

HOUSE BILL REPORT

HB 1304

As Reported by House Committee On:
Judiciary

Title: An act relating to animal cruelty.

Brief Description: Revising provisions relating to animal cruelty.

Sponsors: Representatives Kessler, O'Brien, Lantz, Tom, Lovick, Pearson, Hunt, Moeller, Kirby, Kristiansen, Hunter, Condotta, Dunshee, Nixon, Springer, Jarrett, Simpson, Kilmer, Upthegrove, Williams, Linville, Kenney and Dickerson.

Brief History:

Committee Activity:

Judiciary: 2/2/05, 2/18/05 [DPS].

Brief Summary of Substitute Bill

- Provides that a person who starves, dehydrates, or suffocates an animal, causing the animal substantial pain and considerable suffering or death, is guilty of first-degree animal cruelty.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Flannigan, Vice Chair; Williams, Vice Chair; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell, Kirby, Serben, Springer and Wood.

Staff: Edie Adams (786-7180).

Background:

The state's law for the prevention of cruelty to animals prohibits certain practices and activities involving animals. Among the law's prohibitions are transporting or confining animals in an unsafe manner, engaging animals in exhibition fighting with other animals, and poisoning animals. In addition, the chapter contains the crime of animal cruelty.

Animal cruelty in the first degree involves intentionally inflicting substantial pain on, causing physical injury to, or killing an animal by a means that causes undue suffering. Animal cruelty in the first degree is a class C felony.

Animal cruelty in the second degree is committed when a person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal. An owner may commit this crime by failing to provide necessary food, water, shelter, rest, or medical attention, or by abandoning the animal. Animal cruelty in the second degree is a misdemeanor.

Law enforcement agencies and animal care and control agencies may enforce the provisions of the animal cruelty law. An animal control officer may issue a citation based on probable cause but may not execute a search warrant without being accompanied by a law enforcement officer. In addition, the animal control officer may not arrest a person for a violation, but may request a law enforcement officer to make the arrest.

The animal cruelty law contains a number of exemptions, including: licensed research institutions; accepted husbandry practices in the commercial raising or slaughtering of livestock; the customary use of animals in rodeos or fairs; the killing of animals for food; and practices authorized under the "game laws."

Summary of Substitute Bill:

The crime of first-degree animal cruelty is expanded to include a person who, with criminal negligence, starves, dehydrates, or suffocates an animal, and as a result causes: (a) the animal to suffer substantial and unjustifiable physical pain that extends for a period sufficient to cause considerable suffering; or (b) death.

The crime of second-degree animal cruelty is amended to remove "depriving an animal of necessary food, water, or ventilation" as a means of committing the crime.

Substitute Bill Compared to Original Bill:

The original bill required as an element of the offense of first-degree animal cruelty that the animal suffer "unnecessary and unjustifiable physical pain" rather the "substantial and unjustifiable pain that extends for a period that causes undue suffering." The original bill did not remove the element of "depriving an animal of ventilation" from second-degree animal cruelty.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: There are people out there who neglect their animals to the point of real cruelty. When these offenses happen they are truly horrific, and they don't fit within a misdemeanor crime. By the time the neglect is discovered, it can take breathing apparatus to

enter the place. There was a recent puppy mill case where 100 dead or dying puppies were found. It takes eight to 12 weeks to starve an animal to death. It is a painful and gruesome process of death.

Because this behavior is currently only a misdemeanor, it is not being addressed. Law enforcement officials have bigger fish to fry. This bill would give the law more teeth. These cases can go on and on, and no one takes them seriously enough. Many of the offenders are repeat offenders, and these people often treat their children the same way they treat their animals.

The punishment needs to fit the crime. The bill requires criminal negligence. It does not cover accidents. This bill doesn't affect livestock, rodeos or fairs, or research institutions. These are already exempted under the animal cruelty law.

Testimony Against: None.

Persons Testifying: Representative Kessler, prime sponsor; Susan Michaels, Pasados Safe Haven; Dr. Dana Bridges, Veterinarian; Ellen O'Neill-Stephens, King County Prosecuting Attorneys; Mark Steinway, Humane Investigator in Snohomish County; and Chris Cheney, Washington State Dairy Federation and Washington Fryer Commission.

Persons Signed In To Testify But Not Testifying: None.