
HOUSE BILL 1149

State of Washington

69th Legislature

2025 Regular Session

By Representatives Hackney, Low, and Ramel

Prefiled 12/31/24.

1 AN ACT Relating to the prevention of cruelty to animals; amending
2 RCW 16.52.011, 16.52.085, 16.52.100, 16.52.117, 16.52.200, and
3 16.52.207; reenacting and amending RCW 9.94A.515; and prescribing
4 penalties.

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

6 **Sec. 1.** RCW 16.52.011 and 2020 c 158 s 2 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

1 county municipal ordinances regulating the care, control, licensing,
2 or treatment of animals within the city or county, and any
3 corporation organized under RCW 16.52.020 that contracts with a city
4 or county to enforce the city or county ordinances governing animal
5 care and control.

6 (d) "Animal control officer" means any individual employed,
7 contracted, or appointed pursuant to RCW 16.52.025 by an animal care
8 and control agency or humane society to aid in the enforcement of
9 ordinances or laws regulating the care and control of animals. For
10 purposes of this chapter, the term "animal control officer" shall be
11 interpreted to include "humane officer" as defined in (h) of this
12 subsection and RCW 16.52.025.

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

14 (f) "Euthanasia" means the humane destruction of an animal
15 accomplished by a method that involves instantaneous unconsciousness
16 and immediate death, or by a method that causes painless loss of
17 consciousness, and death during the loss of consciousness.

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

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

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

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

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

29 (l) "Necessary food" means the provision (~~at suitable intervals~~
30 ~~of wholesome foodstuff suitable for the animal's age, species, and~~
31 ~~condition, and that is sufficient to provide a reasonable level of~~
32 ~~nutrition for the animal and is easily accessible to the animal or as~~
33 ~~directed by a veterinarian for medical reasons.~~

34 ~~(m))~~ of species-appropriate food that is easily accessible to
35 the animal and of sufficient quantity and quality to sustain the
36 animal in good health and allow for normal growth or maintenance of
37 healthy body weight, provided at suitable intervals for the species,
38 age, and condition of the animal, but at least once daily unless
39 daily feeding is not suitable for the species, and placed so as to

1 minimize contamination by excrement and pests, or as directed by a
2 veterinarian for medical reasons.

3 (m) "Necessary medical attention" means veterinary care as deemed
4 necessary by a reasonably prudent person to prevent or relieve in a
5 timely manner distress from injury, neglect, or physical infirmity.

6 (n) "Necessary sanitation" means that both indoor areas and
7 outdoor enclosures are kept reasonably clean and free from excess
8 waste, garbage, noxious odors, or other contaminants, objects, or
9 other animals that could cause harm to the animal's health and well-
10 being.

11 (o) "Necessary shelter" means a structure sufficient to protect
12 ((~~a dog~~)) an animal from wind, rain, snow, cold, heat, or sun that
13 has bedding to permit ((~~a dog~~)) an animal to remain dry and
14 reasonably clean and maintain a normal body temperature, except as
15 excluded by RCW 16.52.185 relating to accepted husbandry practices
16 used in the commercial raising or slaughtering of livestock or
17 poultry.

18 (p) "Necessary space," except as excluded by RCW 16.52.185
19 relating to accepted husbandry practices used in the commercial
20 raising or slaughtering of livestock or poultry, means continuous
21 access to an area with the following:

22 (i) Adequate space for exercise necessary for the physical health
23 and well-being of the animal based on the animal's species, age, or
24 physical condition;

25 (ii) Temperature and ventilation suitable to the health and well-
26 being of the animal based on the animal's species, age, or physical
27 condition; and

28 (iii) Regular diurnal lighting cycles of either natural or
29 artificial light.

30 ((~~n~~)) (q) "Necessary water" means ((~~water that is in sufficient~~
31 quantity and of appropriate quality for the species for which it is
32 intended and that is accessible to the animal)) the provision of open
33 or adequate access to potable water of a drinkable temperature that
34 is easily accessible to the animal, in sufficient quantity to satisfy
35 the animal's needs and placed so as to minimize contamination of the
36 water by excrement and pests, or as directed by a veterinarian for
37 medical reasons.

38 ((~~o~~)) (r) "Owner" means a person who has a right, claim, title,
39 legal share, or right of possession to an animal or a person having
40 ((~~lawful~~)) control, custody, or possession of an animal.

1 ~~((p))~~ (s) "Person" means individuals, corporations,
2 partnerships, associations, or other legal entities, and agents of
3 those entities.

4 ~~((q))~~ (t) "Substantial bodily harm" means substantial bodily
5 harm as defined in RCW 9A.04.110.

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

10 **Sec. 2.** RCW 16.52.085 and 2023 c 246 s 2 are each amended to
11 read as follows:

12 (1) For the purposes of this section:

13 (a) "Minimum care" means care sufficient to preserve the physical
14 and mental health and well-being of an animal and includes, but is
15 not limited to, the following requirements:

16 (i) Food of sufficient nutrition, quantity, and quality to allow
17 for normal growth or maintenance of healthy body weight;

18 (ii) Open or adequate access to potable water of a drinkable
19 temperature in sufficient quantity to satisfy the animal's needs;

20 (iii) Shelter sufficient to protect the animal from wind, rain,
21 snow, sun, or other environmental or weather conditions based on the
22 animal's species, age, or physical condition;

23 (iv) Veterinary or other care as may be deemed necessary by a
24 reasonably prudent person to prevent or relieve in a timely manner
25 distress from injury, neglect, or physical infirmity; and

26 (v) Continuous access to an area:

27 (A) With adequate space for exercise necessary for the physical
28 and mental health and well-being of the animal. Inadequate space may
29 be indicated by evidence of debility, stress, or abnormal behavior
30 patterns;

31 (B) With temperature and ventilation suitable for the health and
32 well-being of the animal based on the animal's species, age, or
33 physical condition;

34 (C) With regular diurnal lighting cycles of either natural or
35 artificial light; and

36 (D) Kept reasonably clean and free from excess waste, garbage,
37 noxious odors, or other contaminants, objects, or other animals that
38 could cause harm to the animal's health and well-being.

