

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5227

Chapter 376, Laws of 2007

60th Legislature
2007 Regular Session

ANIMAL ABANDONMENT

EFFECTIVE DATE: 07/22/07

Passed by the Senate April 17, 2007
YEAS 47 NAYS 1

BRAD OWEN

President of the Senate

Passed by the House April 9, 2007
YEAS 98 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved May 8, 2007, 4:18 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5227** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 10, 2007

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5227

AS AMENDED BY THE HOUSE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

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

READ FIRST TIME 02/07/07.

1 AN ACT Relating to animal abandonment; amending RCW 16.52.207 and
2 16.52.011; and prescribing penalties.

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

4 **Sec. 1.** RCW 16.52.207 and 2005 c 481 s 2 are each amended to read
5 as follows:

6 (1) A person is guilty of animal cruelty in the second degree if,
7 under circumstances not amounting to first degree animal cruelty, the
8 person knowingly, recklessly, or with criminal negligence inflicts
9 unnecessary suffering or pain upon an animal.

10 (2) An owner of an animal is guilty of animal cruelty in the second
11 degree if, under circumstances not amounting to first degree animal
12 cruelty, the owner knowingly, recklessly, or with criminal negligence:

13 (a) Fails to provide the animal with necessary shelter, rest,
14 sanitation, space, or medical attention and the animal suffers
15 unnecessary or unjustifiable physical pain as a result of the failure;
16 ((or))

17 (b) Under circumstances not amounting to animal cruelty in the
18 second degree under (c) of this subsection, abandons the animal; or

1 (c) Abandons the animal and (i) as a result of being abandoned, the
2 animal suffers bodily harm; or (ii) abandoning the animal creates an
3 imminent and substantial risk that the animal will suffer substantial
4 bodily harm.

5 (3)(a) Animal cruelty in the second degree under subsection (1),
6 (2)(a), or (2)(b) of this section is a misdemeanor.

7 (b) Animal cruelty in the second degree under subsection (2)(c) of
8 this section is a gross misdemeanor.

9 (4) In any prosecution of animal cruelty in the second degree under
10 subsection (1) or (2)(a) of this section, it shall be an affirmative
11 defense, if established by the defendant by a preponderance of the
12 evidence, that the defendant's failure was due to economic distress
13 beyond the defendant's control.

14 **Sec. 2.** RCW 16.52.011 and 1994 c 261 s 2 are each amended to read
15 as follows:

16 (1) Principles of liability as defined in chapter 9A.08 RCW apply
17 to this chapter.

18 (2) Unless the context clearly requires otherwise, the definitions
19 in this section apply throughout this chapter.

20 (a) "Abandons" means the knowing or reckless desertion of an animal
21 by its owner or the causing of the animal to be deserted by its owner,
22 in any place, without making provisions for the animal's adequate care.

23 (b) "Animal" means any nonhuman mammal, bird, reptile, or
24 amphibian.

25 ~~((b))~~ (c) "Animal care and control agency" means any city or
26 county animal control agency or authority authorized to enforce city or
27 county municipal ordinances regulating the care, control, licensing, or
28 treatment of animals within the city or county, and any corporation
29 organized under RCW 16.52.020 that contracts with a city or county to
30 enforce the city or county ordinances governing animal care and
31 control.

32 ~~((e))~~ (d) "Animal control officer" means any individual employed,
33 contracted, or appointed pursuant to RCW 16.52.025 by an animal care
34 and control agency or humane society to aid in the enforcement of
35 ordinances or laws regulating the care and control of animals. For
36 purposes of this chapter, the term "animal control officer" shall be

1 interpreted to include "humane officer" as defined in ~~((e))~~ (f) of
2 this subsection and RCW 16.52.025.

3 ~~((d))~~ (e) "Euthanasia" means the humane destruction of an animal
4 accomplished by a method that involves instantaneous unconsciousness
5 and immediate death, or by a method that causes painless loss of
6 consciousness, and death during the loss of consciousness.

7 ~~((e))~~ (f) "Humane officer" means any individual employed,
8 contracted, or appointed by an animal care and control agency or humane
9 society as authorized under RCW 16.52.025.

10 ~~((f))~~ (g) "Law enforcement agency" means a general authority
11 Washington law enforcement agency as defined in RCW 10.93.020.

12 ~~((g))~~ (h) "Necessary food" means the provision at suitable
13 intervals of wholesome foodstuff suitable for the animal's age and
14 species and sufficient to provide a reasonable level of nutrition for
15 the animal.

16 ~~((h))~~ (i) "Owner" means a person who has a right, claim, title,
17 legal share, or right of possession to an animal or a person having
18 lawful control, custody, or possession of an animal.

19 ~~((i))~~ (j) "Person" means individuals, corporations, partnerships,
20 associations, or other legal entities, and agents of those entities.

21 ~~((j))~~ (k) "Substantial bodily harm" means substantial bodily harm
22 as defined in RCW 9A.04.110.

Passed by the Senate April 17, 2007.
Passed by the House April 9, 2007.
Approved by the Governor May 8, 2007.
Filed in Office of Secretary of State May 10, 2007.