

HOUSE BILL REPORT

SSB 5227

As Reported by House Committee On:
Judiciary

Title: An act relating to animal abandonment.

Brief Description: Increasing the penalty for animal abandonment.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Tom, Kline, Carrell, Rasmussen, Stevens, Shin, Roach, McAuliffe, Weinstein, Jacobsen, Kohl-Welles and Kilmer).

Brief History:

Committee Activity:

Judiciary: 3/27/07, 3/30/07 [DPA].

**Brief Summary of Substitute Bill
(As Amended by House Committee)**

- Raises animal cruelty in the second degree from a misdemeanor offense to a gross misdemeanor offense if committed by abandoning an animal and the abandonment results in bodily harm to the animal or creates an imminent and substantial risk of substantial bodily harm to the animal.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 11 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Flannigan, Kirby, Moeller, Pedersen, Ross and Williams.

Staff: Edie Adams (786-7180).

Background:

The state's law for the prevention of cruelty to animals prohibits certain practices and activities involving animals. Among the prohibitions are transporting or confining animals in an unsafe manner, engaging animals in exhibition fighting with other animals, and poisoning animals. In addition, the chapter contains the crime of animal cruelty.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Animal cruelty in the first degree involves intentionally inflicting substantial pain on, causing physical injury to, or killing an animal by a means that causes undue suffering; or with criminal negligence, starving, dehydrating, or suffocating an animal, causing either considerable suffering or death. Animal cruelty in the first degree is a class C felony.

Animal cruelty in the second degree is committed when a person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal, or if the person is the owner of the animal, by failing to provide necessary shelter, rest, sanitation, space, or medical attention, or by abandoning the animal. Animal cruelty in the second degree is a misdemeanor offense.

It is an affirmative defense to the crime of animal cruelty in the second degree that the defendant's failure was due to economic distress beyond the defendant's control. The defendant must prove this affirmative defense by a preponderance of the evidence.

The animal cruelty law contains a number of exemptions, including: licensed research institutions; accepted husbandry practices in the commercial raising or slaughtering of livestock; the customary use of animals in rodeos or fairs; the killing of animals for food; and practices authorized under the game laws.

Summary of Amended Bill:

The crime of second-degree animal cruelty, if committed by an owner who abandons the animal, is raised from a misdemeanor offense to a gross misdemeanor offense. If the abandonment results in bodily harm to the animal or creates an imminent and substantial risk of substantial bodily harm to the animal, the affirmative defense of economic distress does not apply to second-degree animal cruelty when committed by abandoning the animal.

"Abandons" is defined to mean the knowing or reckless desertion of an animal by its owner or the causing of the animal to be abandoned by its owner, in any place, without making provision for the animal's adequate care.

Amended Bill Compared to Substitute Bill:

The substitute Senate bill raised all animal abandonment offenses from a misdemeanor offense to a gross misdemeanor offense.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Animal abandonment is an act of cruelty and the penalty for this crime should be increased. There is no excuse for a person to abandon an animal. Every county has a shelter where a person can drop off an animal that is no longer wanted.

The current law does not adequately address abandonment of animals. The law does not contain a definition of abandonment so prosecutors have a hard time proving the cases. Since the offense is only a misdemeanor, it isn't worth the time and effort of law enforcement and prosecutors to enforce the law.

There is an economic impact to animal abandonment. The Department of Transportation reports that collisions with animals represent one-third of the total collisions. Animal abandonment certainly contributes to this collision rate. Property managers frequently have to deal with the problem of people leaving the property and leaving the pet behind. There is little fiscal impact from the bill and it does not affect livestock or farming practices, hunting, rodeos, or animal exhibits.

(Opposed) None.

Persons Testifying: Senator Toms, prime sponsor; Rita Morgan, Pasado's Safe Haven; and Donna Snow, Concern for Animals.

Persons Signed In To Testify But Not Testifying: None.