
SUBSTITUTE SENATE BILL 5735

State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Moore and A. Smith)

Read first time 02/01/94.

1 AN ACT Relating to animal cruelty; amending RCW 16.52.030,
2 16.52.050, 16.52.060, 16.52.085, 16.52.090, 16.52.095, 16.52.110,
3 16.52.180, 16.52.200, 9.08.070, and 81.56.120; adding new sections to
4 chapter 16.52 RCW; adding a new section to chapter 69.38 RCW; repealing
5 RCW 16.52.010, 16.52.040, 16.52.055, 16.52.065, 16.52.113, 16.52.117,
6 16.52.120, 16.52.130, 16.52.140, 16.52.160, 16.52.165, 16.52.190,
7 16.52.193, and 16.52.195; and prescribing penalties.

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

9 NEW SECTION. **Sec. 1.** It is the intent of the legislature with
10 chapter . . . , Laws of 1994 (this act) to update the existing animal
11 cruelty statutes and to provide penalties which more accurately reflect
12 the severity of cruelty to animals. The legislature is not revising,
13 expanding, or diminishing in any way the existing exemptions from the
14 chapter.

15 NEW SECTION. **Sec. 2.** Unless the context clearly requires
16 otherwise, the definitions in this section apply throughout this
17 chapter.

1 (1) "Animal" means any nonhuman mammal, bird, reptile, amphibian,
2 or fish.

3 (2) "Owner" means a person who has a right, claim, title, legal
4 share, or right of possession to an animal or a person having lawful
5 control, custody, or possession of an animal.

6 (3) "Person" means an individual, natural or otherwise.

7 (4) "Physical injury" means impairment of physical condition.

8 **Sec. 3.** RCW 16.52.030 and 1982 c 114 s 2 are each amended to read
9 as follows:

10 (1) All members and agents, and all officers of any society (~~(se)~~)
11 incorporated under RCW 16.52.020, as shall by the trustees of such
12 society be duly authorized in writing, approved by any judge of the
13 superior court of the county, and sworn in the same manner as are
14 (~~constables and~~) peace officers, shall have power lawfully to
15 interfere to prevent the perpetration of any act of cruelty upon any
16 animal and may use such force as may be necessary to prevent the same,
17 and to that end may summon to their aid any bystander (~~if they may make~~
18 ~~arrests for the violation of any of the provisions of RCW 16.52.010~~
19 ~~through 16.52.050, 16.52.070 through 16.52.090 and 16.52.100 through~~
20 ~~16.52.180 in the same manner as herein provided for other officers; and~~
21 ~~may carry the same weapons that such officers are authorized to~~
22 ~~carry~~). The members and agents of any such corporation may have the
23 power to carry nonfirearm protective devices and, if licensed as
24 required by law, firearms that law enforcement officers may carry for
25 the purpose of emergency euthanization of injured or ill animals and
26 personal protection. Any person who incurs damages as a result of any
27 act or omission by a member, agent, or officer of any incorporated
28 society that has been sworn in the same manner as are peace officers,
29 when such act or omission was performed in violation of their duties
30 and in bad faith, shall have a cause of action for actual damages,
31 costs, and attorneys' fees.

32 (2) Authorizations under this section shall be for a period not
33 exceeding three years or termination of duties, whichever occurs first.
34 The trustees of the society shall review the authorizations every three
35 years and may revoke authorizations at any time by filing a certified
36 revocation with the superior court from which the authorization was
37 issued: PROVIDED, That all such members and agents shall (~~(, when~~
38 ~~making arrests under this section,~~) exhibit and expose a suitable

1 badge to be adopted by such society. (~~All persons resisting such~~
2 ~~specially authorized, approved and sworn officers, agents or members~~
3 ~~shall be guilty of a misdemeanor.~~)

4 **Sec. 4.** RCW 16.52.050 and 1901 c 146 s 10 are each amended to read
5 as follows:

6 When complaint is made on oath, to any (~~magistrate~~) judge
7 authorized to issue warrants in criminal cases that the complainant
8 believes that any of the provisions of law relating to or in any way
9 affecting animals, are being or are about to be violated in any
10 particular building or place, such (~~magistrates~~) judge shall issue
11 and deliver immediately a warrant directed to any sheriff,
12 (~~constable~~) deputy, police or peace officer, or officer of any
13 incorporated society qualified as provided in RCW 16.52.030,
14 authorizing him or her to enter and search such building or place(~~(~~
15 ~~and to arrest any person or persons there present violating or~~
16 ~~attempting to violate any law relating to or in any way affecting~~
17 ~~animals, and to bring such person or persons before some court or~~
18 ~~magistrate of competent jurisdiction within the city or county within~~
19 ~~which such offense has been committed or attempted to be committed, to~~
20 ~~be dealt with according to law~~) and seize evidence of violations of
21 this chapter.

