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**SUBSTITUTE SENATE BILL 6417**

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**State of Washington**

**59th Legislature**

**2006 Regular Session**

**By** Senate Committee on Judiciary (originally sponsored by Senators Roach, Kline, Jacobsen, Esser, Weinstein, Thibaudeau, Benson, Rasmussen, Schmidt, Carrell, Morton, Deccio, Stevens, Mulliken, McCaslin, Hargrove and Delvin)

READ FIRST TIME 02/03/06.

1 AN ACT Relating to animal cruelty; amending RCW 16.52.205;  
2 reenacting and amending RCW 9.94A.515; and prescribing penalties.

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

4 **Sec. 1.** RCW 16.52.205 and 2005 c 481 s 1 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) A person is guilty of animal cruelty in the first degree when  
17 he or she:

18 (a) Knowingly engages in any sexual conduct or sexual contact with  
19 an animal;

1 (b) Knowingly causes, aids, or abets another person to engage in  
2 any sexual conduct or sexual contact with an animal;

3 (c) Knowingly permits any sexual conduct or sexual contact with an  
4 animal to be conducted on any premises under his or her charge or  
5 control;

6 (d) Knowingly engages in, organizes, promotes, conducts,  
7 advertises, aids, abets, participates in as an observer, or performs  
8 any service in the furtherance of an act involving any sexual conduct  
9 or sexual contact with an animal for a commercial or recreational  
10 purpose; or

11 (e) Knowingly photographs or films, for purposes of sexual  
12 gratification, a person engaged in a sexual act or sexual contact with  
13 an animal.

14 (4) Animal cruelty in the first degree is a class C felony.

15 (5) In addition to the penalty imposed in subsection (4) of this  
16 section, the court may order that the convicted person do any of the  
17 following:

18 (a) Not harbor or own animals or reside in any household where  
19 animals are present;

20 (b) Participate in appropriate counseling at the defendant's  
21 expense;

22 (c) Reimburse the animal shelter or humane society for any  
23 reasonable costs incurred for the care and maintenance of any animals  
24 taken to the animal shelter or humane society as a result of conduct  
25 proscribed in subsection (3) of this section.

26 (6) Nothing in this section may be considered to prohibit accepted  
27 animal husbandry practices or accepted veterinary medical practices by  
28 a licensed veterinarian or certified veterinary technician.

29 (7) If the court has reasonable grounds to believe that a violation  
30 of this section has occurred, the court may order the seizure of all  
31 animals involved in the alleged violation as a condition of bond of a  
32 person charged with a violation.

33 (8) For purposes of this section:

34 (a) "Animal" means every creature, either alive or dead, other than  
35 a human being.

36 (b) "Sexual conduct" means any touching or fondling by a person,  
37 either directly or through clothing, of the sex organs or anus of an

1 animal or any transfer or transmission of semen by the person upon any  
2 part of the animal, for the purpose of sexual gratification or arousal  
3 of the person.

4 (c) "Sexual contact" means any contact, however slight, between the  
5 mouth, sex organ, or anus of a person and the sex organ or anus of an  
6 animal, or any intrusion, however slight, of any part of the body of  
7 the person into the sex organ or anus of an animal, or any intrusion of  
8 the sex organ or anus of the person into the mouth of the animal, for  
9 the purpose of sexual gratification or arousal of the person.

10 (d) "Photographs" or "films" means the making of a photograph,  
11 motion picture film, videotape, digital image, or any other recording,  
12 sale, or transmission of the image.

13 **Sec. 2.** RCW 9.94A.515 and 2005 c 458 s 2 and 2005 c 183 s 9 are  
14 each reenacted and amended to read as follows:

15 TABLE 2

16 CRIMES INCLUDED WITHIN  
17 EACH SERIOUSNESS LEVEL

- 18 XVI Aggravated Murder 1 (RCW
- 19 10.95.020)
- 20 XV Homicide by abuse (RCW 9A.32.055)
- 21 Malicious explosion 1 (RCW
- 22 70.74.280(1))
- 23 Murder 1 (RCW 9A.32.030)
- 24 XIV Murder 2 (RCW 9A.32.050)
- 25 Trafficking 1 (RCW 9A.40.100(1))
- 26 XIII Malicious explosion 2 (RCW
- 27 70.74.280(2))
- 28 Malicious placement of an explosive 1
- 29 (RCW 70.74.270(1))
- 30 XII Assault 1 (RCW 9A.36.011)
- 31 Assault of a Child 1 (RCW 9A.36.120)
- 32 Malicious placement of an imitation
- 33 device 1 (RCW 70.74.272(1)(a))
- 34 Rape 1 (RCW 9A.44.040)
- 35 Rape of a Child 1 (RCW 9A.44.073)

