

# FINAL BILL REPORT

## SHB 1304

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C 481 L 05

Synopsis as Enacted

**Brief Description:** Revising provisions relating to animal cruelty.

**Sponsors:** By House Committee on Judiciary (originally sponsored by 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).

**House Committee on Judiciary**  
**Senate Committee on Judiciary**

**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 law 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.

The crime of animal fighting occurs when an individual owns, possesses, keeps, or trains any animal with the intent that the animal will engage in fighting with another animal. Animal fighting also occurs when an individual causes animals to fight or injure each other for amusement or gain, or aids or abets any such act. Animal fighting is a gross misdemeanor offense. A person who is knowingly present as a spectator at an animal fighting exhibition or at the preparations for an animal fighting exhibition is guilty of a misdemeanor offense.

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:**

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 the animal to suffer: (a) 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.

The crime of animal fighting is raised from a gross misdemeanor to a class C felony and expanded to include a person who knowingly:

- breeds, buys, sells, advertises, or offers for sale any animal with the intent that the animal will be used for fighting;
- participates in, advertises, or performs any service in the furtherance of an animal fight;
- transports spectators to an animal fight or accepts payment for admission to an animal fight;
- keeps or uses a place for animal fighting or allows a place to be used for animal fighting;
- serves as a stakeholder for money wagered on an animal fight; and
- takes or receives a stray or pet animal with the intent of using the stray animal or pet animal for animal fighting or for training or baiting for animal fighting.

The provision making it a crime to be a spectator at an animal fight is removed, although participation in an animal fight remains a criminal offense. "Animal" is defined to mean a dog or a male chicken for purposes of this crime.

**Votes on Final Passage:**

House	96	0	
Senate	41	0	(Senate amended)
House	98	0	(House concurred)

**Effective:** July 24, 2005