1 (b) "Physical infirmity" includes, but is not limited to,
2 starvation, dehydration, hypothermia, hyperthermia, muscle atrophy,
3 restriction of blood flow to a limb or organ, mange or other skin
4 disease, or parasitic infestation.

5 (c) "Physical injury" includes, but is not limited to,
6 substantial physical pain, fractures, cuts, burns, punctures,
7 bruises, or other wounds or illnesses produced by violence or by a
8 thermal or chemical agent.

9 (d) "Serious physical injury or infirmity" means physical injury
10 or physical infirmity that creates a substantial risk of death or
11 that causes protracted disfigurement, protracted impairment of
12 health, or protracted loss or impairment of the function of a limb or
13 bodily organ.

14 (2)(a) If a law enforcement officer or animal control officer has
15 probable cause to believe that an owner of a domestic animal has
16 violated this chapter or a person owns, cares for, or resides with an
17 animal in violation of RCW 16.52.200 or an order issued under RCW
18 16.52.117, 16.52.205, or 16.52.207, the officer, after obtaining a
19 warrant, may enter the premises where the animal is located and seize
20 the animal.

21 (b) If a law enforcement officer or an animal control officer has
22 probable cause to believe an animal is in imminent danger or is
23 suffering serious physical injury or infirmity, or needs immediate
24 medical attention, the officer may enter onto private property
25 without a warrant to:

26 (i) Render emergency aid to the animal; or

27 (ii) Seize the animal without a warrant. Any animal seized
28 without a warrant shall immediately be brought to a veterinarian
29 licensed in the state of Washington to provide medical attention and
30 to assess the health of the animal.

31 (c) A law enforcement officer or an animal control officer is not
32 liable for any damages for entry onto private property without a
33 warrant under this section, provided that the officer does not use
34 any more force than is reasonably necessary to enter upon the
35 property and remove the animal.

36 (3)(a) An animal seized under this section may be placed into the
37 custody of an animal care and control agency, into foster care that
38 is not associated in any way with the owner, or with a nonprofit
39 humane society, nonprofit animal sanctuary, or nonprofit rescue
40 organization. In determining what is a suitable placement, the

1 officer shall consider the animal's needs, including its size,
2 medical needs, and behavioral characteristics. Any person or
3 custodial agency receiving an animal seized under this section shall
4 provide the animal with minimum care.

5 (b) If a seized animal is placed into foster care or with a
6 nonprofit animal sanctuary or rescue organization, the seizing agency
7 shall retain constructive custody of the animal, shall have the duty
8 to ensure the animal receives minimum care, and may draw from the
9 bond under subsection (5) of this section and distribute the funds to
10 the foster home, authorized humane society, sanctuary, or rescue
11 organization that is authorized to care for the animal.

12 (4) The owner from whom the animal was seized shall be provided
13 with notice of the right to petition for immediate return of the
14 animal and shall be afforded an opportunity to petition for such a
15 civil hearing before the animal is deemed abandoned and forfeited.
16 Any owner whose animal is seized by a law enforcement officer or
17 animal control officer under this section shall, within 72 hours
18 following the seizure, be given written notice of the circumstances
19 of the removal and notice of legal remedies available to the owner.
20 The notice shall be given by posting at the place of seizure, by
21 delivery to the last known or suspected owner in person or a person
22 residing at the place of seizure, or by registered mail to the last
23 known or suspected owner. Such notice shall include:

24 (a) The name, business address, and telephone number of the law
25 enforcement agency or animal care and control agency responsible for
26 seizing the animal;

27 (b) A description of the seized animal;

28 (c) The authority and purpose for the seizure, including the
29 time, place, and circumstances under which the animal was seized;

30 (d) A statement that the owner is responsible for the cost of
31 care for an animal who was lawfully seized, and that the owner will
32 be required to post a bond with the clerk of the district court of
33 the county from which the animal was seized to defray the cost of
34 minimum care pursuant to subsection (5) of this section within 14
35 calendar days of the seizure or the animal will be deemed abandoned
36 and forfeited; and

37 (e) A statement that the owner has a right to petition the
38 district court for a civil hearing for immediate return of the animal
39 and that in order to receive a hearing, the owner or owner's agent
40 must request the civil hearing by signing and returning to the court

1 an enclosed petition within 14 calendar days after the date of
2 seizure. The enclosed petition must be in substantially the same form
3 as set forth in subsection (13) of this section.

4 (5) (a) When an animal is seized pursuant to this section, the
5 owner shall post a bond with the district court in an amount
6 sufficient to provide minimum care for each animal seized for 30
7 days, including the day on which the animal was taken into custody,
8 regardless of whether the animal is the subject of a criminal charge.
9 Such bond shall be filed with the clerk of the district court of the
10 county from which the animal was seized within 14 calendar days after
11 the day the animal is seized.

12 (b) (i) If an owner fails to post a bond by 5:00 p.m. on the 14th
13 calendar day after the day the animal was seized as required under
14 this section, the animal is deemed abandoned and the owner's interest
15 in the animal is forfeited to the custodial agency by operation of
16 law in accordance with the notice provided in subsection (4) of this
17 section.

18 (ii) A petition required by subsection (4) (e) of this section may
19 be filed in the district court of the county from which an animal was
20 seized concerning any animal seized pursuant to this section. Copies
21 of the petition must be served on the law enforcement agency or
22 animal care and control agency responsible for seizing the animal and
23 the prosecuting attorney.