22 **Sec. 5.** RCW 16.52.060 and 1987 c 202 s 182 are each amended to
23 read as follows:

24 Any judge, sheriff, deputy, or police officer may arrest any person
25 found committing any (~~of the~~) act(~~s enumerated~~) in violation of RCW
26 (~~16.52.065~~) 9.08.070 or 81.56.120 or this chapter, without a warrant
27 for such arrest, and any officer or member of any humane society, or
28 society for the prevention of cruelty to animals, may cause the
29 immediate arrest of any person engaged in, or who shall have committed
30 such cruelties, upon making oral complaint to any sheriff, deputy, or
31 police officer(~~(, or such officer or member of such society may himself~~
32 ~~or herself arrest any person found perpetrating any of the cruelties~~
33 ~~herein enumerated)~~): PROVIDED, That said person making such oral
34 complaint (~~or making such arrest~~) shall file with a proper officer a
35 written complaint, stating the act or acts complained of, within
36 twenty-four hours, excluding Sundays and legal holidays, after such
37 arrest shall have been made.

1 NEW SECTION. **Sec. 6.** (1) A person is guilty of animal cruelty in
2 the first degree when, except as authorized in law, he or she
3 intentionally or knowingly (a) inflicts substantial pain on, (b) causes
4 physical injury to, or (c) kills an animal by a means causing undue
5 suffering, or forces a minor to inflict unnecessary pain, injury, or
6 death on an animal.

7 (2) Animal cruelty in the first degree is a class C felony.

8 NEW SECTION. **Sec. 7.** (1) A person is guilty of animal cruelty in
9 the second degree when he or she:

10 (a) Under circumstances not amounting to animal cruelty in the
11 first degree, knowingly, recklessly, or with criminal negligence
12 inflicts unnecessary suffering or pain upon an animal;

13 (b) Uses or causes an animal to be used for purposes of human
14 sexual arousal or intercourse, or requests or encourages the same to be
15 done; or

16 (c) Abandons or fails to provide an animal that the person owns or
17 possesses with necessary food, water, shelter, rest, sanitation,
18 ventilation, space, or medical attention and such failure results in
19 the physical injury or death of the animal.

20 (2) Animal cruelty in the second degree is a gross misdemeanor.

21 NEW SECTION. **Sec. 8.** (1) A person is guilty of animal cruelty in
22 the third degree when he or she abandons or fails to provide an animal
23 that the person owns or possesses with necessary food, water, shelter,
24 rest, sanitation, ventilation, space, or medical attention and such
25 failure jeopardizes the health or safety of the animal.

26 (2) Animal cruelty in the third degree is a misdemeanor.

27 (3) In any prosecution of animal cruelty in the third degree, it
28 shall be an affirmative defense, if established by the defendant by a
29 preponderance of the evidence, that the defendant's failure was due to
30 economic distress beyond the defendant's control.

31 NEW SECTION. **Sec. 9.** (1) A person is guilty of promoting animal
32 fighting who, for amusement or monetary gain:

33 (a) Causes, permits, assists, facilitates, or provides (i)
34 transportation, (ii) a premises, (iii) a facility, (iv) equipment, or
35 (v) an animal for: An animal to fight or injure another animal or a
36 human;

1 (b) Maintains one or more animals with the intent that the animal
2 or animals be used in violation of (a) of this subsection;

3 (c) Advertises, promotes, or in any way disseminates information
4 that can be reasonably construed to be intended to attract human
5 spectators to a fight between animals or animals and humans; or

6 (d) Participates in a fight with an animal.

7 (2) Promoting animal fighting is a class C felony.

