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HOUSE BILL 2053

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State of Washington                      58th Legislature                      2003 Regular Session

By Representatives Carrell, Kirby and Delvin

Read first time 02/21/2003. Referred to Committee on Judiciary.

1            AN ACT Relating to protecting animals against cruelty; and amending  
2 RCW 16.52.207 and 16.52.011.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 16.52.207 and 1994 c 261 s 9 are each amended to read  
5 as follows:

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

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

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

17           (b) Abandons the animal.

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

1           (4) Constant, ongoing, and uncontrolled barking, whining, yelping,  
2 and crying creates a rebuttable presumption that an animal is not being  
3 provided necessary food, water, shelter, rest, sanitation, ventilation,  
4 space, or medical attention.

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

9           **Sec. 2.** RCW 16.52.011 and 1994 c 261 s 2 are each amended to read  
10 as follows:

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

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

15           (a) "Animal" means any nonhuman mammal, bird, reptile, or  
16 amphibian.

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

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

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

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

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

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

6 (h) "Necessary space" means the provision at suitable intervals of  
7 adequate room suitable for the animal's age and species and sufficient  
8 to provide a reasonable level of exercise for the animal.

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 lawful  
11 control, custody, or possession of an animal.

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

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

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