24 (iii) An owner's failure to file a written petition by 5:00 p.m.
25 on the 14th calendar day after the day the animal was seized shall
26 constitute a waiver of the right to file a petition under this
27 subsection and the animal is deemed abandoned and the owner's
28 interest in the animal is forfeited to the custodial agency by
29 operation of law unless a bond has been posted pursuant to this
30 subsection (5). The court may extend the 14-day period to file a
31 written petition by an additional 14 calendar days if the petitioner
32 did not have actual notice of the seizure and the court finds, on the
33 record and in writing, that there are exceptional and compelling
34 circumstances justifying the extension.

35 (c) (i) Upon receipt of a petition pursuant to (b) of this
36 subsection, the court shall set a civil hearing on the petition. The
37 hearing shall be conducted within 30 calendar days after the filing
38 of the petition.

39 (ii) At the hearing requested by the owner, the rules of civil
40 procedure shall apply and the respondent shall have the burden of

1 establishing probable cause to believe that the seized animal was
2 subjected to a violation of this chapter. The owner shall have an
3 opportunity to be heard before the court makes its final finding. If
4 the court finds that probable cause exists, the court shall order the
5 owner to post a bond as required by this subsection (5) within 72
6 hours of the hearing, and if the owner fails to do so, the seized
7 animal is deemed abandoned and the owner's interest in the animal is
8 forfeited to the custodial agency by operation of law. If the
9 respondent does not meet its burden of proof, the court may order the
10 animal returned to the owner at no cost to the owner, subject to
11 conditions set by the court. If the court orders the return of an
12 animal to the owner, the court may also order:

13 (A) Reasonable attorney fees for the owner; and

14 (B) A full refund of the bond posted pursuant to this subsection
15 (5) by the owner for the care of the animal.

16 (d) (i) If a bond has been posted in accordance with this
17 subsection (5), subsequent court proceedings shall be given court
18 calendar priority so long as the animal remains in the custody of the
19 custodial agency and the custodial agency may draw from the bond the
20 actual reasonable costs incurred by the agency in providing minimum
21 care to the animal from the date of seizure to the date of final
22 disposition of the animal in the criminal action.

23 (ii) At the end of the time for which expenses are covered by the
24 bond, if the owner seeks to prevent disposition of the animal by the
25 custodial agency, the owner shall post a new bond with the court
26 within 72 hours following the prior bond's expiration. If an owner
27 fails to post or renew a bond as required under this subsection (5),
28 the animal is deemed abandoned and the owner's interest in the animal
29 is forfeited to the custodial agency by operation of law.

30 (e) For the purposes of this subsection (5), "animal" includes
31 all unborn offspring of the seized animal and all offspring of the
32 seized animal born after the animal was seized.

33 (6) When an animal is seized from a person prohibited from
34 owning, caring for, possessing, or residing with animals under RCW
35 16.52.200 or an order issued pursuant to RCW 16.52.117, 16.52.205, or
36 16.52.207, the animal is immediately and permanently forfeited by
37 operation of law to the custodial agency and no court action is
38 necessary.

39 (7) If an animal is forfeited to a custodial agency according to
40 the provisions of this section, the agency to which the animal was

1 forfeited may place the animal with a new owner; provided that the
2 agency may not place the animal with family members or friends of the
3 former owner or with anyone who lives in the same household as the
4 former owner. At the time of placement, the agency must provide the
5 new owner with notice that it may constitute a crime for the former
6 owner to own, care for, possess, or reside with the animal at any
7 time in the future.

8 (8) A custodial agency may authorize a veterinarian or veterinary
9 technician licensed in the state of Washington or a certified
10 euthanasia technician certified in the state of Washington to
11 euthanize a seized animal for humane reasons at any time if the
12 animal is severely injured, sick, diseased, or suffering.

13 (9) Nothing in this chapter shall be construed to prevent the
14 voluntary, permanent relinquishment of any animal by its owner to a
15 law enforcement officer, animal control officer, or animal care and
16 control agency. Voluntary relinquishment has no effect on the
17 criminal charges that may be pursued by the appropriate authorities.

18 (10) Nothing in this chapter requires court action for taking
19 custody of, caring for, and properly disposing of stray, feral, at-
20 large, or abandoned animals, or wild animals not owned or kept as
21 pets or livestock, as lawfully performed by law enforcement agencies
22 or animal care and control agencies.

23 (11) Any authorized person caring for, treating, or attempting to
24 restore an animal to health under this chapter shall not be civilly
25 or criminally liable for such action.

26 (12) The provisions of this section are in addition to, and not
27 in lieu of, the provisions of RCW 16.52.200.

28 (13) A petition for a civil hearing for the immediate return of a
29 seized animal shall be in a form substantially similar to the
30 following:

31

32

"IN THE COURT

33

OF THE STATE OF WASHINGTON IN AND FOR

34

THE COUNTY OF

35

....., No.

36

Petitioner,

37

vs. PETITION FOR

38

....., RETURN OF SEIZED

39

Respondent ANIMALS

1 PARTIES/JURISDICTION

2 (a) (i) That Petitioner is, and at all relevant times herein was,
3 a resident of (county of residence) County, Washington.

4 (ii) That Respondent is, and at all relevant times herein was, an
5 agent, contractor, or political subdivision of the City/County
6 of (city or county of seizing agency), State of Washington.

7 (iii) That Petitioner's animal/animals were seized by Respondent
8 in (county where animals were seized) County, Washington.

9 (iv) That this Court has jurisdiction over the subject matter and
10 the parties hereto.

11 FACTS

12 (b) (i) That upon seizure of (number and type of animals)
13 such animals were placed in the care and custody of the Respondent
14 on (date of seizure).