8 (3) This section does not prohibit:

9 (a) The use of animals in the management of livestock, as defined
10 by chapter 16.57 RCW, by the owner of the livestock or the owner's
11 employees or agents or other persons in lawful custody of the
12 livestock;

13 (b) The use of animals in any lawful activity licensed by the
14 state; or

15 (c) The training of animals or the use of equipment in the training
16 of animals for purposes not otherwise prohibited by law.

17 (4) For purposes of prosecuting violations under this section, each
18 offense is a separate offense and shall be prosecuted accordingly.

19 (5) For purposes of this section, it is a separate offense for each
20 animal that is maintained for purposes of intent to fight.

21 NEW SECTION. Sec. 10. (1) A person is guilty of being a spectator
22 at animal fighting when he or she is knowingly present as a spectator
23 of an animal fighting event as described in section 9 of this act (a)
24 where preparations are being made for an exhibition of fighting between
25 animals or animals and humans or (b) in which an animal is engaged in
26 fighting.

27 (2) It is not a defense that the person did not pay money to
28 observe an animal fight.

29 (3) Being a spectator at animal fighting is a gross misdemeanor.

30 **Sec. 11.** RCW 16.52.085 and 1987 c 335 s 1 are each amended to read
31 as follows:

32 (1) If the county sheriff, deputy, peace officer, or other law
33 enforcement officer (~~((shall find))~~) has probable cause to believe that
34 said domestic animal has been neglected or cruelly treated by its owner
35 and no responsible person can be found to assume the care of the
36 animal, he or she may authorize the removal of the animal to a (~~((proper~~
37 ~~pasture or other))~~) suitable place for feeding and (~~((restoring to~~

1 health)) care without a warrant, or place the animal under the custody
2 of the humane society, animal control agency, or agency responsible for
3 stray animals in that jurisdiction. In determining what is a suitable
4 place, the agency shall consider the animal's needs, including its size
5 and disposition.

6 (2) If ((a)) the county sheriff, deputy, peace officer, or other
7 law enforcement officer has probable cause to believe a violation of
8 this chapter has occurred, the officer may authorize an examination of
9 an allegedly neglected or abused domestic animal by a veterinarian to
10 determine whether the level of neglect or abuse is sufficient to
11 require removal of the animal. ((This section does not condone illegal
12 entry onto private property.))

13 (3) Any owner whose domestic animal is removed to a suitable place
14 pursuant to this chapter shall be given written notice of the
15 circumstances of the removal and notice of legal remedies available to
16 the owner. The notice shall be given by posting at the place of
17 seizure, by delivery to a person residing at the place of seizure, or
18 by registered mail if the owner is known. In making the decision to
19 remove an animal pursuant to this chapter, the law enforcement officer
20 shall make a good faith effort to contact the animal's owner before
21 removal unless the animal is in a life-threatening condition or unless
22 the officer reasonably believes that the owner would remove the animal
23 from the jurisdiction.

24 (4) An animal taken into custody under this section may be humanely
25 disposed of, at the discretion of the corporation or agency having
26 custody of the animal, not less than fourteen business days after the
27 animal is taken into custody. This does not preclude the euthanasia of
28 severely injured or suffering animals at any time. A person may
29 prevent the disposition of an animal in custody by: (a) Petitioning a
30 court of competent jurisdiction for the immediate return of the animal
31 subject to such conditions as the court may impose or (b) posting a
32 bond or security in an amount sufficient to provide for the animal's
33 care and keeping for a minimum of thirty days from the date of the
34 seizure. At the end of the time for which expenses have been covered
35 by the bond or security, the animal becomes the property of the
36 corporation or agency having custody unless a court order prevents such
37 a disposition. A court order preventing such a disposition may provide
38 for a bond or security for the costs to the corporation or agency
39 having custody for the care, keeping, or disposal of the animal.

1 (5) If no criminal case is filed within (~~seventy-two hours~~)
2 fourteen business days of the removal of the animal, the owner may
3 petition (~~the district~~) a court of competent jurisdiction in the
4 county where the removal of the animal occurred for the return of the
5 animal. The petition shall be filed with the court, with copies served
6 to the law enforcement agency responsible for removing the animal and
7 to the prosecuting attorney. If a criminal action is filed after the
8 petition is filed but before the animal is returned, the petition shall
9 be joined with the criminal matter.

