

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 6300**

Chapter 158, Laws of 2020

66th Legislature  
2020 Regular Session

ANIMALS--VARIOUS PROVISIONS

EFFECTIVE DATE: June 11, 2020

Passed by the Senate March 9, 2020  
Yeas 45 Nays 3

CYRUS HABIB

**President of the Senate**

Passed by the House March 5, 2020  
Yeas 89 Nays 8

Laurie Jinkins

**Speaker of the House of  
Representatives**

Approved March 25, 2020 3:45 PM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6300** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

**Secretary**

FILED

March 26, 2020

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE SENATE BILL 6300**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2020 Regular Session

**State of Washington                      66th Legislature                      2020 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Rivers, Pedersen, Zeiger, Kuderer, Frockt, and Lovelett)

READ FIRST TIME 01/31/20.

1            AN ACT Relating to animal welfare; amending RCW 16.08.100,  
2 16.52.011, 16.52.085, 16.52.095, 16.52.200, 16.52.205, 16.52.207,  
3 16.54.020, and 16.54.030; repealing RCW 16.08.030, 16.52.110, and  
4 16.52.165; and prescribing penalties.

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

6            **Sec. 1.** RCW 16.08.100 and 2002 c 244 s 3 are each amended to  
7 read as follows:

8            (1) Any dangerous dog shall be immediately confiscated by an  
9 animal control authority if the: (a) Dog is not validly registered  
10 under RCW 16.08.080; (b) owner does not secure the liability  
11 insurance coverage required under RCW 16.08.080; (c) dog is not  
12 maintained in the proper enclosure; or (d) dog is outside of the  
13 dwelling of the owner, or outside of the proper enclosure and not  
14 under physical restraint of the responsible person. The owner must  
15 pay the costs of confinement and control. The animal control  
16 authority must serve notice upon the dog owner in person or by  
17 regular and certified mail, return receipt requested, specifying the  
18 reason for the confiscation of the dangerous dog, that the owner is  
19 responsible for payment of the costs of confinement and control, and  
20 that the dog will be destroyed in an expeditious and humane manner if  
21 the deficiencies for which the dog was confiscated are not corrected

1 within twenty days. The animal control authority shall destroy the  
2 confiscated dangerous dog in an expeditious and humane manner if any  
3 deficiencies required by this subsection are not corrected within  
4 twenty days of notification. In addition, the owner shall be guilty  
5 of a gross misdemeanor punishable in accordance with RCW 9A.20.021.

6 (2) If a dangerous dog of an owner with a prior conviction under  
7 this chapter attacks or bites a person or another domestic animal,  
8 the dog's owner is guilty of a class C felony, punishable in  
9 accordance with RCW 9A.20.021. It is an affirmative defense that the  
10 defendant must prove by a preponderance of the evidence that he or  
11 she was in compliance with the requirements for ownership of a  
12 dangerous dog pursuant to this chapter and the person or domestic  
13 animal attacked or bitten by the defendant's dog trespassed on the  
14 defendant's real or personal property or provoked the defendant's dog  
15 without justification or excuse. In addition, the dangerous dog shall  
16 be immediately confiscated by an animal control authority, placed in  
17 quarantine for the proper length of time, and thereafter destroyed in  
18 an expeditious and humane manner.

19 (3) The owner of any dog that aggressively attacks and causes  
20 severe injury or death of any human, whether or not the dog has  
21 previously been declared potentially dangerous or dangerous, shall,  
22 upon conviction, be guilty of a class C felony punishable in  
23 accordance with RCW 9A.20.021. It is an affirmative defense that the  
24 defendant must prove by a preponderance of the evidence that the  
25 human severely injured or killed by the defendant's dog: (a)  
26 Trespassed on the defendant's real or personal property which was  
27 enclosed by fencing suitable to prevent the entry of young children  
28 and designed to prevent the dog from escaping and marked with clearly  
29 visible signs warning people, including children, not to trespass and  
30 to beware of dog; or (b) provoked the defendant's dog without  
31 justification or excuse on the defendant's real or personal property  
32 which was enclosed by fencing suitable to prevent the entry of young  
33 children and designed to prevent the dog from escaping and marked  
34 with clearly visible signs warning people, including children, not to  
35 trespass and to beware of dog. In such a prosecution, the state has  
36 the burden of showing that the owner of the dog either knew or should  
37 have known that the dog was potentially dangerous as defined in this  
38 chapter. The state may not meet its burden of proof that the owner  
39 should have known the dog was potentially dangerous solely by showing  
40 the dog to be a particular breed or breeds. In addition, the dog

1 shall be immediately confiscated by an animal control authority,  
2 quarantined, and upon conviction of the owner destroyed in an  
3 expeditious and humane manner.