15 (ii) That on or about (date on notice) the Respondent
16 issued a seizure, bond, and forfeiture notice under RCW 16.52.085, a
17 true and correct copy of said notice and accompanying attachments is
18 attached hereto and incorporated herein as Exhibit A (attach a copy
19 of the notice of seizure to this petition).

20 (iii) That pursuant to such notice, Petitioner herein files this
21 petition for the immediate return of all such seized animals pursuant
22 to RCW 16.52.085.

23 PRAYER

24 (c) Petitioner prays that this Court grant said petition and
25 order the immediate return of Petitioner's aforementioned animals to
26 Petitioner's care and custody.

27
28 DATED the . . . day of,

29
30 By:
31 Petitioner (Signature)

32 **Sec. 3.** RCW 16.52.100 and 1994 c 261 s 10 are each amended to
33 read as follows:

34 (1) If any domestic animal is impounded or confined without
35 necessary food and water for more than (~~thirty-six~~) 24 consecutive
36 hours, any person may, from time to time, as is necessary, enter into
37 and open any pound or place of confinement in which any domestic
38 animal is confined, and supply it with necessary food and water so
39 long as it is confined. The person shall not be liable to action for

1 the entry, and may collect from the animal's owner the reasonable
2 cost of the food and water. The animal shall be subject to attachment
3 for the costs and shall not be exempt from levy and sale upon
4 execution issued upon a judgment.

5 (2) An investigating officer may enter into and upon a property,
6 building, dwelling, or vehicle to provide a confined animal necessary
7 food and water prior to the animal being without necessary food or
8 water for 24 consecutive hours if the officer has probable cause to
9 believe the animal's health or life is in imminent danger. If an
10 investigating officer finds it extremely difficult to supply confined
11 animals with food and water, the officer may remove the animals to
12 protective custody for that purpose.

13 (3) Nothing in this section shall be construed as requiring an
14 investigating officer to wait for an animal to be confined or
15 impounded without necessary food or water for 24 consecutive hours
16 before making a determination that the animal has been abandoned.

17 **Sec. 4.** RCW 16.52.117 and 2019 c 174 s 1 are each amended to
18 read as follows:

19 (1) A person commits the crime of animal fighting if the person
20 knowingly does any of the following ~~((or)),~~ causes a minor to do any
21 of the following, or aids or abets any of the following:

22 (a) Owns, possesses, keeps, breeds, trains, buys, sells, or
23 advertises or offers for sale any animal with the intent that the
24 animal shall be engaged in an exhibition of fighting with another
25 animal;

26 (b) Promotes, organizes, conducts, participates in, is a
27 spectator of, advertises, prepares, or performs any service in the
28 furtherance of, an exhibition of animal fighting, transports
29 spectators to an animal fight, or provides or serves as a stakeholder
30 for any money wagered on an animal fight;

31 (c) Keeps or uses any place for the purpose of animal fighting,
32 or manages or accepts payment of admission to any place kept or used
33 for the purpose of animal fighting;

34 (d) Suffers or permits any place over which the person has
35 possession or control to be occupied, kept, or used for the purpose
36 of an exhibition of animal fighting;

37 (e) Steals, takes, leads away, possesses, confines, sells,
38 transfers, or receives an animal with the intent of using the animal

1 for animal fighting, or for training or baiting for the purpose of
2 animal fighting; or

3 (f) Owns, possesses, buys, sells, transfers, or manufactures
4 animal fighting paraphernalia for the purpose of engaging in,
5 promoting, or facilitating animal fighting, or for baiting a live
6 animal for the purpose of animal fighting.

7 (2) (a) Except as provided in (b) of this subsection, a person who
8 violates this section is guilty of a class C felony punishable under
9 RCW 9A.20.021;

10 (b) A person who intentionally mutilates an animal in furtherance
11 of an animal fighting offense as described in subsection (1) of this
12 section is guilty of a class B felony punishable under RCW 9A.20.021.

13 (3) Nothing in this section prohibits the following:

14 (a) The use of dogs in the management of livestock, as defined by
15 chapter 16.57 RCW, by the owner of the livestock or the owner's
16 employees or agents or other persons in lawful custody of the
17 livestock;

18 (b) The use of dogs in hunting as permitted by law; or

19 (c) The training of animals or the use of equipment in the
20 training of animals for any purpose not prohibited by law.

21 (4) For the purposes of this section, "animal fighting
22 paraphernalia" includes equipment, products, implements, or materials
23 of any kind that are used, intended for use, or designed for use in
24 the training, preparation, conditioning, or furtherance of animal
25 fighting, and includes, but is not limited to: Cat mills; fighting
26 pits; springpoles; unprescribed veterinary medicine; treatment
27 supplies; and gaffs, slashers, heels, and any other sharp implement
28 designed to be attached in place of the natural spur of a cock or
29 game fowl.

30 **Sec. 5.** RCW 16.52.200 and 2020 c 158 s 5 are each amended to
31 read as follows:

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

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

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

9 (4) Any person convicted of animal cruelty or animal fighting
10 shall be prohibited from owning, caring for, possessing, or residing
11 with any animals for a period of time as follows:

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

14 (b) Permanently for a first conviction of animal cruelty in the
15 first degree under RCW 16.52.205 or for a first conviction of animal
16 fighting under RCW 16.52.117;

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

19 (5) If a person has no more than two convictions of animal
20 cruelty and each conviction is for animal cruelty in the second
21 degree, the person may petition the sentencing court in which the
22 most recent animal cruelty conviction occurred, for a restoration of
23 the right to own, care for, possess, or reside with animals five
24 years after the date of the second conviction. In determining whether
25 to grant the petition, the court shall consider, but not be limited
26 to, the following:

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

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

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

32 (d) Whether the person complied with the prohibition on owning,
33 caring for, possessing, or residing with animals; and

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

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

39 (6) In addition to fines and court costs, the defendant, only if
40 convicted or in agreement, shall be liable for reasonable costs

1 incurred pursuant to this chapter by law enforcement agencies, animal
2 care and control agencies, or authorized private or public entities
3 involved with the care of the animals. Reasonable costs include
4 expenses of the investigation, and the animal's care, euthanization,
5 or adoption.

