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## Judiciary Committee

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### SSB 5227

**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 Summary of Substitute Bill
<ul style="list-style-type: none"><li>• Raises animal cruelty in the second degree, if committed by an owner who abandons the animal, from a misdemeanor offense to a gross misdemeanor offense.</li></ul>



**Hearing Date:** 3/27/07

**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.

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.

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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 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. 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.

**Appropriation:** None.

**Fiscal Note:** Available.

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