4 ~~((4) Any person entering a dog in a dog fight is guilty of a~~  
5 ~~class C felony punishable in accordance with RCW 9A.20.021.))~~

6 **Sec. 2.** RCW 16.52.011 and 2019 c 174 s 3 are each amended to  
7 read as follows:

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

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

12 (a) "Abandons" means the knowing or reckless desertion of an  
13 animal by its owner, or by a person who has taken control, custody,  
14 or possession of an animal that was involved in animal fighting as  
15 described in RCW 16.52.117, or the causing of the animal to be  
16 deserted by its owner, in any place, without making provisions for  
17 the animal's adequate care.

18 (b) "Animal" means any nonhuman mammal, bird, reptile, or  
19 amphibian.

20 (c) "Animal care and control agency" means any city or county  
21 animal control agency or authority authorized to enforce city or  
22 county municipal ordinances regulating the care, control, licensing,  
23 or treatment of animals within the city or county, and any  
24 corporation organized under RCW 16.52.020 that contracts with a city  
25 or county to enforce the city or county ordinances governing animal  
26 care and control.

27 (d) "Animal control officer" means any individual employed,  
28 contracted, or appointed pursuant to RCW 16.52.025 by an animal care  
29 and control agency or humane society to aid in the enforcement of  
30 ordinances or laws regulating the care and control of animals. For  
31 purposes of this chapter, the term "animal control officer" shall be  
32 interpreted to include "humane officer" as defined in (h) of this  
33 subsection and RCW 16.52.025.

34 (e) "Dog" means an animal of the species *Canis lupus familiaris*.

35 (f) "Euthanasia" means the humane destruction of an animal  
36 accomplished by a method that involves instantaneous unconsciousness  
37 and immediate death, or by a method that causes painless loss of  
38 consciousness, and death during the loss of consciousness.

1 (g) "Food" means food or feed appropriate to the species for  
2 which it is intended.

3 (h) "Humane officer" means any individual employed, contracted,  
4 or appointed by an animal care and control agency or humane society  
5 as authorized under RCW 16.52.025.

6 (i) "Law enforcement agency" means a general authority Washington  
7 law enforcement agency as defined in RCW 10.93.020.

8 (j) "Livestock" includes, but is not limited to, horses, mules,  
9 cattle, sheep, swine, goats, and bison.

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

12 (l) "Necessary food" means the provision at suitable intervals of  
13 wholesome foodstuff suitable for the animal's age, species, and  
14 condition, and that is sufficient to provide a reasonable level of  
15 nutrition for the animal and is easily accessible to the animal or as  
16 directed by a veterinarian for medical reasons.

17 (m) "Necessary shelter" means a structure sufficient to protect a  
18 dog from wind, rain, snow, cold, heat, or sun that has bedding to  
19 permit a dog to remain dry and reasonably clean and maintain a normal  
20 body temperature.

21 (n) "Necessary water" means water that is in sufficient quantity  
22 and of appropriate quality for the species for which it is intended  
23 and that is accessible to the animal or as directed by a veterinarian  
24 for medical reasons.

25 (o) "Owner" means a person who has a right, claim, title, legal  
26 share, or right of possession to an animal or a person having lawful  
27 control, custody, or possession of an animal.

28 (p) "Person" means individuals, corporations, partnerships,  
29 associations, or other legal entities, and agents of those entities.

30 (~~(q) ("Similar animal" means: (i) For a mammal, another animal  
31 that is in the same taxonomic order; or (ii) for an animal that is  
32 not a mammal, another animal that is in the same taxonomic class.~~

33 ~~(r))~~ "Substantial bodily harm" means substantial bodily harm as  
34 defined in RCW 9A.04.110.

35 ~~((s))~~ (r) "Tether" means: (i) To restrain an animal by tying or  
36 securing the animal to any object or structure; and (ii) a device  
37 including, but not limited to, a chain, rope, cable, cord, tie-out,  
38 pulley, or trolley system for restraining an animal.

