCW  
31 9A.52.025)  
32 Robbery 2 (RCW 9A.56.210)  
33 Theft of Livestock 1 (RCW 9A.56.080)  
34 Threats to Bomb (RCW 9.61.160)  
35 Trafficking in Stolen Property 1 (RCW  
36 9A.82.050)

1 Unlawful factoring of a credit card or  
2 payment card transaction (RCW  
3 9A.56.290(4)(b))  
4 Unlawful transaction of health  
5 coverage as a health care service  
6 contractor (RCW 48.44.016(3))  
7 Unlawful transaction of health  
8 coverage as a health maintenance  
9 organization (RCW 48.46.033(3))  
10 Unlawful transaction of insurance  
11 business (RCW 48.15.023(3))  
12 Unlicensed practice as an insurance  
13 professional (RCW 48.17.063(3))  
14 Use of Proceeds of Criminal  
15 Profiteering (RCW 9A.82.080 (1)  
16 and (2))  
17 Vehicular Assault, by being under the  
18 influence of intoxicating liquor or  
19 any drug, or by the operation or  
20 driving of a vehicle in a reckless  
21 manner (RCW 46.61.522)  
22 Willful Failure to Return from  
23 Furlough (RCW 72.66.060)  
24 III Abandonment of dependent person 2  
25 (RCW 9A.42.070)  
26 Animal Fighting (RCW 16.52.117)  
27 Assault 3 (RCW 9A.36.031)  
28 Assault of a Child 3 (RCW 9A.36.140)  
29 Bail Jumping with class B or C Felony  
30 (RCW 9A.76.170(3)(c))  
31 Burglary 2 (RCW 9A.52.030)  
32 Communication with a Minor for  
33 Immoral Purposes (RCW  
34 9.68A.090)  
35 Criminal Gang Intimidation (RCW  
36 9A.46.120)



1 Criminal Mistreatment 2 (RCW  
2 9A.42.030)  
3 Custodial Assault (RCW 9A.36.100)  
4 Cyberstalking (subsequent conviction  
5 or threat of death) (RCW  
6 9.61.260(3))  
7 Escape 2 (RCW 9A.76.120)  
8 Extortion 2 (RCW 9A.56.130)  
9 Harassment (RCW 9A.46.020)  
10 Intimidating a Public Servant (RCW  
11 9A.76.180)  
12 Introducing Contraband 2 (RCW  
13 9A.76.150)  
14 Malicious Injury to Railroad Property  
15 (RCW 81.60.070)  
16 Patronizing a Juvenile Prostitute  
17 (RCW 9.68A.100)  
18 Perjury 2 (RCW 9A.72.030)  
19 Possession of Incendiary Device (RCW  
20 9.40.120)  
21 Possession of Machine Gun or Short-  
22 Barreled Shotgun or Rifle (RCW  
23 9.41.190)  
24 Promoting Prostitution 2 (RCW  
25 9A.88.080)  
26 Securities Act violation (RCW  
27 21.20.400)  
28 Tampering with a Witness (RCW  
29 9A.72.120)  
30 Telephone Harassment (subsequent  
31 conviction or threat of death)  
32 (RCW 9.61.230(2))  
33 Theft of Livestock 2 (RCW 9A.56.083)  
34 Trafficking in Stolen Property 2 (RCW  
35 9A.82.055)  
36 Unlawful Imprisonment (RCW  
37 9A.40.040)

1 Unlawful possession of firearm in the  
2 second degree (RCW 9.41.040(2))  
3 Vehicular Assault, by the operation or  
4 driving of a vehicle with disregard  
5 for the safety of others (RCW  
6 46.61.522)  
7 Willful Failure to Return from Work  
8 Release (RCW 72.65.070)  
9 II Computer Trespass 1 (RCW  
10 9A.52.110)  
11 Counterfeiting (RCW 9.16.035(3))  
12 Escape from Community Custody  
13 (RCW 72.09.310)  
14 Health Care False Claims (RCW  
15 48.80.030)  
16 Identity Theft 2 (RCW 9.35.020(3))  
17 Improperly Obtaining Financial  
18 Information (RCW 9.35.010)  
19 Malicious Mischief 1 (RCW  
20 9A.48.070)  
21 Possession of Stolen Property 1 (RCW  
22 9A.56.150)  
23 Theft 1 (RCW 9A.56.030)  
24 Theft of Rental, Leased, or Lease-  
25 purchased Property (valued at one  
26 thousand five hundred dollars or  
27 more) (RCW 9A.56.096(5)(a))  
28 Trafficking in Insurance Claims (RCW  
29 48.30A.015)  
30 Unlawful factoring of a credit card or  
31 payment card transaction (RCW  
32 9A.56.290(4)(a))  
33 Unlawful Practice of Law (RCW  
34 2.48.180)  
35 Unlicensed Practice of a Profession or  
36 Business (RCW 18.130.190(7))

1 I Attempting to Elude a Pursuing Police  
2 Vehicle (RCW 46.61.024)  
3 False Verification for Welfare (RCW  
4 74.08.055)  
5 Forgery (RCW 9A.60.020)  
6 Fraudulent Creation or Revocation of a  
7 Mental Health Advance Directive  
8 (RCW 9A.60.060)  
9 Malicious Mischief 2 (RCW  
10 9A.48.080)  
11 Mineral Trespass (RCW 78.44.330)  
12 Possession of Stolen Property 2 (RCW  
13 9A.56.160)  
14 Reckless Burning 1 (RCW 9A.48.040)  
15 Taking Motor Vehicle Without  
16 Permission 2 (RCW 9A.56.075)  
17 Theft 2 (RCW 9A.56.040)  
18 Theft of Rental, Leased, or Lease-  
19 purchased Property (valued at two  
20 hundred fifty dollars or more but  
21 less than one thousand five  
22 hundred dollars) (RCW  
23 9A.56.096(5)(b))  
24 Transaction of insurance business  
25 beyond the scope of licensure  
26 (RCW 48.17.063(4))  
27 Unlawful Issuance of Checks or Drafts  
28 (RCW 9A.56.060)  
29 Unlawful Possession of Fictitious  
30 Identification (RCW 9A.56.320)  
31 Unlawful Possession of Instruments of  
32 Financial Fraud (RCW  
33 9A.56.320)  
34 Unlawful Possession of Payment  
35 Instruments (RCW 9A.56.320)

1 Unlawful Possession of a Personal  
2 Identification Device (RCW  
3 9A.56.320)  
4 Unlawful Production of Payment  
5 Instruments (RCW 9A.56.320)  
6 Unlawful Trafficking in Food Stamps  
7 (RCW 9.91.142)  
8 Unlawful Use of Food Stamps (RCW  
9 9.91.144)  
10 Vehicle Prowl 1 (RCW 9A.52.095)

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