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**SUBSTITUTE HOUSE BILL 1304**

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**State of Washington                      59th Legislature                      2005 Regular Session**

**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)

READ FIRST TIME 02/22/05.

1            AN ACT Relating to animal cruelty; amending RCW 16.52.205 and  
2 16.52.207; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 16.52.205 and 1994 c 261 s 8 are each amended to read  
5 as follows:

6            (1) A person is guilty of animal cruelty in the first degree when,  
7 except as authorized in law, he or she intentionally (a) inflicts  
8 substantial pain on, (b) causes physical injury to, or (c) kills an  
9 animal by a means causing undue suffering, or forces a minor to inflict  
10 unnecessary pain, injury, or death on an animal.

11            (2) A person is guilty of animal cruelty in the first degree when,  
12 except as authorized by law, he or she, with criminal negligence,  
13 starves, dehydrates, or suffocates an animal and as a result causes:  
14 (a) Substantial and unjustifiable physical pain that extends for a  
15 period sufficient to cause considerable suffering; or (b) death.

16            (3) Animal cruelty in the first degree is a class C felony.

17            **Sec. 2.** RCW 16.52.207 and 1994 c 261 s 9 are each amended to read  
18 as follows:

1 (1) A person is guilty of animal cruelty in the second degree if,  
2 under circumstances not amounting to first degree animal cruelty, the  
3 person knowingly, recklessly, or with criminal negligence inflicts  
4 unnecessary suffering or pain upon an animal.

5 (2) An owner of an animal is guilty of animal cruelty in the second  
6 degree if, under circumstances not amounting to first degree animal  
7 cruelty, the owner knowingly, recklessly, or with criminal negligence:

8 (a) Fails to provide the animal with necessary ((~~food, water,~~)  
9 shelter, rest, sanitation, ((~~ventilation,~~) space, or medical attention  
10 and the animal suffers unnecessary or unjustifiable physical pain as a  
11 result of the failure; or

12 (b) Abandons the animal.

13 (3) Animal cruelty in the second degree is a misdemeanor.

14 (4) In any prosecution of animal cruelty in the second degree, it  
15 shall be an affirmative defense, if established by the defendant by a  
16 preponderance of the evidence, that the defendant's failure was due to  
17 economic distress beyond the defendant's control.

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