

# SENATE BILL REPORT

## SHB 1398

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As Reported By Senate Committee On:  
Agriculture & Rural Economic Development, March 24, 2005

**Title:** An act relating to theft of livestock.

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

**Sponsors:** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Haler, O'Brien, Newhouse, Walsh, Grant, Curtis, McCune, Hankins and Kretz).

**Brief History:** Passed House: 3/03/05, 94-3.

**Committee Activity:** Agriculture & Rural Economic Development: 3/22/05, 3/24/05 [DPA].

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### SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

**Majority Report:** Do pass as amended.

Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Schoesler, Ranking Minority Member; Delvin, Jacobsen and Morton.

**Staff:** Sam Thompson (786-7413)

**Background:** First degree theft of livestock--the willful taking of horses, mules, cows, heifers, bulls, steers, swine, or sheep with intent to sell or exchange and to deprive or defraud the owner – is a class B felony. Class B felonies are punishable by imprisonment for up to ten years, or by a fine of up to \$20,000, or both.

A person who commits what would otherwise be first degree theft of livestock but without intent to sell or exchange, and for their use only, is guilty of second degree theft of livestock, a class C felony. Class C felonies are punishable by imprisonment for up to five years, or by a fine of up to \$10,000, or both.

In both cases, courts must impose a \$2,000 minimum fine for each animal killed or possessed, in addition to any other penalty.

A person who suffers damages from first or second degree theft of livestock may bring a civil action against the perpetrator for treble damages and attorney's fees.

Goats are not included in livestock theft statutes; instead, goat theft is punishable as ordinary property theft in the first degree (theft of property worth over \$1,500, a class B felony), second degree (theft of property worth over \$250 up to \$1,500, a class C felony), or third degree (theft of property worth up to \$250, a gross misdemeanor punishable by a jail term of up to one year and a fine of up to \$5,000). A minimum fine is not specified for any of these infractions.

It has been suggested that goats be included in the list of animals theft of which constitutes first or second degree theft of livestock and is the basis for a civil action for treble damages and attorney's fees.

**Summary of Amended Bill:** Goats are added to the list of animals theft of which constitutes first or second degree theft of livestock and is the basis for a civil action for treble damages and attorney's fees. A provision authorizing an action for treble damages and attorney's fees when livestock is damaged (but not stolen) is restored.

**Amended Bill Compared to Original Bill:** A provision authorizing an action for treble damages and attorney's fees when livestock is damaged (but not stolen) is restored.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Goats can be quite valuable, and goat theft should be punishable under laws applying to theft of other valuable livestock.

**Testimony Against:** None.

**Who Testified:** PRO: Rep. Haler.