1       **Sec. 3.** RCW 16.52.085 and 2016 c 181 s 1 are each amended to  
2 read as follows:

3       (1) If a law enforcement officer or animal control officer has  
4 probable cause to believe that an owner of a domestic animal has  
5 violated this chapter or a person owns, cares for, or resides with an  
6 animal in violation of an order issued under RCW 16.52.200(4) and no  
7 responsible person can be found to assume the animal's care, the  
8 officer may authorize, with a warrant, the removal of the animal to a  
9 suitable place for feeding and care, or may place the animal under  
10 the custody of an animal care and control agency. In determining what  
11 is a suitable place, the officer shall consider the animal's needs,  
12 including its size and behavioral characteristics. An officer may  
13 remove an animal under this subsection without a warrant only if the  
14 animal is in an immediate life-threatening condition.

15       (2) If a law enforcement officer or an animal control officer has  
16 probable cause to believe a violation of this chapter has occurred,  
17 the officer may authorize an examination of a domestic animal  
18 allegedly neglected or abused in violation of this chapter by a  
19 veterinarian to determine whether the level of neglect or abuse in  
20 violation of this chapter is sufficient to require removal of the  
21 animal. This section does not condone illegal entry onto private  
22 property.

23       (3) Any owner whose domestic animal is removed pursuant to this  
24 chapter shall be given written notice of the circumstances of the  
25 removal and notice of legal remedies available to the owner. The  
26 notice shall be given by posting at the place of seizure, by delivery  
27 to a person residing at the place of seizure, or by registered mail  
28 if the owner is known. In making the decision to remove an animal  
29 pursuant to this chapter, the officer shall make a good faith effort  
30 to contact the animal's owner before removal.

31       (4) The agency having custody of the animal may euthanize the  
32 animal or may find a responsible person to adopt the animal not less  
33 than fifteen business days after the animal is taken into custody. A  
34 custodial agency may euthanize severely injured, diseased, or  
35 suffering animals at any time. An owner may prevent the animal's  
36 destruction or adoption by: (a) Petitioning the district court of the  
37 county where the animal was seized for the animal's immediate return  
38 subject to court-imposed conditions, or (b) posting a bond or  
39 security in an amount sufficient to provide for the animal's care for  
40 a minimum of thirty days from the seizure date. If the custodial

1 agency still has custody of the animal when the bond or security  
2 expires, the animal shall become the agency's property unless the  
3 court orders an alternative disposition. If a court order prevents  
4 the agency from assuming ownership and the agency continues to care  
5 for the animal, the court shall order the owner to post or renew a  
6 bond or security for the agency's continuing costs for the animal's  
7 care. When a court has prohibited the owner from owning, caring for,  
8 or residing with ~~((a similar))~~ animals under RCW 16.52.200(4), the  
9 agency having custody of the animal may assume ownership upon seizure  
10 and the owner may not prevent the animal's destruction or adoption by  
11 petitioning the court or posting a bond.

12 (5) If no criminal case is filed within fourteen business days of  
13 the animal's removal, the owner may petition the district court of  
14 the county where the animal was removed for the animal's return. The  
15 petition shall be filed with the court. Copies of the petition must  
16 be served on the law enforcement or animal care and control agency  
17 responsible for removing the animal and to the prosecuting attorney.  
18 If the court grants the petition, the agency which seized the animal  
19 must surrender the animal to the owner at no cost to the owner. If a  
20 criminal action is filed after the petition is filed but before the  
21 hearing on the petition, then the petition shall be joined with the  
22 criminal matter.

23 (6) In a motion or petition for the animal's return before a  
24 trial, the burden is on the owner to prove by a preponderance of the  
25 evidence that the animal will not suffer future neglect or abuse and  
26 is not in need of being restored to health.

27 (7) Any authorized person treating or attempting to restore an  
28 animal to health under this chapter shall not be civilly or  
29 criminally liable for such action.

30 **Sec. 4.** RCW 16.52.095 and 1994 c 261 s 7 are each amended to  
31 read as follows:

32 ~~((It shall not be lawful for))~~ (1) Except as provided in  
33 subsection (2) of this section, it is a misdemeanor:

34 (a) For any person to cut off more than one-half of the ear or  
35 ears of any domestic animal such as an ox, cow, bull, calf, sheep,  
36 goat, or hog ~~((, or dog, and any person cutting off more than one-half~~  
37 ~~of the ear or ears of any such animals, shall be deemed guilty of a~~  
38 ~~misdemeanor, and upon conviction, shall be fined in any sum less than~~  
39 ~~twenty dollars. This section does not apply if cutting off more than~~

1 ~~one-half of the ear of the animal is a customary husbandry~~  
2 ~~practice)); or~~

3 (b) For any person to:

4 (i) Devocalize a dog;

5 (ii) Crop or cut off any part of the ear of a dog; or

6 (iii) Crop or cut off any part of the tail of a dog that is seven  
7 days old or older, or has opened its eyes, whichever occurs sooner.

