

SENATE BILL REPORT

ESSB 5629

AS PASSED SENATE, MARCH 20, 1991

Brief Description: Prohibiting unauthorized acts against animal facilities.

SPONSORS: Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Bailey, Conner, Metcalf, Patterson, McCaslin, Hansen, Bauer, Anderson, Barr, Vognild, McMullen, Madsen, Rasmussen and Newhouse).

SENATE COMMITTEE ON AGRICULTURE & WATER RESOURCES

Majority Report: That Substitute Senate Bill No. 5629 be substituted therefor, and the substitute bill do pass.

Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Staff: John Stuhlmiller (786-7446)

Hearing Dates: March 1, 1991

HOUSE COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT

BACKGROUND:

Concern has been expressed regarding an increasing number of acts committed against animal production and research facilities involving injury or loss of life to animals, criminal trespass, and damage to property.

SUMMARY:

It is unlawful for any person to break into or intentionally damage, release, vandalize or steal any property of an animal facility. It is also unlawful for any person to interfere with an owner, operator or employee of an animal facility. No person shall unlawfully enter or remain in an animal facility with the intent to perform illegal acts.

Each violation of this act is a gross misdemeanor unless more than \$250 of damage is done. If more than \$250 but not more than \$1,500 in damage is done, the offense is a class C felony. If the damage exceeds \$1,500, the offense is a class B felony. Convicted violators shall make restitution within thirty days of the court order demanding such restitution.

Companies or individuals damaged by violations of this act are not precluded from seeking relief under any other provisions of law.

An animal facility is any facility engaged in agricultural production or scientific research involving animals.

Appropriation: none

Revenue: none

Fiscal Note: none requested

Effective Date: The bill contains an emergency clause and takes effect immediately.

TESTIMONY FOR:

This bill is needed to counter an increasing occurrence of "animal terrorism." The federal government is looking at a number of bills on this same subject, as are many other states. We need to head off problems before they hit critical levels. Animal production and research facilities need to be able to go about their business without fear.

TESTIMONY AGAINST:

The bill is unnecessary and may be unconstitutional. We should rely on current laws to stop illegal activities if they occur. There is no cause in this state for consideration of this bill. Other states may be experiencing problems but not ours.

TESTIFIED: Bill Roberts, Washington State Farm Bureau (pro); David Rutherford, Washington State Grange (pro); Mitchell Fox, Progressive Animal Welfare Society (con); Shawn Newman, Progressive Animal Welfare Society (con); Laurie Raymond, Progressive Animal Welfare Society (con); William Walkinshaw, Northwest Egg Producers/Washington Egg Commission (pro); Robin Hall (con); Marlyta Deck, Washington Cattlemen's Association (pro); Mike Schwisow, Washington State Department of Agriculture (pro); Dan Coyne, Dairy Federation (pro); Harvey Beck, Washington State Farm Bureau (pro)

HOUSE AMENDMENT(S):

The amendment strikes the Senate language and makes it a class C felony for any person to disrupt a research project or a university's educational program by knowingly taking, releasing, destroying, contaminating, or damaging any animal used in the project or by the university.

Persons who, without authorization, commit the intentional tort of taking, releasing, destroying, contaminating, or damaging animals used by a university or research facility, kept by a farmer for farm purposes, or kept by a veterinarian for veterinary purposes will have liability that is joint and several. This liability also extends to persons who plan the activity or participate in the implementation of the plan. Injunctive relief to prevent these intentional torts is authorized. In cases where damages are awarded under this act, a civil fine of up to \$100,000 may be awarded to the plaintiff.

Any employee or owner of a research, educational, or agricultural production facility who is harassed by persons whose intent is to stop or modify the facility's use of animals, may apply for injunctive relief to prevent the harassment.