
SENATE BILL 5352

State of Washington

59th Legislature

2005 Regular Session

By Senators Esser, Kline, Weinstein, McCaslin, Thibaudeau, Regala, Schmidt, Kohl-Welles, Stevens, Franklin, Finkbeiner, Jacobsen, Rockefeller and Rasmussen

Read first time 01/21/2005. Referred to Committee on Judiciary.

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 the animal suffers
14 unnecessary or unjustifiable physical pain or death as a result.

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

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

18 (1) A person is guilty of animal cruelty in the second degree if,

1 under circumstances not amounting to first degree animal cruelty, the
2 person knowingly, recklessly, or with criminal negligence inflicts
3 unnecessary suffering or pain upon an animal.

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

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

11 (b) Abandons the animal.

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

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

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