6 (7) If convicted, the defendant shall also pay a civil penalty of
7 (~~one thousand dollars~~) \$1,000 to the county to prevent cruelty to
8 animals. These funds shall be used to prosecute offenses under this
9 chapter and to care for forfeited animals pending trial.

10 (8) If a person violates the prohibition on owning, caring for,
11 possessing, or residing with animals under subsection (4) of this
12 section, that person:

13 (a) (~~Shall pay a civil penalty of one thousand dollars~~) Is
14 guilty of a misdemeanor for the first violation;

15 (b) (~~Shall pay a civil penalty of two thousand five hundred~~
16 ~~dollars~~) Is guilty of a gross misdemeanor for the second violation;
17 and

18 (c) Is guilty of a (~~gross misdemeanor~~) class C felony for the
19 third and each subsequent violation.

20 (9) As a condition of the sentence imposed under this chapter or
21 RCW 9.08.070 through 9.08.078, the court may also order the defendant
22 to participate in an available animal cruelty prevention or education
23 program or obtain available psychological counseling to treat mental
24 health problems contributing to the violation's commission. The
25 defendant shall bear the costs of the program or treatment.

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

30 **Sec. 6.** RCW 16.52.207 and 2020 c 158 s 7 are each amended to
31 read as follows:

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

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

36 (b) The person takes control, custody, or possession of an animal
37 that was involved in animal fighting as described in RCW 16.52.117
38 and knowingly, recklessly, or with criminal negligence abandons the
39 animal; or

1 (c) The person willfully instigates, engages in, or in any way
2 furtheres any act of animal cruelty to any animal.

3 (~~An owner of an animal~~) A person is guilty of animal
4 cruelty in the second degree if, under circumstances not amounting to
5 first degree animal cruelty, the (~~owner~~) person knowingly,
6 recklessly, or with criminal negligence:

7 (a) Fails to provide the animal with necessary food, water,
8 shelter, rest, sanitation, space, or medical attention and the animal
9 suffers unnecessary or unjustifiable physical pain as a result of the
10 failure; or

11 (b) Abandons the animal.

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

13 **Sec. 7.** RCW 9.94A.515 and 2024 c 301 s 29 and 2024 c 55 s 1 are
14 each reenacted and amended to read as follows:

15 TABLE 2

16 CRIMES INCLUDED WITHIN EACH
17 SERIOUSNESS LEVEL

18	XVI	Aggravated Murder 1 (RCW 10.95.020)
19	XV	Homicide by abuse (RCW 9A.32.055)
20		Malicious explosion 1 (RCW
21		70.74.280(1))
22		Murder 1 (RCW 9A.32.030)
23	XIV	Murder 2 (RCW 9A.32.050)
24		Trafficking 1 (RCW 9A.40.100(1))
25	XIII	Malicious explosion 2 (RCW
26		70.74.280(2))
27		Malicious placement of an explosive 1
28		(RCW 70.74.270(1))
29	XII	Assault 1 (RCW 9A.36.011)
30		Assault of a Child 1 (RCW 9A.36.120)
31		Malicious placement of an imitation
32		device 1 (RCW 70.74.272(1)(a))
33		Promoting Commercial Sexual Abuse
34		of a Minor (RCW 9.68A.101)
35		Rape 1 (RCW 9A.44.040)

1 Rape of a Child 1 (RCW 9A.44.073)
2 Trafficking 2 (RCW 9A.40.100(3))
3 XI Manslaughter 1 (RCW 9A.32.060)
4 Rape 2 (RCW 9A.44.050)
5 Rape of a Child 2 (RCW 9A.44.076)
6 Vehicular Homicide, by being under the
7 influence of intoxicating liquor or
8 any drug (RCW 46.61.520)
9 Vehicular Homicide, by the operation of
10 any vehicle in a reckless manner
11 (RCW 46.61.520)
12 X Child Molestation 1 (RCW 9A.44.083)
13 Criminal Mistreatment 1 (RCW
14 9A.42.020)
15 Indecent Liberties (with forcible
16 compulsion) (RCW
17 9A.44.100(1)(a))
18 Kidnapping 1 (RCW 9A.40.020)
19 Leading Organized Crime (RCW
20 9A.82.060(1)(a))
21 Malicious explosion 3 (RCW
22 70.74.280(3))
23 Sexually Violent Predator Escape (RCW
24 9A.76.115)
25 IX Abandonment of Dependent Person 1
26 (RCW 9A.42.060)
27 Assault of a Child 2 (RCW 9A.36.130)
28 Explosive devices prohibited (RCW
29 70.74.180)
30 Hit and Run—Death (RCW
31 46.52.020(4)(a))
32 Homicide by Watercraft, by being under
33 the influence of intoxicating liquor
34 or any drug (RCW 79A.60.050)