10 (~~(5)~~) (6) In a motion or petition for the return of the removed
11 animal before a trial, the burden is on the owner to prove by a
12 preponderance of the evidence that the animal will not suffer future
13 neglect and is not in need of being restored to health.

14 (~~(6)~~) (7) Any authorized person treating or attempting to restore
15 an animal to health under this chapter shall not be civilly or
16 criminally liable for such action.

17 **Sec. 12.** RCW 16.52.090 and 1901 c 146 s 6 are each amended to read
18 as follows:

19 Every person who shall cut (~~or~~), cause to be cut, or assist in
20 cutting the solid part of the tail of any horse in the operation known
21 as "docking," or in any other operation for the purpose of shortening
22 the tail or changing the carriage thereof, shall be guilty of a
23 misdemeanor.

24 **Sec. 13.** RCW 16.52.095 and Code 1881 s 840 are each amended to
25 read as follows:

26 It shall not be lawful for any person to cut off more than one-half
27 of the ear or ears of any domestic animal such as an ox, cow, bull,
28 calf, sheep, goat or hog, and any person cutting off more than one-half
29 of the ear or ears of any such animals, shall be deemed guilty of a
30 misdemeanor(~~(, and upon conviction, shall be fined in any sum less than~~
31 ~~twenty dollars)~~).

32 **Sec. 14.** RCW 16.52.110 and 1901 c 146 s 13 are each amended to
33 read as follows:

34 Every owner, driver, or possessor of any old, maimed or diseased
35 horse, cow, mule, or other domestic animal, who shall permit the same
36 to go loose in any lane, street, square, or lot or place of any city or

1 township, without proper care and attention, for more than three hours
2 after knowledge thereof, shall be guilty of a misdemeanor: PROVIDED,
3 That this shall not apply to any such owner keeping any old or diseased
4 animal belonging to him or her on his or her own premises with proper
5 care. Every sick, disabled, infirm or crippled horse, ox, mule, cow or
6 other domestic animal, which shall be abandoned on the public highway,
7 or in any open or enclosed space in any city or township, may, if,
8 after search by a peace officer or officer of such society no owner can
9 be found therefor, be ~~((killed by such officer; and it shall be the~~
10 ~~duty of all peace and public officers to cause the same to be killed on~~
11 ~~information of such abandonment)) euthanized or removed by such officer~~
12 to a suitable place for feeding and care, or if necessary, euthanasia.

13 NEW SECTION. **Sec. 15.** (1) Unless the context clearly requires
14 otherwise, as used in this section, "property" means anything of value.

15 (2) Upon conviction of a person for a violation of section 9 of
16 this act, the superior court may, in addition to its other powers of
17 disposition, order forfeiture of any property, including animals, that
18 was used or intended to be used to commit or facilitate the offense, or
19 that is proceeds traceable to or derived from the offense. The court
20 shall hear all motions and testimony and decide the forfeiture without
21 a jury.

22 (3) During the pendency of any criminal case alleging a violation
23 of section 9 of this act, the court may issue such orders as are
24 appropriate to prevent wrongful disposition of property subject to
25 forfeiture under this section. The court shall be guided in the entry
26 of any order under this subsection by RCW 9A.82.100.

27 (4) If any property is seized pursuant to this section, the seizing
28 agency shall immediately file a lis pendens with the appropriate county
29 official.

30 (5) All seized property shall remain under the control of the
31 seizing law enforcement agency, except animals may be released to the
32 custody of a corporation formed under RCW 16.52.020, to a public animal
33 control agency, or the agency responsible for stray animals in the
34 jurisdiction in which the arrest was made. If the owner of seized
35 property is not charged with a violation of section 9 of this act
36 within fourteen days of seizure, all seized property shall be returned.

37 (6) When ordering forfeiture of property the court shall provide
38 for the protection of bona fide security and community property

1 interests unless the holder of the interest knew of or participated in
2 the violation of section 9 of this act, and except to the extent that
3 such interests were acquired in such a way as to be forfeitable under
4 this section.

5 (7) The person seeking the protection of a security or community
6 property interest shall have the burden of proving by a preponderance
7 of the evidence the interest is bona fide and the person did not know
8 of or participate in the violation of section 9 of this act.

