

HOUSE BILL REPORT

ESHB 1149

As Amended by the Senate

Title: An act relating to the prevention of cruelty to animals.

Brief Description: Preventing cruelty to animals.

Sponsors: House Committee on Community Safety (originally sponsored by Representatives Hackney, Low, Ramel, Leavitt, Obras, Timmons, Peterson, Wylie, Pollet, Kloba, Farivar, Berg, Ormsby, Fosse, Hill and Walen).

Brief History:

Committee Activity:

Community Safety: 1/13/25, 1/16/25 [DPS].

Floor Activity:

Passed House: 2/12/25, 96-0.

Senate Amended.

Passed Senate: 4/3/25, 47-1.

Brief Summary of Engrossed Substitute Bill

- Expands the crimes of Animal Cruelty and Animal Fighting.
- Modifies enforcement and criminal penalties for violations of animal cruelty laws.

HOUSE COMMITTEE ON COMMUNITY SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Goodman, Chair; Graham, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Burnett, Davis, Farivar, Fosse and Obras.

Staff: Michelle Rusk (786-7153).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

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 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 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.

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."

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 Engrossed Substitute 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. Animal Fighting involving intentional mutilation of an animal is designated as a class C felony, instead of a class B felony, with a seriousness level of IV. 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.

No requirements of the crime of Animal Cruelty in the second degree prohibit accepted animal husbandry practices or the performance of accepted veterinary medical practices by licensed or certified individuals.

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 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 any pre-trial court order. 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.

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.

EFFECT OF SENATE AMENDMENT(S):

The bill as amended by the Senate:

- limits who may be guilty of Animal Cruelty in the second degree for failing to provide specified animal needs or abandoning an animal; and

- requires officer determinations of animal abandonment under Washington's prevention of cruelty to animal laws to be based on probable cause.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill does more than just protect animals, it is also for the protection of communities. These changes will enhance public safety, provide clarity for law enforcement, and send a clear message that animal cruelty is not allowed in Washington. Research demonstrates a clear link between animal cruelty, animal fighting, and violent crime between humans. There is a close correlation to perpetration of domestic violence, child abuse, and elder abuse. Animal fighting also coexists with organized crime, drug crimes, illegal gambling, and violent crime, so much so that the FBI tracks these offenses as strong indicators of current and future violence against people.

None of the changes in the bill restrict animal husbandry practices, and it strikes a careful balance to improve animal welfare laws while protecting the rights of those engaging in lawful commercial operations. Additionally, this bill provides consistent and meaningful consequences for Animal Fighting offenders, which protects animals and the community. Currently, without ranking the Animal Fighting felonies, there is inconsistent sentencing across the state. Ranking these felonies helps assure offenders face appropriate consequences. Additionally, offenders of Animal Fighting can currently acquire more animals, which is perpetuating cycles of abuse, and this bill would prevent that.

(Opposed) Ranking Animal Cruelty with Intentional Mutilation at seriousness level IV is incongruous with previous recommendations from the Sentencing Guidelines Commission. In 2021 the commission reviewed all unranked offenses, and in 2023 it recommended to the Legislature that both Animal Fighting felonies should be ranked at seriousness level III. Animal Fighting is a serious offense that should be ranked commensurate with first degree Animal Cruelty.

Persons Testifying: (In support) Representative David Hackney, prime sponsor; Tricia Gullion, Washington State Gambling Commission; Kirsten Gregory, Pasado's Safe Haven; Sarah Hock, Washington Federation of Animal Care and Control Agencies, and Joint Animal Services; and Nathaniel Block.

(Opposed) Keri-Anne Jetzer, WA State Sentencing Guidelines Commission.

Persons Signed In To Testify But Not Testifying: None.