1 Inciting Criminal Profiteering (RCW
2 9A.82.060(1)(b))
3 Malicious placement of an explosive 2
4 (RCW 70.74.270(2))
5 Robbery 1 (RCW 9A.56.200)
6 Sexual Exploitation (RCW 9.68A.040)
7 VIII Arson 1 (RCW 9A.48.020)
8 Commercial Sexual Abuse of a Minor
9 (RCW 9.68A.100)
10 Homicide by Watercraft, by the
11 operation of any vessel in a reckless
12 manner (RCW 79A.60.050)
13 Manslaughter 2 (RCW 9A.32.070)
14 Promoting Prostitution 1 (RCW
15 9A.88.070)
16 Theft of Ammonia (RCW 69.55.010)
17 VII Air bag diagnostic systems (causing
18 bodily injury or death) (RCW
19 46.37.660(2)(b))
20 Air bag replacement requirements
21 (causing bodily injury or death)
22 (RCW 46.37.660(1)(b))
23 Burglary 1 (RCW 9A.52.020)
24 Child Molestation 2 (RCW 9A.44.086)
25 Civil Disorder Training (RCW
26 9A.48.120)
27 Custodial Sexual Misconduct 1 (RCW
28 9A.44.160)
29 Dealing in depictions of minor engaged
30 in sexually explicit conduct 1
31 (RCW 9.68A.050(1))
32 Drive-by Shooting (RCW 9A.36.045)
33 False Reporting 1 (RCW
34 9A.84.040(2)(a))

1 Homicide by Watercraft, by disregard
2 for the safety of others (RCW
3 79A.60.050)

4 Indecent Liberties (without forcible
5 compulsion) (RCW 9A.44.100(1)
6 (b) and (c))

7 Introducing Contraband 1 (RCW
8 9A.76.140)

9 Malicious placement of an explosive 3
10 (RCW 70.74.270(3))

11 Manufacture or import counterfeit,
12 nonfunctional, damaged, or
13 previously deployed air bag
14 (causing bodily injury or death)
15 (RCW 46.37.650(1)(b))

16 Negligently Causing Death By Use of a
17 Signal Preemption Device (RCW
18 46.37.675)

19 Sell, install, or reinstall counterfeit,
20 nonfunctional, damaged, or
21 previously deployed airbag (RCW
22 46.37.650(2)(b))

23 Sending, bringing into state depictions
24 of minor engaged in sexually
25 explicit conduct 1 (RCW
26 9.68A.060(1))

27 Unlawful Possession of a Firearm in the
28 first degree (RCW 9.41.040(1))

29 Use of a Machine Gun or Bump-fire
30 Stock in Commission of a Felony
31 (RCW 9.41.225)

32 Vehicular Homicide, by disregard for
33 the safety of others (RCW
34 46.61.520)

35 VI Bail Jumping with Murder 1 (RCW
36 9A.76.170(3)(a))

37 Bribery (RCW 9A.68.010)

1 Incest 1 (RCW 9A.64.020(1))
2 Intimidating a Judge (RCW 9A.72.160)
3 Intimidating a Juror/Witness (RCW
4 9A.72.110, 9A.72.130)
5 Malicious placement of an imitation
6 device 2 (RCW 70.74.272(1)(b))
7 Possession of Depictions of a Minor
8 Engaged in Sexually Explicit
9 Conduct 1 (RCW 9.68A.070(1))
10 Rape of a Child 3 (RCW 9A.44.079)
11 Theft of a Firearm (RCW 9A.56.300)
12 Theft from a Vulnerable Adult 1 (RCW
13 9A.56.400(1))
14 Unlawful Storage of Ammonia (RCW
15 69.55.020)
16 V Abandonment of Dependent Person 2
17 (RCW 9A.42.070)
18 Advancing money or property for
19 extortionate extension of credit
20 (RCW 9A.82.030)
21 Air bag diagnostic systems (RCW
22 46.37.660(2)(c))
23 Air bag replacement requirements
24 (RCW 46.37.660(1)(c))
25 Bail Jumping with class A Felony
26 (RCW 9A.76.170(3)(b))
27 Child Molestation 3 (RCW 9A.44.089)
28 Criminal Mistreatment 2 (RCW
29 9A.42.030)
30 Custodial Sexual Misconduct 2 (RCW
31 9A.44.170)
32 Dealing in Depictions of Minor
33 Engaged in Sexually Explicit
34 Conduct 2 (RCW 9.68A.050(2))

1 Domestic Violence Court Order
2 Violation (RCW 7.105.450,
3 10.99.040, 10.99.050, 26.09.300,
4 26.26B.050, or 26.52.070)
5 Extortion 1 (RCW 9A.56.120)
6 Extortionate Extension of Credit (RCW
7 9A.82.020)
8 Extortionate Means to Collect
9 Extensions of Credit (RCW
10 9A.82.040)
11 Incest 2 (RCW 9A.64.020(2))
12 Kidnapping 2 (RCW 9A.40.030)
13 Manufacture or import counterfeit,
14 nonfunctional, damaged, or
15 previously deployed air bag (RCW
16 46.37.650(1)(c))
17 Perjury 1 (RCW 9A.72.020)
18 Persistent prison misbehavior (RCW
19 9.94.070)
20 Possession of a Stolen Firearm (RCW
21 9A.56.310)
22 Rape 3 (RCW 9A.44.060)
23 Rendering Criminal Assistance 1 (RCW
24 9A.76.070)
25 Sell, install, or reinstall counterfeit,
26 nonfunctional, damaged, or
27 previously deployed airbag (RCW
28 46.37.650(2)(c))
29 Sending, Bringing into State Depictions
30 of Minor Engaged in Sexually
31 Explicit Conduct 2 (RCW
32 9.68A.060(2))
33 Sexual Misconduct with a Minor 1
34 (RCW 9A.44.093)
35 Sexually Violating Human Remains
36 (RCW 9A.44.105)

