

SENATE BILL REPORT

ESHB 1149

As Reported by Senate Committee On:
Law & Justice, March 20, 2025

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

Committee Activity: Law & Justice: 3/13/25, 3/20/25 [DP].

Brief Summary of Bill

- Expands the crimes of animal cruelty and animal fighting.
- Modifies enforcement and penalties for violations of animal cruelty laws.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Holy, Ranking Member; Fortunato, Lovick, Salomon, Torres, Valdez and Wagoner.

Staff: Patrick Moore (786-7535)

Background: Animal Fighting. Participation in animal fighting is a felony crime. Various activities related to animal fighting are punishable, such as keeping animals for fighting, promoting, engaging in or allowing animal fighting events, and possessing or trading in animal fighting paraphernalia. Mutilating an animal for the purpose of animal fighting increases the seriousness level of the felony.

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.

Animal Cruelty. There are two degrees of criminal animal cruelty. Animal cruelty in the first degree is a felony crime. Various acts are punishable as animal cruelty in the first degree. These include criminal negligence that causes substantial and unjustifiable pain and suffering or death as well as acts related to sexual contact with an animal.

Animal cruelty in the second degree is a gross misdemeanor. Acts punishable as animal cruelty in the second degree include inflicting unnecessary suffering or pain on an animal, abandoning an animal, and failing to provide necessary shelter, rest, sanitation, space, or medical attention.

Penalties and Enforcement. In addition to incarceration, probation, and fines that may be ordered, a person convicted of animal cruelty is prohibited from owning, caring for, possessing, or residing with animals. This prohibition lasts two years for a first conviction of animal cruelty in the second degree but is permanent for all other animal cruelty convictions. Violations of this prohibition incur civil fines for the first two violations and a gross misdemeanor conviction for third and subsequent violations. A person with no more than two animal cruelty convictions may petition the court to lift this prohibition after five years.

Law enforcement and animal control officers have authority to obtain warrants and enter premises to seize animals that are subjected to illegal animal cruelty. An owner may petition for return of the animal. If an animal is seized from a person prohibited from owning, caring for, possessing, or residing with animals, the animal is immediately and permanently forfeited to the agency.

If a domestic animal is confined without necessary food and water for more than 36 hours, any person may enter the premises to supply necessary food and water. Such persons are not legally liable for entering in these circumstances and may claim compensation against the animal's owner for costs of food and water. Investigating officers may remove animals confined in this way to protective custody if it is difficult to supply them with food and 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 Bill: Animal Fighting. The crime of animal fighting is expanded to include aiding or abetting animal fighting violations. Animal fighting is established as a seriousness level III felony. 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 any person, instead of only 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 as a result.

Accepted practices of animal husbandry and veterinary medicine are not prohibited.

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 civil fine penalties for first and second violations are removed. Third and subsequent violations are increased from gross misdemeanors to class C felonies.

The circumstances under which a law enforcement or animal control officer may obtain a warrant, enter where an animal is confined, 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 pretrial court order.

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. Investigating officers are authorized to enter prior to 24 hours of deprivation if they have 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.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Animal abuse happens far too often. Dogs are chained up and starved. The abuse continues for years and the traumatic effects can last longer, leading to death in some cases. The Washington State Gambling Commission supports this bill. Animal fighting is often associated with other crimes such as drug possession, assault, prostitution, and money laundering. Under current law, these violations are unranked felonies which causes inconsistent and inadequate sentencing. This bill ensures appropriate legal sanctions. It also closes loopholes in the current law, provides tools for investigating officers, and clears up confusion around terms. People who abuse animals are the ones most likely to abuse humans as well. This bill does not prohibit or restrict accepted animal husbandry practices. It protects animals while safeguarding the rights of farmers and ranchers. This bill passed unanimously in the House of Representatives.

CON: The Sentencing Guidelines Commission opposes this bill. Applying a seriousness level IV to violations is out of step with other offenses at that level. There are constitutional concerns in how this bill allows officers to enter homes without warrants. It may set precedent for situations beyond those having to do with animals. This bill does not help animals but rather puts vulnerable persons at risk. The penalty prohibition on residing with animals is burdensome to low-income people who are the ones most likely to be living in shared housing where others may keep animals. If they live in such situations, they could get convicted of felony violations for trying to survive. Someone in a relationship with an animal abuser could be criminally liable for an act like giving their partner a ride somewhere. This bill may lead to situations where an officer seizes animals that were left without food and water for only a short period of time. Sometimes animals are prescribed to not have free access to food and water due to over-eating.

OTHER: This bill has been much improved by the changes made in the House of Representatives. Owner liability was broadened too far but we have reached agreement on changes.

Persons Testifying: PRO: Calista Brady; Ashiana Ranjan; Kirsten Gregory, Pasado's Safe Haven; Sarah Hock, Joint Animal Services / Washington Federation of Animal Care & Control Agencies; Nathaniel Block; Tricia Gullion, Washington State Gambling Commission; simon gaspar, capital classroom tww.org; Carson Cooper; Jose Francisco.

CON: Debbie Goodrich, Flight Club Foundation; Talitha Hazelton; Keri-Anne Jetzer, WA State Sentencing Guidelines Commission; Lewis Waskey, American Federation of Aviculture.

OTHER: Adán Espino, WA Defender Assn/WA Assn of Criminal Defense Lawyers.

Persons Signed In To Testify But Not Testifying: No one.