

HOUSE BILL REPORT

HB 2053

As Reported by House Committee On:
Judiciary

Title: An act relating to protecting animals against cruelty.

Brief Description: Protecting animals against cruelty.

Sponsors: Representatives Carrell, Kirby and Delvin.

Brief History:

Committee Activity:

Judiciary: 3/3/03, 3/4/03 [DPS].

Brief Summary of Substitute Bill

- Provides that, for the purpose of proving second degree animal cruelty, a dog's constant, ongoing, and uncontrolled barking, crying, howling, moaning, whining, or yelping are indicators of a failure to provide necessary care for the dog.
- Defines "necessary space" for dogs under the animal cruelty laws.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Lantz, Chair; Moeller, Vice Chair; Carrell, Ranking Minority Member; Campbell, Flannigan, Kirby, Lovick and Newhouse.

Minority Report: Do not pass. Signed by 1 member: Representative McMahan, Assistant Ranking Minority Member.

Staff: Derek Green (786-5793), Trudes Tango Hutcheson (786-7384).

Background:

State law prohibits certain practices and activities that inflict harm upon animals. Specific crimes exist for engaging in such practices as promoting animal fighting, poisoning an animal, or transporting or confining animals in an unsafe manner.

There are also two offenses prohibiting animal cruelty in general. A person commits the crime of first degree animal cruelty by intentionally inflicting substantial pain, physical injury, or death with undue suffering upon an animal. First degree animal cruelty is a class C felony.

A person commits the crime of second degree animal cruelty if the person knowingly, recklessly or with criminal negligence inflicts unnecessary pain or suffering upon an animal. An owner of an animal may also be convicted of animal cruelty in the second degree for abandoning the animal or failing to provide necessary food, water, shelter, rest, sanitation, ventilation, space, or medical attention, if this failure results in unnecessary pain to the animal. Second degree animal cruelty is a misdemeanor.

It is an affirmative defense to second degree animal cruelty that the failure to provide adequate care was due to economic distress beyond the defendant's control. In addition, there are general exceptions to the laws against animal cruelty that cover, among other things, conduct that conforms with accepted husbandry practices and slaughtering animals for food.

In a criminal prosecution, the state has the burden of proving each element of a crime beyond a reasonable doubt.

Summary of Substitute Bill:

For the purpose of second degree animal cruelty, a dog's constant, ongoing, and uncontrolled barking, crying, howling, moaning, whining, or yelping are indicators that the dog is not being provided with necessary food, water, shelter, rest, sanitation, ventilation, space or medical attention.

For animal cruelty purposes, "necessary space" for a dog is defined as providing adequate room, at suitable intervals, that is suitable for the dog's age and species and sufficient to provide a reasonable level of exercise for the dog.

Substitute Bill Compared to Original Bill:

Amends the provisions of the bill to apply only to dogs. Replaces "and" with "or" in the reference to barking, whining, yelping and crying, and adds howling and moaning to this list of actions. Makes these actions indicators of inadequate care rather than a rebuttable presumption of inadequate care.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Original bill) This bill helps protect animals from abuse. Incessant barking is an indication of a problem with a dog that should be addressed. Currently, animal control authorities cannot help a dog that is constantly barking or moaning as a result of being neglected and confined to a small space. Animals such as large dogs need exercise. The necessary space definition recognizes the physical and psychological needs of an animal. This bill will give authorities more tools to address these problems. There is a link between mistreatment of animals and mistreatment of children.

Testimony Against: None.

Testified: Representative Carrell, prime sponsor; Glen Bui, Washington Animal Foundation; Tamar Puckett, Progressive Animal Welfare Society; Seth Dawson, Whiskers and Tails; and Charlotte Carrell.