

1 **SHB 2053** - H AMD
2 By Representative Carrell

3 Strike everything after the enacting clause and insert the
4 following:

5 "NEW SECTION. **Sec. 1.** The legislature finds that animals need
6 the protection and care that only their human owners can provide.
7 Pets provide humans with a unique companionship and friendship.
8 Dogs need human companionship and care as well. Dog owners can use
9 their natural bond with their pet to develop a happy and healthy
10 animal. Responsible pet owners work to ensure their dogs are
11 provided necessary shelter, space, and medical attention. It can
12 be cruel for a dog to not have the space it needs to provide a
13 reasonable level of exercise for the dog.

14 **Sec. 2.** RCW 16.52.207 and 1994 c 261 s 9 are each amended to
15 read as follows:

16 (1) A person is guilty of animal cruelty in the second degree
17 if, under circumstances not amounting to first degree animal
18 cruelty, the person knowingly, recklessly, or with criminal
19 negligence inflicts unnecessary suffering or pain upon an animal.

20 (2) An owner of an animal is guilty of animal cruelty in the
21 second degree if, under circumstances not amounting to first degree
22 animal cruelty, the owner knowingly, recklessly, or with criminal
23 negligence:

24 (a) Fails to provide the animal with necessary food, water,
25 shelter, rest, sanitation, ventilation, space, or medical attention
26 and the animal suffers unnecessary or unjustifiable physical pain
27 as a result of the failure; or

28 (b) Abandons the animal.

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

30 (4) Constant, ongoing, and uncontrolled barking, crying,
31 howling, moaning, whining, or yelping by a dog may be considered an

1 indicator that the dog is not being provided necessary shelter,
2 space, or medical attention.

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

7 **Sec. 3.** RCW 16.52.011 and 1994 c 261 s 2 are each amended to
8 read as follows:

9 (1) Principles of liability as defined in chapter 9A.08 RCW
10 apply to this chapter.

11 (2) Unless the context clearly requires otherwise, the
12 definitions in this section apply throughout this chapter.

13 (a) "Animal" means any nonhuman mammal, bird, reptile, or
14 amphibian.

15 (b) "Animal care and control agency" means any city or county
16 animal control agency or authority authorized to enforce city or
17 county municipal ordinances regulating the care, control,
18 licensing, or treatment of animals within the city or county, and
19 any corporation organized under RCW 16.52.020 that contracts with
20 a city or county to enforce the city or county ordinances governing
21 animal care and control.

22 (c) "Animal control officer" means any individual employed,
23 contracted, or appointed pursuant to RCW 16.52.025 by an animal
24 care and control agency or humane society to aid in the enforcement
25 of ordinances or laws regulating the care and control of animals.
26 For purposes of this chapter, the term "animal control officer"
27 shall be interpreted to include "humane officer" as defined in (e)
28 of this subsection and RCW 16.52.025.

29 (d) "Euthanasia" means the humane destruction of an animal
30 accomplished by a method that involves instantaneous
31 unconsciousness and immediate death, or by a method that causes
32 painless loss of consciousness, and death during the loss of
33 consciousness.

34 (e) "Humane officer" means any individual employed, contracted,
35 or appointed by an animal care and control agency or humane society
36 as authorized under RCW 16.52.025.

37 (f) "Law enforcement agency" means a general authority
38 Washington law enforcement agency as defined in RCW 10.93.020.

1 (g) "Necessary food" means the provision at suitable intervals
2 of wholesome foodstuff suitable for the animal's age and species
3 and sufficient to provide a reasonable level of nutrition for the
4 animal.

5 (h) "Necessary space" for a dog means the provision at suitable
6 intervals of adequate room suitable for the dog's age, type, and
7 medical condition sufficient to provide a reasonable level of
8 exercise for the dog.

9 (i) "Owner" means a person who has a right, claim, title, legal
10 share, or right of possession to an animal or a person having
11 lawful control, custody, or possession of an animal.

12 ((+i)) (j) "Person" means individuals, corporations,
13 partnerships, associations, or other legal entities, and agents of
14 those entities.

15 ((+j)) (k) "Substantial bodily harm" means substantial bodily
16 harm as defined in RCW 9A.04.110."

17 Correct the title.

EFFECT: Makes three changes to the substitute bill:

1.) Adds a legislative finding on the need for care and protection of animals by their owners.

2.) Specifies that constant, ongoing, uncontrolled barking or other sounds by a dog "may be considered an indicator" that the dog is not being provided necessary shelter, space, or medical attention. The substitute bill provided that such actions "are indicators" that the dog is not being provided necessary food, water, rest, sanitation, or ventilation. The reference to food, water, rest, sanitation, and ventilation is eliminated.

3.) Replaces the reference to "species" with a reference to "type" in the definition of necessary space for a dog, and requires the medical condition of a dog to be considered in determining necessary space.