1 Stalking (RCW 9A.46.110)
2 Taking Motor Vehicle Without
3 Permission 1 (RCW 9A.56.070)
4 IV Animal Fighting (with intentional
5 mutilation) (RCW 16.52.117(2)(b))
6 Arson 2 (RCW 9A.48.030)
7 Assault 2 (RCW 9A.36.021)
8 Assault 3 (of a Peace Officer with a
9 Projectile Stun Gun) (RCW
10 9A.36.031(1)(h))
11 Assault 4 (third domestic violence
12 offense) (RCW 9A.36.041(3))
13 Assault by Watercraft (RCW
14 79A.60.060)
15 Bribing a Witness/Bribe Received by
16 Witness (RCW 9A.72.090,
17 9A.72.100)
18 Cheating 1 (RCW 9A.46.1961)
19 Commercial Bribery (RCW 9A.68.060)
20 Counterfeiting (RCW 9.16.035(4))
21 Driving While Under the Influence
22 (RCW 46.61.502(6))
23 Endangerment with a Controlled
24 Substance (RCW 9A.42.100)
25 Escape 1 (RCW 9A.76.110)
26 Hate Crime (RCW 9A.36.080)
27 Hit and Run—Injury (RCW
28 46.52.020(4)(b))
29 Hit and Run with Vessel—Injury
30 Accident (RCW 79A.60.200(3))
31 Identity Theft 1 (RCW 9.35.020(2))
32 Indecent Exposure to Person Under Age
33 14 (subsequent sex offense) (RCW
34 9A.88.010)

1 Influencing Outcome of Sporting Event
2 (RCW 9A.82.070)
3 Physical Control of a Vehicle While
4 Under the Influence (RCW
5 46.61.504(6))
6 Possession of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 2 (RCW 9.68A.070(2))
9 Residential Burglary (RCW 9A.52.025)
10 Robbery 2 (RCW 9A.56.210)
11 Theft of Livestock 1 (RCW 9A.56.080)
12 Threats to Bomb (RCW 9.61.160)
13 Trafficking in Catalytic Converters 1
14 (RCW 9A.82.190)
15 Trafficking in Stolen Property 1 (RCW
16 9A.82.050)
17 Unlawful factoring of a credit card or
18 payment card transaction (RCW
19 9A.56.290(4)(b))
20 Unlawful transaction of health coverage
21 as a health care service contractor
22 (RCW 48.44.016(3))
23 Unlawful transaction of health coverage
24 as a health maintenance
25 organization (RCW 48.46.033(3))
26 Unlawful transaction of insurance
27 business (RCW 48.15.023(3))
28 Unlicensed practice as an insurance
29 professional (RCW 48.17.063(2))
30 Use of Proceeds of Criminal
31 Profiteering (RCW 9A.82.080 (1)
32 and (2))
33 Vehicle Prowling 2 (third or subsequent
34 offense) (RCW 9A.52.100(3))

1 Vehicular Assault, by being under the
2 influence of intoxicating liquor or
3 any drug, or by the operation or
4 driving of a vehicle in a reckless
5 manner (RCW 46.61.522)

6 Viewing of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 1 (RCW 9.68A.075(1))

9 III Animal Cruelty 1 (RCW 16.52.205)

10 Animal Fighting (without intentional
11 mutilation) (RCW 16.52.117(2)(a))

12 Assault 3 (Except Assault 3 of a Peace
13 Officer With a Projectile Stun Gun)
14 (RCW 9A.36.031 except subsection
15 (1)(h))

16 Assault of a Child 3 (RCW 9A.36.140)

17 Bail Jumping with class B or C Felony
18 (RCW 9A.76.170(3)(c))

19 Burglary 2 (RCW 9A.52.030)

20 Communication with a Minor for
21 Immoral Purposes (RCW
22 9.68A.090)

23 Criminal Gang Intimidation (RCW
24 9A.46.120)

25 Custodial Assault (RCW 9A.36.100)

26 Cyber Harassment (RCW
27 9A.90.120(2)(b))

28 Escape 2 (RCW 9A.76.120)

29 Extortion 2 (RCW 9A.56.130)

30 False Reporting 2 (RCW
31 9A.84.040(2)(b))

32 Harassment (RCW 9A.46.020)

33 Hazing (RCW 28B.10.901(2)(b))

34 Intimidating a Public Servant (RCW
35 9A.76.180)

1 Introducing Contraband 2 (RCW
2 9A.76.150)
3 Malicious Injury to Railroad Property
4 (RCW 81.60.070)
5 Manufacture of Untraceable Firearm
6 with Intent to Sell (RCW 9.41.190)
7 Manufacture or Assembly of an
8 Undetectable Firearm or
9 Untraceable Firearm (RCW
10 9.41.325)
11 Mortgage Fraud (RCW 19.144.080)
12 Negligently Causing Substantial Bodily
13 Harm By Use of a Signal
14 Preemption Device (RCW
15 46.37.674)
16 Organized Retail Theft 1 (RCW
17 9A.56.350(2))
18 Perjury 2 (RCW 9A.72.030)
19 Possession of Incendiary Device (RCW
20 9.40.120)
21 Possession of Machine Gun, Bump-Fire
22 Stock, Undetectable Firearm, or
23 Short-Barreled Shotgun or Rifle
24 (RCW 9.41.190)
25 Promoting Prostitution 2 (RCW
26 9A.88.080)
27 Retail Theft with Special Circumstances
28 1 (RCW 9A.56.360(2))
29 Securities Act violation (RCW
30 21.20.400)
31 Tampering with a Witness (RCW
32 9A.72.120)
33 Telephone Harassment (subsequent
34 conviction or threat of death)
35 (RCW 9.61.230(2))
36 Theft of Livestock 2 (RCW 9A.56.083)

