

**SENATE BILL REPORT**

**SB 5287**

**AS PASSED SENATE, MARCH 9, 1993**

**Brief Description:** Prescribing additional penalties for failure to make restitution for theft of livestock.

**SPONSORS:** Senators Barr, M. Rasmussen, Hochstatter, Loveland, Snyder, Newhouse, Bauer, Deccio, Jesernig, Owen, Sutherland, Oke, Amondson, Moore, Fraser, Anderson, Prince, Sellar, Winsley and Erwin

**SENATE COMMITTEE ON AGRICULTURE**

**Majority Report:** Do pass.

Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Anderson, Barr, Bauer, and Snyder.

**Staff:** Katie Healy (786-7784)

**Hearing Dates:** February 1, 1993; February 23, 1993

**BACKGROUND:**

Theft of livestock in the first degree occurs when a person, with intent to sell or exchange and to deprive or defraud the lawful owner, wilfully takes, slaughters, or otherwise appropriates any horse, mule, cow, heifer, bull, steer, swine, or sheep. A person who appropriates the livestock but without intent to sell or exchange, and for the person's own use only, is guilty of theft of livestock in the second degree.

Whenever a person is convicted of theft of livestock in the first or second degree, the fine is \$2,000 for each animal killed or possessed. If two or more persons are convicted, the fine is imposed upon them joint and severally. The fine is imposed in addition to and regardless of any other penalty imposed, including fines or costs. The amount may not be suspended, waived, modified, or deferred in any way. The \$2,000 additional penalty shall be remitted to by the county treasurer to the State Treasurer. A defaulted payment or any installment payment may be collected by any means authorized by law.

**SUMMARY:**

If the court has ordered a person convicted of theft of livestock in the first or second degree to make restitution and the person fails to make restitution under the terms of the court order, the person may be imprisoned. Upon the motion of the prosecuting attorney or the person to whom restitution is owed, the court shall impose a term of confinement at a rate of one day for each \$50 of unpaid restitution.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

The statute when originally passed was intended to impose a mandatory fee on convicted persons, which funds were to go to the training of officers in investigating livestock theft. The restitution should be a mandatory imposition on convicted persons as well. This bill does add some teeth to the statute.

**TESTIMONY AGAINST:** None

**TESTIFIED:** K.O. Rosenberg, WASC (con); Marlyta Deck, WA Cattlemen's Assn. (pro); Dan Coyne, WA Dairy Federation (pro)