

HOUSE BILL REPORT

SSB 5290

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to theft of or damage to livestock.

Brief Description: Including goats in theft of livestock in the first degree.

Sponsors: Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Delvin, Rasmussen, Schoesler, Shin, Morton, Jacobsen and Mulliken).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 3/29/05, 3/31/05 [DPA].

**Brief Summary of Substitute Bill
(As Amended by House Committee)**

- Expands the crimes of livestock theft in the first and second degrees and the civil action for livestock theft to include goats.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass as amended. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Kirby and Strow.

Staff: Yvonne Walker (786-7841).

Background:

A person commits theft of livestock by: (1) willfully taking, leading, transporting, concealing, withholding, slaughtering, or otherwise appropriating from the legal owner several types of livestock, and (2) acting with the intent to deprive or defraud the owner of the animal. The following animals are considered livestock for the purpose of this crime: horse, mule, cow, heifer, bull, steer, swine, and sheep.

There are two degrees of livestock theft:

1. First Degree. A person commits first degree livestock theft if he or she intends to sell or exchange the animal. This is a class B felony, which carries a maximum sentence of 10 years imprisonment and a \$20,000 fine.

2. Second Degree. A person commits second degree livestock theft if he or she intends only to steal the animal for their own use. This is a class C felony, which carries a maximum sentence of five years imprisonment and a \$10,000 fine.

In both cases, courts must impose a \$2,000 minimum fine (which may not be suspended, deferred, or modified) for each animal killed or possessed in addition to any other penalty.

A livestock owner who is harmed by livestock theft can also bring a private action against the thief for damages. If successful, they may recover up to three times the actual damages sustained and attorney's fees.

Goats are not included in the livestock theft statutes. Theft of a goat is punishable as ordinary theft of property in the first, second, or third degree (depending on its market value). The minimum fine does not apply and no private right of action exists for goat owners.

Summary of Amended Bill:

The crimes of first and second degree theft of livestock are expanded to include goats.

A person who steals a goat from its lawful owner is guilty of first degree theft of livestock if he or she intends to sell or exchange the animal. If the person only intends to steal the animal for personal use, he or she is guilty of second degree theft of livestock. A goat owner who is a victim of livestock theft can also bring a civil action against the thief for treble damages and attorney's fees.

Amended Bill Compared to Substitute Bill:

Corrects a cross reference in RCW 4.24.320 that authorized recovery of treble damages for damage to livestock caused by malicious mischief.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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

Testimony For: None.

Testimony Against: None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.