

FINAL BILL REPORT

SSB 5501

PARTIAL VETO C 235 L PV Synopsis as Enacted

Brief Description: Preventing animal cruelty.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Fain, Frockt, Kohl-Welles and Chase).

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Animal Cruelty. Animal cruelty in the first degree is committed when a person: (1) intentionally inflicts substantial pain on, causes physical injury to, or kills an animal by a means that causes undue suffering; (2) with criminal negligence, starves, dehydrates, or suffocates an animal, and the animal suffers unnecessary or unjustifiable physical pain or death; or (3) knowingly engages in certain conduct involving a sexual act or sexual contact with an animal. Animal cruelty in the first degree is a class C felony.

Other Crimes Involving Animals. In addition to prohibiting animal cruelty, the state's laws regarding the prevention of cruelty to animals prohibits certain specific practices and activities involving animals. Among the law's prohibitions are transporting or confining animals in an unsafe manner, engaging animals in exhibition fighting with other animals, and killing or stealing animals belonging to another person.

Unsafe Confinement. Transporting or confining a domestic animal in an unsafe manner is a misdemeanor. If a domestic animal is confined without necessary food and water for more than 36 consecutive hours, any person may enter the area in which the animal is confined and provide food and water. The person providing care to the animal is not subject to liability for the entry, and is entitled to reimbursement for the food and water. Investigating officers may, if it is extremely difficult to supply food and water, remove the animal and take it into protective custody.

Animal Fighting. It is unlawful to possess, sell, or train a dog or male chicken for the purpose of an animal fighting exhibition. It is also unlawful to organize, promote, watch, or wager bets on fights between dogs or male chickens. This offense is punishable as a class C felony.

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.

Killing or Harming Livestock. It is unlawful for a person to, with malice, kill or cause substantial bodily harm to livestock belonging to another person. A violation constitutes a class C felony.

Killing or Stealing a Pet Animal. Any person who kills or obscures the identity of a pet animal, or who steals a pet animal worth \$250 or less, is subject to a mandatory fine of \$500 per animal. This conduct also constitutes a gross misdemeanor.

Enforcement of Animal Cruelty Laws. Law enforcement agencies and local animal care and control agencies may enforce the animal cruelty law. A law enforcement officer or animal control officer may, with a warrant, remove an animal to a suitable place for care if the officer has probable cause to believe the owner has violated the animal cruelty laws and there is no responsible person available who can assume the animal's care. The officer may remove an animal without a warrant if the animal is in an immediate life-threatening situation.

Summary: It is a class 2 civil infraction to leave or confine any animal unattended in a motor vehicle or enclosed space if the animal could be harmed or killed by exposure to excessive heat, cold, lack of ventilation, or lack of necessary water. An animal control officer or law enforcement officer is authorized to enter the motor vehicle or enclosed area to remove the animal from such exposure. The officer or employing agency is not liable for any property damage related to the animal removal. The maximum penalty for a class 2 civil infraction is \$125, plus statutory assessments. The civil infraction does not preclude criminal prosecution for animal cruelty.

The crime of animal fighting includes causing a minor to commit the same crime. For the crime of animal fighting, the definition of an animal is no longer limited to just dogs or male chickens.

The value limit on a pet animal, the theft of which is subject to a mandatory \$500 fine, is raised from \$250 to \$750, which is the monetary threshold for theft in the third degree. A person in violation of the statute may also be prosecuted for animal cruelty.

Animal cruelty in the first degree is committed when a person intentionally inflicts substantial pain, causes physical injury, or kills an animal. The cruelty must be committed by a means causing undue suffering or with extreme indifference to life. Animal cruelty also includes causing a minor to inflict substantial pain, cause physical injury, or kill an animal.

Votes on Final Passage:

Senate	49	0	
House	59	38	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 24, 2015

Partial Veto Summary: The Governor vetoed language regarding expanded exceptions from the animal cruelty law. The vetoed language would expand the existing exception for accepted husbandry practices for commercial farming to also include non-commercial farming.