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**Judiciary Committee**

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**SB 5352**

**Title:** An act relating to animal cruelty.

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

**Sponsors:** Senators Esser, Kline, Weinstein, McCaslin, Thibaudeau, Regala, Schmidt, Kohl-Welles, Stevens, Franklin, Finkbeiner, Jacobsen, Rockefeller and Rasmussen.

**Brief Summary of Bill**

- Provides that the act of starving, dehydrating, or suffocating an animal, causing the animal to suffer unnecessary pain or death, constitutes the crime of first-degree animal cruelty, rather than second-degree animal cruelty.

**Hearing Date:** 3/29/05

**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 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 the animal suffers unnecessary or unjustifiable physical pain or death.

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

**Appropriation:** None.

**Fiscal Note:** Available.

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