

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1304

59th Legislature
2005 Regular Session

Passed by the House April 19, 2005
Yeas 98 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 14, 2005
Yeas 41 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1304** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1304

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

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,
2 16.52.207, and 16.52.117; 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.

18 **Sec. 3.** RCW 16.52.117 and 1994 c 261 s 11 are each amended to read
19 as follows:

20 (1) (~~Any~~) A person (~~who does any of the following is guilty of~~
21 ~~a gross misdemeanor punishable by imprisonment not to exceed one year,~~
22 ~~or by a fine not to exceed five thousand dollars, or by both fine and~~
23 ~~imprisonment~~) commits the crime of animal fighting if the person
24 knowingly does any of the following:

25 (a) Owns, possesses, keeps, (~~or~~) breeds, trains, buys, sells, or
26 advertises or offers for sale any animal with the intent that the
27 animal shall be engaged in an exhibition of fighting with another
28 animal;

29 (b) (~~For amusement or gain causes any animal to fight with another~~
30 ~~animal, or causes any animals to injure each other; or~~

31 (~~Permits any act in violation of (a) or (b) of this subsection~~
32 ~~to be done on any premises under his or her charge or control, or~~
33 ~~promotes or aids or abets any such act.~~) Promotes, organizes,
34 conducts, participates in, advertises, or performs any service in the
35 furtherance of an exhibition of animal fighting, transports spectators
36 to an animal fight, or provides or serves as a stakeholder for any
37 money wagered on an animal fight;

1 (c) Keeps or uses any place for the purpose of animal fighting, or
2 manages or accepts payment of admission to any place kept or used for
3 the purpose of animal fighting;

4 (d) Suffers or permits any place over which the person has
5 possession or control to be occupied, kept, or used for the purpose of
6 an exhibition of animal fighting; or

7 (e) Takes, leads away, possesses, confines, sells, transfers, or
8 receives a stray animal or a pet animal, with the intent to deprive the
9 owner of the pet animal, and with the intent of using the stray animal
10 or pet animal for animal fighting, or for training or baiting for the
11 purpose of animal fighting.

12 ~~(2) ((Any person who is knowingly present, as a spectator, at any~~
13 ~~place or building where preparations are being made for an exhibition~~
14 ~~of the fighting of animals, with the intent to be present at such~~
15 ~~preparations, or is knowingly present at such exhibition or at any~~
16 ~~other fighting or injuring as described in subsection (1)(b) of this~~
17 ~~section, with the intent to be present at such exhibition, fighting, or~~
18 ~~injuring, is guilty of a misdemeanor.))~~ A person who violates this
19 section is guilty of a class C felony punishable under RCW 9A.20.021.

20 (3) Nothing in this section ((~~may~~)) prohibits the following:

21 (a) The use of dogs in the management of livestock, as defined by
22 chapter 16.57 RCW, by the owner of the livestock or the owner's
23 employees or agents or other persons in lawful custody of the
24 livestock;

25 (b) The use of dogs in hunting as permitted by law; or

26 (c) The training of animals or the use of equipment in the training
27 of animals for any purpose not prohibited by law.

28 (4) For the purposes of this section, "animal" means dogs or male
29 chickens.

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