8 (2) This section does not apply if the person performing the  
9 procedure is a licensed veterinarian utilizing accepted veterinary  
10 surgical protocols that may include local anesthesia, general  
11 anesthesia, or perioperative pain management.

12 **Sec. 5.** RCW 16.52.200 and 2016 c 181 s 2 are each amended to  
13 read as follows:

14 (1) The sentence imposed for a misdemeanor or gross misdemeanor  
15 violation of this chapter may be deferred or suspended in accordance  
16 with RCW 3.66.067 and 3.66.068, however the probationary period shall  
17 be two years.

18 (2) In case of multiple misdemeanor or gross misdemeanor  
19 convictions, the sentences shall be consecutive, however the  
20 probationary period shall remain two years.

21 (3) In addition to the penalties imposed by the court, the court  
22 shall order the forfeiture of all animals held by law enforcement or  
23 animal care and control authorities under the provisions of this  
24 chapter if any one of the animals involved dies as a result of a  
25 violation of this chapter or if the defendant has a prior conviction  
26 under this chapter. In other cases the court may enter an order  
27 requiring the owner to forfeit the animal if the court deems the  
28 animal's treatment to have been severe and likely to reoccur.

29 (4) Any person convicted of animal cruelty shall be prohibited  
30 from owning, caring for, possessing, or residing with any (~~similar~~)  
31 animals for a period of time as follows:

32 (a) Two years for a first conviction of animal cruelty in the  
33 second degree under RCW 16.52.207;

34 (b) Permanently for a first conviction of animal cruelty in the  
35 first degree under RCW 16.52.205;

36 (c) Permanently for a second or subsequent conviction of animal  
37 cruelty, except as provided in subsection (5) of this section.

38 (5) If a person has no more than two convictions of animal  
39 cruelty and each conviction is for animal cruelty in the second



1 degree, the person may petition the sentencing court in which the  
2 most recent animal cruelty conviction occurred, for a restoration of  
3 the right to own (~~or possess a similar animal~~), care for, possess,  
4 or reside with animals five years after the date of the second  
5 conviction. In determining whether to grant the petition, the court  
6 shall consider, but not be limited to, the following:

7 (a) The person's prior animal cruelty in the second degree  
8 convictions;

9 (b) The type of harm or violence inflicted upon the animals;

10 (c) Whether the person has completed the conditions imposed by  
11 the court as a result of the underlying convictions;

12 (d) Whether the person complied with the prohibition on owning,  
13 caring for, possessing, or residing with (~~similar~~) animals; and

14 (e) Any other matters the court finds reasonable and material to  
15 consider in determining whether the person is likely to abuse another  
16 animal.

17 The court may delay its decision on forfeiture under subsection  
18 (3) of this section until the end of the probationary period.

19 (6) In addition to fines and court costs, the defendant, only if  
20 convicted or in agreement, shall be liable for reasonable costs  
21 incurred pursuant to this chapter by law enforcement agencies, animal  
22 care and control agencies, or authorized private or public entities  
23 involved with the care of the animals. Reasonable costs include  
24 expenses of the investigation, and the animal's care, euthanization,  
25 or adoption.

26 (7) If convicted, the defendant shall also pay a civil penalty of  
27 one thousand dollars to the county to prevent cruelty to animals.  
28 These funds shall be used to prosecute offenses under this chapter  
29 and to care for forfeited animals pending trial.

30 (8) If a person violates the prohibition on owning, caring for,  
31 possessing, or residing with (~~similar~~) animals under subsection (4)  
32 of this section, that person:

33 (a) Shall pay a civil penalty of one thousand dollars for the  
34 first violation;

35 (b) Shall pay a civil penalty of two thousand five hundred  
36 dollars for the second violation; and

37 (c) Is guilty of a gross misdemeanor for the third and each  
38 subsequent violation.

39 (9) As a condition of the sentence imposed under this chapter or  
40 RCW 9.08.070 through 9.08.078, the court may also order the defendant

1 to participate in an available animal cruelty prevention or education  
2 program or obtain available psychological counseling to treat mental  
3 health problems contributing to the violation's commission. The  
4 defendant shall bear the costs of the program or treatment.

