

SSB 5501 - H COMM AMD
By Committee on Judiciary

ADOPTED AS AMENDED 4/14/2015

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 16.52
4 RCW to read as follows:

5 (1) It is a class 2 civil infraction under RCW 7.80.120 to leave
6 or confine any animal unattended in a motor vehicle or enclosed space
7 if the animal could be harmed or killed by exposure to excessive
8 heat, cold, lack of ventilation, or lack of necessary water.

9 (2) To protect the health and safety of an animal, an animal
10 control officer or law enforcement officer who reasonably believes
11 that an animal is suffering or is likely to suffer harm from exposure
12 to excessive heat, cold, lack of ventilation, or lack of necessary
13 water is authorized to enter a vehicle or enclosed space to remove an
14 animal by any means reasonable under the circumstances if no other
15 person is present in the immediate area who has access to the vehicle
16 or enclosed space and who will immediately remove the animal. An
17 animal control officer, law enforcement officer, or the department or
18 agency employing such an officer is not liable for any damage to
19 property resulting from actions taken under this section.

20 (3) Nothing in this section prevents the person who has confined
21 the animal in the vehicle or enclosed space from being convicted of
22 separate offenses for animal cruelty under RCW 16.52.205 or
23 16.52.207.

24 **Sec. 2.** RCW 16.52.011 and 2011 c 172 s 1 and 2011 c 67 s 3 are
25 each reenacted and amended to read as follows:

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

28 (2) The definitions in this section apply throughout this chapter
29 unless the context clearly requires otherwise.

30 (a) "Abandons" means the knowing or reckless desertion of an
31 animal by its owner or the causing of the animal to be deserted by

1 its owner, in any place, without making provisions for the animal's
2 adequate care.

3 (b) "Animal" means any nonhuman mammal, bird, reptile, or
4 amphibian.

5 (c) "Animal care and control agency" means any city or county
6 animal control agency or authority authorized to enforce city or
7 county municipal ordinances regulating the care, control, licensing,
8 or treatment of animals within the city or county, and any
9 corporation organized under RCW 16.52.020 that contracts with a city
10 or county to enforce the city or county ordinances governing animal
11 care and control.

12 (d) "Animal control officer" means any individual employed,
13 contracted, or appointed pursuant to RCW 16.52.025 by an animal care
14 and control agency or humane society to aid in the enforcement of
15 ordinances or laws regulating the care and control of animals. For
16 purposes of this chapter, the term "animal control officer" shall be
17 interpreted to include "humane officer" as defined in (g) of this
18 subsection and RCW 16.52.025.

19 (e) "Euthanasia" means the humane destruction of an animal
20 accomplished by a method that involves instantaneous unconsciousness
21 and immediate death, or by a method that causes painless loss of
22 consciousness, and death during the loss of consciousness.

23 (f) "Food" means food or feed appropriate to the species for
24 which it is intended.

25 (g) "Humane officer" means any individual employed, contracted,
26 or appointed by an animal care and control agency or humane society
27 as authorized under RCW 16.52.025.

28 (h) "Law enforcement agency" means a general authority Washington
29 law enforcement agency as defined in RCW 10.93.020.

30 (i) "Livestock" includes, but is not limited to, horses, mules,
31 cattle, sheep, swine, goats, and bison.

32 (j) "Necessary food" means the provision at suitable intervals of
33 wholesome foodstuff suitable for the animal's age (~~and~~), species,
34 and condition, and that is sufficient to provide a reasonable level
35 of nutrition for the animal and is easily accessible to the animal or
36 as directed by a veterinarian for medical reasons.

37 (k) "Necessary water" means water that is in sufficient quantity
38 and of appropriate quality for the species for which it is intended
39 and that is accessible to the animal or as directed by a veterinarian
40 for medical reasons.

1 (l) "Owner" means a person who has a right, claim, title, legal
2 share, or right of possession to an animal or a person having lawful
3 control, custody, or possession of an animal.

4 (m) "Person" means individuals, corporations, partnerships,
5 associations, or other legal entities, and agents of those entities.

