

# SENATE BILL REPORT

## SSB 5227

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As Amended by House, April 9, 2007

**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: 1/17/07, 2/06/07 [DPS].

Passed Senate: 3/13/07, 47-1.

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 5227 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, Murray, Roach and Weinstein.

**Staff:** Juliana Roe (786-7405)

**Background:** Animal abandonment is included within the general crime of animal cruelty in the second degree. There is currently no definition provided in statute for the word abandonment. Animal cruelty in the second degree is currently a misdemeanor offense punishable by up to 90 days in jail and a \$1,000 fine. Proponents of the bill feel that it is necessary to differentiate between two areas in the crime of animal cruelty in the second degree; those of neglect versus abandonment.

**Summary of Substitute Bill:** Abandonment is defined as the knowing or reckless desertion of an animal by its owner, or the causing of the animal to be deserted by its owner, in any place, without making provisions for the animal's adequate care. Individuals who partake in animal cruelty in the second degree, involving abandonment, are guilty of a gross misdemeanor. A gross misdemeanor is an offense punishable by up to 365 days in jail and a \$5,000 fine.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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*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.*

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill can help save lives and money for municipalities, counties and the state. Municipalities, counties and the state incur costs due to the hundreds of calls answered by law enforcement, animal control, and shelters related to animal abandonment. Animal abandonment contributes to the third leading cause of total automobile collisions. Many states actually post signs warning motorists that animal abandonment is illegal and informing them of the fines involved.

Realtors and property managers are frequently called when people move and leave their pets inside their house or apartment. They support this bill, as do the veterinarians. Furthermore, there is minimal to no fiscal impact. This bill does not apply to husbandry practices.

**Persons Testifying:** PRO: Susan Michaels, PASADO's Safe Haven.

**House Amendment(s):** The crime of second degree animal cruelty, if committed by an owner who abandons the animal, is raised from a misdemeanor 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.