9 (8) The prosecuting attorney shall serve notice on the owner and
10 all persons having any known right or interest in the property that it
11 is seeking forfeiture of the property. Notice shall be made according
12 to the rules of civil procedure within fifteen calendar days following
13 the filing of criminal charges.

14 (9) Upon entry of an order of forfeiture, the seizing agency may
15 dispose of the seized property, items, or animals in any manner. The
16 disposition of any animal seized under this subsection shall consider
17 the best interest of the animal. The seizing agency may return any
18 property to a person having a secured or community property interest in
19 such property or may sell the property and remit in cash any amount due
20 and owing the secured or community interest person. Any funds received
21 from disposal of the seized property, items, or animals except as are
22 returned to secured parties or parties having a community property
23 interest may be used for such lawful purposes as the seizing agency
24 deems appropriate, including paying the costs of the investigation and
25 prosecution.

26 (10) In the event a person whose property, items, or animals were
27 seized is not charged with a violation of section 9 of this act, or is
28 not convicted of such violation, all seized property, items, and
29 animals shall be immediately returned to the person. No civil or
30 criminal liability may accrue to any individual or agency as a result
31 of any good faith arrest and seizure of any property or item.

32 **Sec. 16.** RCW 16.52.180 and 1901 c 146 s 18 are each amended to
33 read as follows:

34 (~~No part of RCW 16.52.010 through 16.52.050, 16.52.070 through~~
35 ~~16.52.090 and 16.52.100 through 16.52.180 shall be deemed to~~) This
36 chapter shall not interfere with any of the laws of this state known as
37 the "game laws," (~~nor shall RCW 16.52.010 through 16.52.050, 16.52.070~~
38 ~~through 16.52.090 and 16.52.100 through 16.52.180 be deemed to~~

1 interfere)) or with the right to destroy any venomous reptile or any
2 known as dangerous to life, limb or property, or to interfere with the
3 right to kill animals to be used for food or with any properly
4 conducted scientific experiments or investigations, which experiments
5 or investigations shall be performed only under the authority of the
6 faculty of some regularly incorporated college or university of the
7 state of Washington.

8 **Sec. 17.** RCW 16.52.200 and 1987 c 335 s 2 are each amended to read
9 as follows:

10 (1) The sentence imposed for a violation of this chapter may be
11 deferred or suspended in accordance with RCW 3.66.067 and 3.66.068,
12 however the probationary period shall be two years.

13 (2) In case of multiple convictions, the sentences shall be
14 consecutive, however the probationary period shall remain two years.

15 (3) In addition to the penalties imposed by the court, the court
16 (~~shall~~) may order the forfeiture of all animals held by law
17 enforcement authorities under the provisions of this chapter if any one
18 of the animals involved dies as a result of a violation of this chapter
19 or if the (~~defendant~~) offender has a prior conviction under this
20 chapter. In other cases the court may enter an order requiring the
21 owner to forfeit the animal if the court (~~deems~~) finds the (~~cruel~~)
22 treatment of the animal to have been severe and likely to reoccur. If
23 forfeiture is ordered, the owner shall be prohibited from owning or
24 caring for any similar animals for a period of (~~two years~~) time for
25 which the sentencing court retains jurisdiction. The court may delay
26 its decision on forfeiture under this subsection until the end of the
27 probationary period.

28 (4) In addition to fines and court costs, the (~~owner~~) offender,
29 only if convicted or in agreement, shall be liable for reasonable costs
30 incurred pursuant to this chapter, including expenses for the
31 investigation of the violation and the care or disposal of the animal
32 or animals, by the law enforcement or authorized private or public
33 entities involved with the care of the animals.

34 (5) If convicted, the (~~owner~~) offender shall also pay a civil
35 penalty of one (~~hundred~~) thousand dollars to the county to prevent
36 cruelty to animals. These funds shall be used to prosecute offenses
37 under this chapter and to care for forfeited animals pending trial.

1 (6) In addition to the penalties imposed by the court, the court
2 may, when otherwise authorized, order the offender to participate in a
3 program designed to provide prevention, treatment, or education in the
4 area of animal cruelty.

5 **NEW SECTION. Sec. 18.** (1) An owner whose animal is subjected to
6 any act that is a violation of this chapter or RCW 9.08.070,
7 9A.48.080(1)(c), or 81.56.120 may bring an action to recover the actual
8 damages sustained by him or her.