1 Theft with the Intent to Resell 1 (RCW
2 9A.56.340(2))
3 Trafficking in Catalytic Converters 2
4 (RCW 9A.82.200)
5 Trafficking in Stolen Property 2 (RCW
6 9A.82.055)
7 Unlawful Hunting of Big Game 1
8 (RCW 77.15.410(3)(b))
9 Unlawful Imprisonment (RCW
10 9A.40.040)
11 Unlawful Misbranding of Fish or
12 Shellfish 1 (RCW 77.140.060(3))
13 Unlawful possession of firearm in the
14 second degree (RCW 9.41.040(2))
15 Unlawful Taking of Endangered Fish or
16 Wildlife 1 (RCW 77.15.120(3)(b))
17 Unlawful Trafficking in Fish, Shellfish,
18 or Wildlife 1 (RCW
19 77.15.260(3)(b))
20 Unlawful Use of a Nondesignated
21 Vessel (RCW 77.15.530(4))
22 Vehicular Assault, by the operation or
23 driving of a vehicle with disregard
24 for the safety of others (RCW
25 46.61.522)
26 II Commercial Fishing Without a License
27 1 (RCW 77.15.500(3)(b))
28 Computer Trespass 1 (RCW 9A.90.040)
29 Counterfeiting (RCW 9.16.035(3))
30 Electronic Data Service Interference
31 (RCW 9A.90.060)
32 Electronic Data Tampering 1 (RCW
33 9A.90.080)
34 Electronic Data Theft (RCW
35 9A.90.100)

1 Engaging in Fish Dealing Activity
2 Unlicensed 1 (RCW 77.15.620(3))
3 Escape from Community Custody
4 (RCW 72.09.310)
5 Failure to Register as a Sex Offender
6 (second or subsequent offense)
7 (RCW 9A.44.130 prior to June 10,
8 2010, and RCW 9A.44.132)
9 Health Care False Claims (RCW
10 48.80.030)
11 Identity Theft 2 (RCW 9.35.020(3))
12 Improperly Obtaining Financial
13 Information (RCW 9.35.010)
14 Malicious Mischief 1 (RCW 9A.48.070)
15 Organized Retail Theft 2 (RCW
16 9A.56.350(3))
17 Possession of Stolen Property 1 (RCW
18 9A.56.150)
19 Possession of a Stolen Vehicle (RCW
20 9A.56.068)
21 Possession, sale, or offering for sale of
22 seven or more unmarked catalytic
23 converters (RCW 9A.82.180(5))
24 Retail Theft with Special Circumstances
25 2 (RCW 9A.56.360(3))
26 Scrap Processing, Recycling, or
27 Supplying Without a License
28 (second or subsequent offense)
29 (RCW 19.290.100)
30 Theft 1 (RCW 9A.56.030)
31 Theft of a Motor Vehicle (RCW
32 9A.56.065)
33 Theft of Rental, Leased, Lease-
34 purchased, or Loaned Property
35 (valued at \$5,000 or more) (RCW
36 9A.56.096(5)(a))

1 Theft with the Intent to Resell 2 (RCW
2 9A.56.340(3))
3 Trafficking in Insurance Claims (RCW
4 48.30A.015)
5 Unlawful factoring of a credit card or
6 payment card transaction (RCW
7 9A.56.290(4)(a))
8 Unlawful Participation of Non-Indians
9 in Indian Fishery (RCW
10 77.15.570(2))
11 Unlawful Practice of Law (RCW
12 2.48.180)
13 Unlawful Purchase or Use of a License
14 (RCW 77.15.650(3)(b))
15 Unlawful Trafficking in Fish, Shellfish,
16 or Wildlife 2 (RCW
17 77.15.260(3)(a))
18 Unlicensed Practice of a Profession or
19 Business (RCW 18.130.190(7))
20 Voyeurism 1 (RCW 9A.44.115)
21 I Attempting to Elude a Pursuing Police
22 Vehicle (RCW 46.61.024)
23 False Verification for Welfare (RCW
24 74.08.055)
25 Forgery (RCW 9A.60.020)
26 Fraudulent Creation or Revocation of a
27 Mental Health Advance Directive
28 (RCW 9A.60.060)
29 Malicious Mischief 2 (RCW 9A.48.080)
30 Mineral Trespass (RCW 78.44.330)
31 Possession of Stolen Property 2 (RCW
32 9A.56.160)
33 Reckless Burning 1 (RCW 9A.48.040)
34 Spotlighting Big Game 1 (RCW
35 77.15.450(3)(b))

1 Suspension of Department Privileges 1
2 (RCW 77.15.670(3)(b))
3 Taking Motor Vehicle Without
4 Permission 2 (RCW 9A.56.075)
5 Theft 2 (RCW 9A.56.040)
6 Theft from a Vulnerable Adult 2 (RCW
7 9A.56.400(2))
8 Theft of Rental, Leased, Lease-
9 purchased, or Loaned Property
10 (valued at \$750 or more but less
11 than \$5,000) (RCW
12 9A.56.096(5)(b))
13 Transaction of insurance business
14 beyond the scope of licensure
15 (RCW 48.17.063)
16 Unlawful Fish and Shellfish Catch
17 Accounting (RCW 77.15.630(3)(b))
18 Unlawful Issuance of Checks or Drafts
19 (RCW 9A.56.060)
20 Unlawful Possession of Fictitious
21 Identification (RCW 9A.56.320)
22 Unlawful Possession of Instruments of
23 Financial Fraud (RCW 9A.56.320)
24 Unlawful Possession of Payment
25 Instruments (RCW 9A.56.320)
26 Unlawful Possession of a Personal
27 Identification Device (RCW
28 9A.56.320)
29 Unlawful Production of Payment
30 Instruments (RCW 9A.56.320)
31 Unlawful Releasing, Planting,
32 Possessing, or Placing Deleterious
33 Exotic Wildlife (RCW
34 77.15.250(2)(b))
35 Unlawful Trafficking in Food Stamps
36 (RCW 9.91.142)

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Unlawful Use of Food Stamps (RCW
9.91.144)
Unlawful Use of Net to Take Fish 1
(RCW 77.15.580(3)(b))
Vehicle Prowl 1 (RCW 9A.52.095)
Violating Commercial Fishing Area or
Time 1 (RCW 77.15.550(3)(b))

--- **END** ---