
Community Safety Committee

HB 1149

Brief Description: Preventing cruelty to animals.

Sponsors: Representatives Hackney, Low and Ramel.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Expands the crimes of Animal Cruelty and Animal Fighting.• Modifies enforcement and criminal penalties for violations of animal cruelty laws.
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Hearing Date: 1/13/25

Staff: Michelle Rusk

Background:

Animal Fighting.

Participation in animal fighting is a criminal offense. The crime of Animal Fighting encompasses various prohibited activities including, but not limited to, knowingly:

- owning, possessing, buying, selling, or training an animal with the intent that the animal will be engaged in a fighting exhibition;
- promoting, organizing, watching, participating in wagering money for, or otherwise participating in an animal fighting exhibition;
- permitting, using, or accepting payment for admission to any place for animal fighting;
- stealing, taking, leading away, possessing, transferring, or receiving an animal intending to use it for fighting, or for training or baiting for the purpose of fighting; or
- owning, buying, selling, or manufacturing animal fighting paraphernalia.

Animal Fighting is an unranked class C felony, and an unranked class B felony if a person

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intentionally mutilates an animal in furtherance of animal fighting.

Animal Cruelty.

A person is guilty of Animal Cruelty in the second degree, a gross misdemeanor, when the person:

- knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal; or
- takes control, custody, or possession of an animal involved in animal fighting and knowingly, recklessly, or with criminal negligence abandons the animal.

An owner of an animal may additionally commit this offense by knowingly, recklessly, or with criminal negligence:

- abandoning the animal; or
- failing to provide the animal necessary shelter, rest, sanitation, space, or medical attention, and the animal suffers unnecessary or unjustifiable pain. The term "necessary shelter" is defined as a structure sufficient to protect a dog from weather, and with bedding allowing a dog to remain dry and reasonably clean with a normal body temperature."

Any person convicted of Animal Cruelty is prohibited from owning, caring for, possessing, or residing with any animal as follows:

- for two years for a first conviction of Animal Cruelty in the second degree;
- permanently for a first conviction of Animal Cruelty in the first degree; and
- permanently for a second or subsequent conviction of any Animal Cruelty offense, subject to specified exceptions.

Penalties and Enforcement.

Any person convicted of Animal Cruelty who violates an imposed prohibition on owning, caring for, possessing, or residing with an animal must pay a \$1,000 civil penalty for a first time violation, a \$2,000 civil penalty for a second violation, and is guilty of a gross misdemeanor for a third or subsequent violation.

If any domestic animal is confined without necessary food and water for more than 36 consecutive hours, a person may enter where the animal is confined and supply it with such.

Additionally, if an investigating officer finds it extremely difficult to supply a confined animal with food and water, the officer may remove the animal to protective custody for that purpose. Definitions are provided for "necessary food" and "necessary water".

If a law enforcement or animal control officer has probable cause to believe that an owner of a domestic animal has violated any animal cruelty laws, or a person owns, cares for, or resides with an animal in violation of a court order or other prohibition, the officer may obtain a warrant, enter the premises where the animal is located and seize it. When an animal is seized under these circumstances, it is immediately and permanently forfeited to the custodial agency and no court action is necessary.

Classification of Crimes.

Crimes are classified as misdemeanors, gross misdemeanors, or felonies, which generally determines the maximum term of confinement and the maximum fine a court can impose for an offense. When a person is convicted of a felony, the Sentencing Reform Act applies and determines a specific range of confinement determined by a sentencing grid. The sentencing grid provides a standard range of months for the sentence, based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the offender's criminal history. Seriousness levels range from I to XVI, and offender scores can range from zero to nine or more points. A higher seriousness level or offender score results in a longer sentence.

If a felony is "unranked," it means that the offense does not have a statutorily designated seriousness level under the Sentencing Reform Act. Unranked felonies carry a maximum period of confinement of one year regardless of the class of felony.

Summary of Bill:

Animal Fighting.

The crime of Animal Fighting is expanded to include when a person aids or abets in the commission of the offense. Animal Fighting is also established as a seriousness level III offense and seriousness level IV offense when a person intentionally mutilates an animal in furtherance of animal fighting. Any person convicted of Animal Fighting is permanently prohibited from owning, caring for, possessing, or residing with any animal.

Animal Cruelty.

The crime of Animal Cruelty in the second degree is expanded to include circumstances in which a person willfully instigates, engages in, or in any way furthers any act of animal cruelty. The crime is further expanded to provide that a person, instead of an owner of an animal, commits animal cruelty by knowingly, recklessly, or with criminal negligence abandoning or failing to provide an animal with necessary shelter, rest, sanitation, space, or medical attention, as well as necessary food or water, and the animal suffers unnecessary or unjustifiable physical pain.

Definitions are established for "necessary sanitation," "necessary space," and "necessary medical attention," and existing definitions are modified for "necessary food," "necessary water," and "necessary shelter," including that "necessary shelter" means a structure sufficient to protect any animal, not just dogs, from weather, with bedding suitable to keep any animal, not just dogs, dry and reasonably clean with a normal body temperature.

Penalties and Enforcement.

Any person convicted of Animal Cruelty or Animal Fighting who violates an imposed prohibition on owning, caring for, possessing, or residing with an animal is guilty of a misdemeanor for a first violation, a gross misdemeanor for a second violation, and a class C felony for a third or subsequent violation.

The amount of time an animal must be impounded or confined without necessary food or water before a person may enter to supply it with such is decreased from 36 hours to 24 hours. Additionally, an investigating officer's authority with respect to confined animals is expanded. Prior to an animal being without necessary food or water for 24 consecutive hours, an officer may enter where the animal is confined to provide it with those if the officer has probable cause to believe the animal's health or life is in imminent danger. An officer is also not required to wait 24 consecutive hours before making a determination that the animal has been abandoned.

The circumstances under which a law enforcement or animal control officer may obtain a warrant, enter where an animal is located, and seize it are expanded to include when the officer has probable cause to believe that a person owns, cares for, or resides with an animal in violation of an order issued under the laws prohibiting Animal Fighting. When an animal is seized under these circumstances, the animal is immediately and permanently forfeited to the custodial agency and no court action is necessary.

Appropriation: None.

Fiscal Note: Requested on 1/9/2025.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.