6 (n) "Similar animal" means: (i) For a mammal, another animal that
7 is in the same taxonomic order; or (ii) for an animal that is not a
8 mammal, another animal that is in the same taxonomic class.

9 (o) "Substantial bodily harm" means substantial bodily harm as
10 defined in RCW 9A.04.110.

11 (p) "Malice" has the same meaning as provided in RCW 9A.04.110,
12 but applied to acts against animals.

13 **Sec. 3.** RCW 16.52.117 and 2006 c 287 s 1 are each amended to
14 read as follows:

15 (1) A person commits the crime of animal fighting if the person
16 knowingly does any of the following or causes a minor to do any of
17 the following:

18 (a) Owns, possesses, keeps, breeds, trains, buys, sells, or
19 advertises or offers for sale any animal with the intent that the
20 animal shall be engaged in an exhibition of fighting with another
21 animal;

22 (b) (~~Knowingly~~) Promotes, organizes, conducts, participates in,
23 is a spectator of, advertises, prepares, or performs any service in
24 the furtherance of, an exhibition of animal fighting, transports
25 spectators to an animal fight, or provides or serves as a stakeholder
26 for any money wagered on an animal fight (~~at any place or~~
27 ~~building~~);

28 (c) Keeps or uses any place for the purpose of animal fighting,
29 or manages or accepts payment of admission to any place kept or used
30 for the purpose of animal fighting;

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

34 (e) Takes, leads away, possesses, confines, sells, transfers, or
35 receives (~~a stray animal or a pet animal, with the intent to deprive~~
36 ~~the owner of the pet animal, and~~) an animal with the intent of using
37 the (~~stray~~) animal (~~or pet animal~~) for animal fighting, or for
38 training or baiting for the purpose of animal fighting.

1 (2) A person who violates this section is guilty of a class C
2 felony punishable under RCW 9A.20.021.

3 (3) Nothing in this section prohibits the following:

4 (a) The use of dogs in the management of livestock, as defined by
5 chapter 16.57 RCW, by the owner of the livestock or the owner's
6 employees or agents or other persons in lawful custody of the
7 livestock;

8 (b) The use of dogs in hunting as permitted by law; or

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

11 ~~((4) For the purposes of this section, "animal" means dogs or
12 male chickens.))~~

13 **Sec. 4.** RCW 16.52.320 and 2011 c 67 s 1 are each amended to read
14 as follows:

15 (1) It is unlawful for a person to, with malice, kill or cause
16 substantial bodily harm to livestock belonging to another person.

17 (2) A violation of this section constitutes a class C felony.

18 ~~((3) For the purposes of this section, "malice" has the same
19 meaning as provided in RCW 9A.04.110, but applied to acts against
20 livestock.))~~

21 **Sec. 5.** RCW 9.08.070 and 2003 c 53 s 9 are each amended to read
22 as follows:

23 (1) Any person who, with intent to deprive or defraud the owner
24 thereof, does any of the following shall be guilty of a gross
25 misdemeanor punishable according to chapter 9A.20 RCW and by a
26 mandatory fine of not less than five hundred dollars per pet animal,
27 except as provided by subsection (2) of this section:

28 (a) Takes, leads away, confines, secretes or converts any pet
29 animal, except in cases in which the value of the pet animal exceeds
30 ~~((two))~~ seven hundred fifty dollars;

31 (b) Conceals the identity of any pet animal or its owner by
32 obscuring, altering, or removing from the pet animal any collar, tag,
33 license, tattoo, or other identifying device or mark;

34 (c) Willfully or recklessly kills or injures any pet animal,
35 unless excused by law.

36 (2) Nothing in this section shall prohibit a person from also
37 being convicted of separate offenses under RCW 9A.56.030, 9A.56.040,
38 or 9A.56.050 for theft ~~((or))~~ under RCW 9A.56.150, 9A.56.160, or

1 9A.56.170 for possession of stolen property, or under chapter 16.52
2 RCW for animal cruelty.

