
SENATE BILL 6560

State of Washington

58th Legislature

2004 Regular Session

By Senators Oke, Fraser, Swecker, Kline, Kohl-Welles, Jacobsen, Thibaudeau, Fairley and Winsley

Read first time 01/23/2004. Referred to Committee on Judiciary.

1 AN ACT Relating to animal cruelty; amending RCW 16.52.205 and
2 16.52.207; adding a new section to chapter 77.12 RCW; and prescribing
3 penalties.

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

5 **Sec. 1.** RCW 16.52.205 and 1994 c 261 s 8 are each amended to read
6 as follows:

7 (1) A person is guilty of animal cruelty in the first degree when,
8 except as authorized in law, he or she intentionally (a) inflicts
9 substantial pain on, (b) causes physical injury to, or (c) kills an
10 animal by a means causing undue suffering, or forces a minor to inflict
11 unnecessary pain, injury, or death on an animal. Use of a hook in a
12 manner that the hook actually pierces the flesh of a bird or mammal
13 constitutes animal cruelty in the first degree.

14 (2) Animal cruelty in the first degree is a class C felony.

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

17 (1) A person is guilty of animal cruelty in the second degree if,
18 under circumstances not amounting to first degree animal cruelty, the

1 person knowingly, recklessly, or with criminal negligence inflicts
2 unnecessary suffering or pain upon an animal. A person is guilty of
3 animal cruelty in the second degree if the person uses a hook in a
4 manner that the hook could reasonably be foreseen to pierce the flesh
5 of a bird or mammal.

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

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

13 (b) Abandons the animal.

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

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

19 NEW SECTION. Sec. 3. A new section is added to chapter 77.12 RCW
20 to read as follows:

21 Fish and wildlife officers must enforce the provisions of RCW
22 16.52.205 and 16.52.207.

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