5 (10) Nothing in this section limits the authority of a law  
6 enforcement officer, animal control officer, custodial agency, or  
7 court to remove, adopt, euthanize, or require forfeiture of an animal  
8 under RCW 16.52.085.

9 **Sec. 6.** RCW 16.52.205 and 2015 c 235 s 6 are each amended to  
10 read as follows:

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

17 (2) (a) A person is guilty of animal cruelty in the first degree  
18 when, except as authorized by law or as provided in (c) of this  
19 subsection, he or she, with criminal negligence, starves, dehydrates,  
20 or suffocates an animal, or exposes an animal to excessive heat or  
21 cold and as a result causes: ~~((a))~~ (i) Substantial and  
22 unjustifiable physical pain that extends for a period sufficient to  
23 cause considerable suffering; or ~~((b))~~ (ii) death.

24 (b) In determining whether an animal has experienced the  
25 condition described in (a)(i) of this subsection due to exposure to  
26 excessive heat or cold, the trier of fact shall consider any evidence  
27 as to: (i) Whether the animal's particular species and breed is  
28 physiologically adaptable to the conditions to which the animal was  
29 exposed; and (ii) the animal's age, health, medical conditions, and  
30 any other physical characteristics of the animal or factor that may  
31 affect its susceptibility to excessive heat or cold.

32 (c) A person is not guilty of animal cruelty in the first degree  
33 by means of exposing an animal to excessive heat or cold if the  
34 exposure is due to an unforeseen or unpreventable accident or event  
35 caused exclusively by an extraordinary force of nature.

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

38 (a) Knowingly engages in any sexual conduct or sexual contact  
39 with an animal;

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

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

6 (d) Knowingly engages in, organizes, promotes, conducts,  
7 advertises, aids, abets, participates in as an observer, or performs  
8 any service in the furtherance of an act involving any sexual conduct  
9 or sexual contact with an animal for a commercial or recreational  
10 purpose; or

11 (e) Knowingly photographs or films, for purposes of sexual  
12 gratification, a person engaged in a sexual act or sexual contact  
13 with an animal.

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

15 (5) In addition to the penalty imposed in subsection (4) of this  
16 section, the court (~~may~~) must order that the convicted person (~~do~~  
17 ~~any of the following:~~

18 ~~(a) Not harbor or own animals or reside in any household where~~  
19 ~~animals are present;~~

20 ~~(b))~~ not own, care for, possess, or reside in any household  
21 where an animal is present, in accordance with RCW 16.52.200.

22 (6) In addition to the penalties imposed in subsections (4) and  
23 (5) of this section, the court may order that the convicted person:

24 (a) Participate in appropriate counseling at the defendant's  
25 expense;

26 ~~((e))~~ (b) Reimburse the animal shelter or humane society for  
27 any reasonable costs incurred for the care and maintenance of any  
28 animals taken to the animal shelter or humane society as a result of  
29 conduct proscribed in ((subsection (3) of)) this section.

30 ~~((6))~~ (7) Nothing in this section ((may be considered to))  
31 prohibits accepted animal husbandry practices or ((accepted  
32 veterinary medical practices by)) prohibits a licensed veterinarian  
33 or certified veterinary technician from performing procedures on an  
34 animal that are accepted veterinary medical practices.

35 ~~((7))~~ (8) If the court has reasonable grounds to believe that a  
36 violation of this section has occurred, the court may order the  
37 seizure of all animals involved in the alleged violation as a  
38 condition of bond of a person charged with a violation.

39 ~~((8))~~ (9) For purposes of this section:

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

3 (b) "Sexual conduct" means any touching (~~(of)~~) by a person of,  
4 fondling by a person of, transfer of saliva by a person to, or use of  
5 a foreign object by a person on, (~~(either directly or through~~  
6 ~~clothing, of)~~) the sex organs or anus of an animal, either directly  
7 or through clothing, or any transfer or transmission of semen by the  
8 person upon any part of the animal (~~(, for the purpose of sexual~~  
9 ~~gratification or arousal of the person)~~).

10 (c) "Sexual contact" means (~~(any)~~): (i) Any contact, however  
11 slight, between the mouth, sex organ, or anus of a person and the sex  
12 organ or anus of an animal, or between the sex organ or anus of a  
13 person and the mouth of an animal; or (ii) any intrusion, however  
14 slight, of any part of the body of the person or foreign object into  
15 the sex organ or anus of an animal (~~(, or any intrusion of the sex~~  
16 ~~organ or anus of the person into the mouth of the animal, for the~~  
17 ~~purpose of sexual gratification or arousal of the person)~~).