3 **Sec. 6.** RCW 16.52.205 and 2006 c 191 s 1 are each amended to
4 read as follows:

5 (1) A person is guilty of animal cruelty in the first degree
6 when, except as authorized in law, he or she intentionally (a)
7 inflicts substantial pain on, (b) causes physical injury to, or (c)
8 kills an animal by a means causing undue suffering or while
9 manifesting an extreme indifference to life, or forces a minor to
10 inflict unnecessary pain, injury, or death on an animal.

11 (2) A person is guilty of animal cruelty in the first degree
12 when, except as authorized by law, he or she, with criminal
13 negligence, starves, dehydrates, or suffocates an animal and as a
14 result causes: (a) Substantial and unjustifiable physical pain that
15 extends for a period sufficient to cause considerable suffering; or
16 (b) death.

17 (3) A person is guilty of animal cruelty in the first degree when
18 he or she:

19 (a) Knowingly engages in any sexual conduct or sexual contact
20 with an animal;

21 (b) Knowingly causes, aids, or abets another person to engage in
22 any sexual conduct or sexual contact with an animal;

23 (c) Knowingly permits any sexual conduct or sexual contact with
24 an animal to be conducted on any premises under his or her charge or
25 control;

26 (d) Knowingly engages in, organizes, promotes, conducts,
27 advertises, aids, abets, participates in as an observer, or performs
28 any service in the furtherance of an act involving any sexual conduct
29 or sexual contact with an animal for a commercial or recreational
30 purpose; or

31 (e) Knowingly photographs or films, for purposes of sexual
32 gratification, a person engaged in a sexual act or sexual contact
33 with an animal.

34 (4) Animal cruelty in the first degree is a class C felony.

35 (5) In addition to the penalty imposed in subsection (4) of this
36 section, the court may order that the convicted person do any of the
37 following:

38 (a) Not harbor or own animals or reside in any household where
39 animals are present;

1 (b) Participate in appropriate counseling at the defendant's
2 expense;

3 (c) Reimburse the animal shelter or humane society for any
4 reasonable costs incurred for the care and maintenance of any animals
5 taken to the animal shelter or humane society as a result of conduct
6 proscribed in subsection (3) of this section.

7 (6) Nothing in this section may be considered to prohibit
8 accepted animal husbandry practices or accepted veterinary medical
9 practices by a licensed veterinarian or certified veterinary
10 technician.

11 (7) If the court has reasonable grounds to believe that a
12 violation of this section has occurred, the court may order the
13 seizure of all animals involved in the alleged violation as a
14 condition of bond of a person charged with a violation.

15 (8) For purposes of this section:

16 (a) "Animal" means every creature, either alive or dead, other
17 than a human being.

18 (b) "Sexual conduct" means any touching or fondling by a person,
19 either directly or through clothing, of the sex organs or anus of an
20 animal or any transfer or transmission of semen by the person upon
21 any part of the animal, for the purpose of sexual gratification or
22 arousal of the person.

23 (c) "Sexual contact" means any contact, however slight, between
24 the mouth, sex organ, or anus of a person and the sex organ or anus
25 of an animal, or any intrusion, however slight, of any part of the
26 body of the person into the sex organ or anus of an animal, or any
27 intrusion of the sex organ or anus of the person into the mouth of
28 the animal, for the purpose of sexual gratification or arousal of the
29 person.

30 (d) "Photographs" or "films" means the making of a photograph,
31 motion picture film, videotape, digital image, or any other
32 recording, sale, or transmission of the image."

33 Correct the title.

EFFECT: The striking amendment makes the following changes:

Removes amendatory language stating that the provisions of the animal cruelty chapter do not interfere with the laws regulating or any legal right to engage in agriculture, rodeos, farms, parades, use under game laws, official sport competitions licensed or regulated by the state, or the use of service animals.

Removes provisions restating the limitation on the applicability of the animal cruelty chapter that were included in several sections of the bill.

Modifies the amendment to the animal cruelty in the first degree statute to reinstate current law and add that killing an animal "while manifesting an extreme indifference to life" qualifies as animal cruelty in the first degree.

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