

1652-S

Sponsor(s): House Committee on Judiciary (originally sponsored by Representatives Romero, G. Cole, Valle, Orr, Cothorn, Brown, Veloria, Holm, Zellinsky, Scott, Brough, Jones, R. Meyers, Dorn, Quall, Van Luven, Roland, L. Johnson, Long, Johanson and Anderson)

Brief Description: Revising provisions relating to animal cruelty.

HB 1652-S.E - DIGEST

(DIGEST AS ENACTED)

Revises existing animal cruelty statutes and provides penalties which more accurately reflect the severity of cruelty to animals.

Specifies the elements of the offense of animal cruelty in the first degree, a class C felony.

Specifies the elements of the offense of animal cruelty in the second degree, a misdemeanor offense.

Designates the enforcement authority of law enforcement and animal control officers.

Revises statutes regarding the crimes of animal fighting, animal poisoning, and using animals as bait.

Provides civil penalties for violations of the act.

Authorizes a judge to require a defendant to obtain psychiatric treatment.

Repeals provisions in chapter 16.52 RCW.

VETO MESSAGE ON HB 1652-S

April 1, 1994

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 20 and 21, Engrossed Substitute House Bill No. 1652 entitled:

"AN ACT Relating to animal cruelty;"

Engrossed Substitute House Bill No. 1652 provides for a comprehensive overhaul of animal cruelty statutes. A broad spectrum of interest groups participated in the development of this legislation, from animal rights advocates to cattlemen and hunters. While I support the effort to modernize and improve outdated statutes, I am opposed to sections 20 and 21 of this act.

Section 20 provides that a person may kill a bear or a cougar "reasonably perceived" to be an unavoidable and immediate threat to human life. While I support the ability of anyone to take action against animals threatening human life, the defense of necessity is already available in legitimate cases. To broaden the language to "reasonably perceived" sets up a subjective defense and could cause prosecutorial problems. For this reason, I am vetoing section 20.

Section 21 attempts to expand the authority to kill cougars or bears threatening human life. However, the language as passed would not allow a person to kill or trap endangered species if they were threatening human life. Since the defense of necessity

already exists, I am vetoing section 21.

With the exception of sections 20 and 21, Engrossed Substitute House Bill No. 1652 is approved.

Respectfully submitted,
Mike Lowry
Governor