

SENATE BILL REPORT

SB 6417

As Reported By Senate Committee On:
Judiciary, February 2, 2006

Title: An act relating to sexual conduct or sexual contact with an animal.

Brief Description: Prohibiting sexual conduct or sexual contact with an animal.

Sponsors: Senators Roach, Kline, Jacobsen, Esser, Weinstein, Thibaudeau, Benson, Rasmussen, Schmidt, Carrell, Morton, Deccio, Stevens, Mulliken, McCaslin, Hargrove and Delvin.

Brief History:

Committee Activity: Judiciary: 1/31/06, 2/2/06 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6417 be substituted therefor, and the substitute bill do pass.

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

Staff: Lidia Mori (786-7755)

Background: Washington law prohibits certain behaviors which are defined as cruelty to animals. Some of the behaviors prohibited are starvation, dehydration, or suffocation of an animal that causes it substantial and unjustifiable pain; causing animals to fight; intentionally poisoning an animal except for humane euthanasia or reasonable use of pest poison; and intentionally causing the physical injury or death of an animal by a means involving undue suffering. A behavior that is not prohibited under Washington law is sexual activity between a human being and an animal, or bestiality.

Thirty-one other states have laws prohibiting bestiality. A recent case in Washington, in which a man died, brought this conduct to the attention of many who did not know such behavior was occurring or thought it was already prohibited by law.

Summary of Substitute Bill: Animal cruelty in the first degree is committed when a person knowingly engages in sexual conduct or sexual contact with an animal. It also occurs when a person knowingly causes or aids another person to engage in sexual conduct or sexual contact with an animal. A person who knowingly permits such conduct or contact with an animal to occur on premises under his or her control or who knowingly participates as an observer, organizer, promoter, or advertiser of such conduct is also guilty of animal cruelty in the first degree. Animal cruelty in the first degree that is committed by engaging in any of the four above described types of conduct is a class C felony and is ranked at seriousness level III.

In addition to the penalties in statute for a class C felony, the court may order that the convicted person (1) refrain from harboring or owning animals or residing in a household

where animals are present; (2) participate in appropriate counseling; and (3) reimburse the animal shelter or humane society for costs incurred for the care of any animals taken to the shelter or humane society as a result of the offender's criminal behavior. If the court has reasonable grounds to believe sexual conduct or sexual contact with an animal has occurred, it may order the seizure of all animals involved in the violation. An exemption is created for accepted animal husbandry practices or accepted veterinary medical practices by a licensed veterinarian or certified veterinary technician. Sexual conduct and sexual contact are defined in the legislation.

Substitute Bill Compared to Original Bill: The bill as referred to committee was not considered.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: A broad array of interest groups have helped with this legislation, to make sure a fair bill was developed. The Grange was involved, as well as agricultural interests, veterinarians, other legislators, animal welfare groups, and prosecutors. This bill protects creatures that cannot give consent. The case in south King County that occurred last July brought to light the abuse that some animal protection groups knew was occurring, but zoophilia, or sex with animals, is not currently illegal in Washington. The Legislature has attempted to take a comprehensive approach to sexual offenses. This bill falls in line with that approach. The conduct focused on in this bill is the kind of conduct that often escalates, after victimization of animals, children, or others become victims. This is really a public safety issue. Another concern is the transfer of animal to human disease.

Testimony Against: None.

Who Testified: PRO: Senator Pam Roach, prime sponsor; Susan Michaels, Pasado's Safe Haven; Dan Satterberg, King County Prosecutor's Office; Dana Bridges, veterinarian; Yosho Revelle.