9 (2) In an action brought under subsection (1) of this section,
10 regardless of whether an award of actual damages is obtained, a court
11 may award a sum of not less than five hundred dollars and not more than
12 five thousand dollars to an owner whose animal is subjected to any act
13 that is a violation of this chapter or RCW 9.08.070, 9A.48.080(1)(c),
14 or 81.56.120.

15 (3) A city, county, or corporation that is incorporated pursuant to
16 RCW 16.52.020 may bring an action under this section against any
17 person, including an owner. Any damages awarded such corporation shall
18 be limited to the costs incurred by the corporation. The costs may
19 include investigation of alleged violations of this chapter and
20 capturing, transporting, treating, sheltering, feeding, and disposing
21 of animals whose treatment is a violation of this chapter.

22 (4) In an action brought under subsection (3) of this section,
23 regardless of whether an award of damages is obtained, a court may
24 award a sum of not less than five hundred dollars and not more than
25 five thousand dollars to a corporation that has custody, control, or
26 ownership over an animal that has been subjected to any act that is a
27 violation of this chapter or RCW 9.08.070, 9A.48.080(1)(c), or
28 81.56.120. An award made pursuant to this subsection may only be used
29 to provide: (a) Education in prevention of cruelty to animals; or (b)
30 treatment programs for persons who are found in violation of this
31 chapter.

32 (5) An award made by a district court pursuant to this section
33 shall not exceed the amount authorized by RCW 3.66.020.

34 (6) In an action brought under this section, any prevailing party
35 shall be awarded costs and fees of the action including reasonable
36 attorneys' fees.

37 (7) In any action brought under this section, it is not a defense
38 that the defendant has not been charged with, or convicted of, a crime

1 involving animals. The remedies provided in this section are in
2 addition to, and do not replace or supplant, any other remedy available
3 at law.

4 **Sec. 19.** RCW 9.08.070 and 1989 c 359 s 2 are each amended to read
5 as follows:

6 (1) Any person who, with intent to deprive or defraud the owner
7 thereof, does any of the following shall be guilty of a gross
8 misdemeanor and shall be punished as prescribed under RCW 9A.20.021(2)
9 and by a mandatory fine of not less than five hundred dollars per pet
10 animal except as provided by (~~(d)~~) this subsection:

11 (a) Takes, leads away, confines, secretes or converts any pet
12 animal, except in cases in which the value of the pet animal exceeds
13 two hundred fifty dollars; or

14 (b) Conceals the identity of any pet animal or its owner by
15 obscuring, altering, or removing from the pet animal any collar, tag,
16 license, tattoo, or other identifying device or mark.

17 (~~(c) Willfully or recklessly kills or injures any pet animal,
18 unless excused by law.~~

19 (~~d~~)) Nothing in this subsection or subsection (2) of this section
20 shall prohibit a person from also being convicted of separate offenses
21 under RCW 9A.56.030, 9A.56.040, or 9A.56.050 for theft or under RCW
22 9A.56.150, 9A.56.160, or 9A.56.170 for possession of stolen property.

23 (2)(a) It is unlawful for any person to receive with intent to sell
24 to a research institution in the state of Washington, or sell or
25 otherwise directly transfer to a research institution in the state of
26 Washington, a pet animal that the person knows or has reason to know
27 has been stolen or fraudulently obtained. This subsection does not
28 apply to U.S.D.A. licensed dealers.

29 (b) The first conviction under (a) of this subsection is a gross
30 misdemeanor and is punishable as prescribed under RCW 9A.20.021(2) and
31 by a mandatory fine of not less than five hundred dollars per pet
32 animal. A second or subsequent conviction under (a) of this subsection
33 is a class C felony and is punishable as prescribed under RCW
34 9A.20.021(1)(c) and by a mandatory fine of not less than one thousand
35 dollars per pet animal.

36 (3)(a) It is unlawful for any person, who knows or has reason to
37 know that a pet animal has been stolen or fraudulently obtained, to
38 sell or otherwise transfer the pet animal to another who the person

1 knows or has reason to know has previously sold a stolen or
2 fraudulently obtained pet animal to a research institution in the state
3 of Washington.

