

SENATE BILL REPORT

SB 5352

As Passed Senate, March 10, 2005

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 History:

Committee Activity: Judiciary: 1/27/05, 2/15/05 [DP].

Passed Senate: 3/10/05, 47-2.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Esser, McCaslin, Rasmussen and Thibaudeau.

Staff: Lidia Mori (786-7755)

Background: Major statutory revisions were last made to chapter 16.52 RCW in 1994. The crime of animal cruelty in the first degree was created at that time. It is committed when a person intentionally inflicts substantial pain on, causes physical injury to, or kills an animal by a means causing undue suffering or forces a minor to do any of the same. The crime of 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. Animal cruelty in the second degree is also committed when a person knowingly, recklessly, or with criminal negligence abandons an animal or fails to provide the animal with necessary food, water, shelter, rest, sanitation, ventilation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure. Animal cruelty in the second degree is a misdemeanor. In any prosecution of animal cruelty in the second degree, it is an affirmative defense that the defendant's failure was due to economic distress beyond the defendant's control.

Summary of Bill: A person is guilty of animal cruelty in the first degree when, except as authorized by law, the person, with criminal negligence, starves, dehydrates, or suffocates an animal and it suffers unnecessary or unjustifiable physical pain or death as a result.

Appropriation: None.

Fiscal Note: Requested on January 25, 2005.

Committee/Commission/Task Force Created: No.

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

Testimony For: People that, with criminal negligence, starve or suffocate an animal are worthy of serious attention and, in the criminal system, the way to get attention is to elevate a crime from the misdemeanor category to the felony category. By making it a felony, the prosecutors and police can give it more attention. This bill is the next step in modernizing our animal cruelty statute. It is disheartening to see starvation and dehydration cases that aren't dealt with seriously by the authorities and these people often repeat these offenses.

Testimony Against: None

Other: The words "ventilation" and "suffocation" are the same.

Who Testified: PRO: Susan Michaels, Pasado's Safe Haven; Dan Satterberg, King County Prosecuting Attorney; Dr. Dana Bridges; Mark Steinway, Snohomish County Humane Investigator; Matthew Rusnak, Wa. Federation of Animal Control Officers. OTHER: Glen Bui, American Canine Foundation.