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

21 **Sec. 7.** RCW 16.52.207 and 2019 c 174 s 2 are each amended to  
22 read as follows:

23 (1) A person is guilty of animal cruelty in the second degree if,  
24 under circumstances not amounting to first degree animal cruelty:

25 (a) The person knowingly, recklessly, or with criminal negligence  
26 inflicts unnecessary suffering or pain upon an animal; or

27 (b) The person takes control, custody, or possession of an animal  
28 that was involved in animal fighting as described in RCW 16.52.117  
29 and knowingly, recklessly, or with criminal negligence abandons the  
30 animal (~~(, and (i) as a result of being abandoned, the animal suffers~~  
31 ~~bodily harm; or (ii) abandoning the animal creates an imminent and~~  
32 ~~substantial risk that the animal will suffer substantial bodily~~  
33 ~~harm)~~).

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

38 (a) Fails to provide the animal with necessary shelter, rest,  
39 sanitation, space, or medical attention and the animal suffers

1 unnecessary or unjustifiable physical pain as a result of the  
2 failure; or

3 ~~(b) ((Under circumstances not amounting to animal cruelty in the~~  
4 ~~second degree under (c) of this subsection, abandons)) Abandons the~~  
5 ~~animal ((~~or~~~~

6 ~~(c) Abandons the animal and (i) as a result of being abandoned,~~  
7 ~~the animal suffers bodily harm; or (ii) abandoning the animal creates~~  
8 ~~an imminent and substantial risk that the animal will suffer~~  
9 ~~substantial bodily harm)).~~

10 (3) Animal cruelty in the second degree is a gross misdemeanor.

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

16 **Sec. 8.** RCW 16.54.020 and 2011 c 336 s 425 are each amended to  
17 read as follows:

18 Any person having in his or her care, custody, or control any  
19 abandoned animal as defined in RCW 16.54.010, may deliver such animal  
20 to any ~~((humane society having facilities for the care of such~~  
21 ~~animals or to any pound maintained by or under contract or agreement~~  
22 ~~with any city or county within which such animal was abandoned. If no~~  
23 ~~such humane society or pound exists within the county)) animal care~~  
24 ~~and control agency as defined in RCW 16.52.011 or to an animal rescue~~  
25 ~~group as defined in RCW 82.04.040 having the facilities and resources~~  
26 ~~necessary for the care of such animals. If such an animal care and~~  
27 ~~control agency or animal rescue group cannot reasonably be identified~~  
28 ~~to receive the animal, the person with whom the animal was abandoned~~  
29 ~~may notify the sheriff of the county wherein the abandonment~~  
30 ~~occurred.~~

31 **Sec. 9.** RCW 16.54.030 and 1955 c 190 s 3 are each amended to  
32 read as follows:

33 It shall be the duty of the sheriff of such county upon being so  
34 notified, to dispose of such animal as provided by law in reference  
35 to estrays if such law is applicable to the animal abandoned, or if  
36 not so applicable then deliver such an animal to any animal care and  
37 control agency as defined in RCW 16.52.011 or to an animal rescue  
38 group as defined in RCW 82.04.040 having the facilities and resources

1 necessary for the care of such an animal. If such an animal care and  
2 control agency or animal rescue group cannot reasonably be identified  
3 to receive the animal, then such an animal shall be sold by the  
4 sheriff at public auction. Notice of any such sale shall be given by  
5 posting a notice in three public places in the county at least ten  
6 days prior to such public sale. Proceeds of such sale shall be paid  
7 to the county treasurer for deposit in the county general fund.

8 NEW SECTION. **Sec. 10.** The following acts or parts of acts are  
9 each repealed:

10 (1) RCW 16.08.030 (Marauding dog—Duty of owner to kill) and 1929  
11 c 198 s 7;

12 (2) RCW 16.52.110 (Old or diseased animals at large) and 2011 c  
13 336 s 424 & 1901 c 146 s 13; and

14 (3) RCW 16.52.165 (Punishment—Conviction of misdemeanor) and 1982  
15 c 114 s 7 & 1901 c 146 s 16.

Passed by the Senate March 9, 2020.

Passed by the House March 5, 2020.

Approved by the Governor March 25, 2020.

Filed in Office of Secretary of State March 26, 2020.

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