4 (b) A conviction under (a) of this subsection is a class C felony
5 and shall be punishable as prescribed under RCW 9A.20.021(1)(c) and by
6 a mandatory fine of not less than one thousand dollars per pet animal.

7 (4)(a) It is unlawful for a U.S.D.A. licensed dealer to receive
8 with intent to sell, or sell or transfer directly or through a third
9 party, to a research institution in the state of Washington, a pet
10 animal that the dealer knows or has reason to know has been stolen or
11 fraudulently obtained.

12 (b) A conviction under (a) of this subsection is a class C felony
13 and shall be punishable as prescribed under RCW 9A.20.021(1)(c) and by
14 a mandatory fine of not less than one thousand dollars per pet animal.

15 (5) The sale, receipt, or transfer of each individual pet animal in
16 violation of subsections (1), (2), (3), and (4) of this section
17 constitutes a separate offense.

18 (6) The provisions of subsections (1), (2), (3), and (4) of this
19 section shall not apply to the lawful acts of any employee, agent, or
20 director of any humane society, animal control agency, or animal
21 shelter operated by or on behalf of any government agency, operating
22 under law.

23 **Sec. 20.** RCW 81.56.120 and 1961 c 14 s 81.56.120 are each amended
24 to read as follows:

25 Railroad or other transportation companies in carrying or
26 transporting animals shall not permit them to be confined in cars for
27 a longer period than forty-eight consecutive hours without unloading
28 them for rest, water and feeding for a period of at least two
29 consecutive hours, unless prevented from so unloading them by
30 unavoidable accident. In estimating such confinement, the time during
31 which the animals have been confined without such rest on connecting
32 roads from which they are received shall be included. Animals so
33 unloaded shall, during such rest, be properly fed, watered by the owner
34 or person having the custody of them, or in case of his default in so
35 doing, then by the railroad company transporting them, at the expense
36 of said owner or person in custody thereof, and said company shall in
37 such case have a lien upon such animals for food, care and custody
38 furnished, and shall not be liable for such detention of such animals.

1 If animals are transported where they can and do have proper food,
2 water, space and opportunity for rest, the foregoing provision in
3 regard to their being unloaded shall not apply. Violators of this
4 section shall be punished by fine not exceeding one ((hundred))
5 thousand dollars per animal.

6 NEW SECTION. Sec. 21. A new section is added to chapter 69.38 RCW
7 to read as follows:

8 It is unlawful for any person other than a registered pharmacist to
9 sell at retail or furnish to any person any strychnine. This section
10 does not prohibit county, state, or federal agents, in the course of
11 their duties, from furnishing strychnine to any person. Every
12 registered pharmacist selling or furnishing strychnine shall, before
13 delivering the same, record the transaction as provided for in RCW
14 69.38.030.

15 NEW SECTION. Sec. 22. The following acts or parts of acts are
16 each repealed:

- 17 (1) RCW 16.52.010 and 1901 c 146 s 17;
- 18 (2) RCW 16.52.040 and 1901 c 146 s 14;
- 19 (3) RCW 16.52.055 and 1901 c 146 s 3;
- 20 (4) RCW 16.52.065 and 1982 c 114 s 3 & 1893 c 27 s 8;
- 21 (5) RCW 16.52.113 and 1982 c 114 s 8;
- 22 (6) RCW 16.52.117 and 1982 c 114 s 9;
- 23 (7) RCW 16.52.120 and 1982 c 114 s 11 & 1901 c 146 s 7;
- 24 (8) RCW 16.52.130 and 1982 c 114 s 12 & 1901 c 146 s 8;
- 25 (9) RCW 16.52.140 and 1901 c 146 s 11;
- 26 (10) RCW 16.52.160 and 1901 c 146 s 9;
- 27 (11) RCW 16.52.165 and 1982 c 114 s 7 & 1901 c 146 s 16;
- 28 (12) RCW 16.52.190 and 1941 c 105 s 1;
- 29 (13) RCW 16.52.193 and 1987 c 34 s 7 & 1941 c 105 s 2; and
- 30 (14) RCW 16.52.195 and 1941 c 105 s 3.

31 NEW SECTION. Sec. 23. Sections 1, 2, 6 through 10, 15, and 18 of
32 this act are each added to chapter 16.52 RCW.

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