1 Trafficking 2 (RCW 9A.40.100(2))  
2 XI Manslaughter 1 (RCW 9A.32.060)  
3 Rape 2 (RCW 9A.44.050)  
4 Rape of a Child 2 (RCW 9A.44.076)  
5 X Child Molestation 1 (RCW 9A.44.083)  
6 Indecent Liberties (with forcible  
7 compulsion) (RCW  
8 9A.44.100(1)(a))  
9 Kidnapping 1 (RCW 9A.40.020)  
10 Leading Organized Crime (RCW  
11 9A.82.060(1)(a))  
12 Malicious explosion 3 (RCW  
13 70.74.280(3))  
14 Sexually Violent Predator Escape  
15 (RCW 9A.76.115)  
16 IX Assault of a Child 2 (RCW 9A.36.130)  
17 Explosive devices prohibited (RCW  
18 70.74.180)  
19 Hit and Run--Death (RCW  
20 46.52.020(4)(a))  
21 Homicide by Watercraft, by being  
22 under the influence of intoxicating  
23 liquor or any drug (RCW  
24 79A.60.050)  
25 Inciting Criminal Profiteering (RCW  
26 9A.82.060(1)(b))  
27 Malicious placement of an explosive 2  
28 (RCW 70.74.270(2))  
29 Robbery 1 (RCW 9A.56.200)  
30 Sexual Exploitation (RCW 9.68A.040)  
31 Vehicular Homicide, by being under  
32 the influence of intoxicating liquor  
33 or any drug (RCW 46.61.520)  
34 VIII Arson 1 (RCW 9A.48.020)

1 Homicide by Watercraft, by the  
2 operation of any vessel in a  
3 reckless manner (RCW  
4 79A.60.050)  
5 Manslaughter 2 (RCW 9A.32.070)  
6 Promoting Prostitution 1 (RCW  
7 9A.88.070)  
8 Theft of Ammonia (RCW 69.55.010)  
9 Vehicular Homicide, by the operation  
10 of any vehicle in a reckless  
11 manner (RCW 46.61.520)  
12 VII Burglary 1 (RCW 9A.52.020)  
13 Child Molestation 2 (RCW 9A.44.086)  
14 Civil Disorder Training (RCW  
15 9A.48.120)  
16 Dealing in depictions of minor  
17 engaged in sexually explicit  
18 conduct (RCW 9.68A.050)  
19 Drive-by Shooting (RCW 9A.36.045)  
20 Homicide by Watercraft, by disregard  
21 for the safety of others (RCW  
22 79A.60.050)  
23 Indecent Liberties (without forcible  
24 compulsion) (RCW 9A.44.100(1)  
25 (b) and (c))  
26 Introducing Contraband 1 (RCW  
27 9A.76.140)  
28 Malicious placement of an explosive 3  
29 (RCW 70.74.270(3))  
30 Negligently Causing Death By Use of  
31 a Signal Preemption Device  
32 (RCW 46.37.675)  
33 Sending, bringing into state depictions  
34 of minor engaged in sexually  
35 explicit conduct (RCW  
36 9.68A.060)

1 Unlawful Possession of a Firearm in  
2 the first degree (RCW  
3 9.41.040(1))  
4 Use of a Machine Gun in Commission  
5 of a Felony (RCW 9.41.225)  
6 Vehicular Homicide, by disregard for  
7 the safety of others (RCW  
8 46.61.520)  
9 VI Bail Jumping with Murder 1 (RCW  
10 9A.76.170(3)(a))  
11 Bribery (RCW 9A.68.010)  
12 Incest 1 (RCW 9A.64.020(1))  
13 Intimidating a Judge (RCW  
14 9A.72.160)  
15 Intimidating a Juror/Witness (RCW  
16 9A.72.110, 9A.72.130)  
17 Malicious placement of an imitation  
18 device 2 (RCW 70.74.272(1)(b))  
19 Rape of a Child 3 (RCW 9A.44.079)  
20 Theft of a Firearm (RCW 9A.56.300)  
21 Unlawful Storage of Ammonia (RCW  
22 69.55.020)  
23 V Abandonment of dependent person 1  
24 (RCW 9A.42.060)  
25 Advancing money or property for  
26 extortionate extension of credit  
27 (RCW 9A.82.030)  
28 Bail Jumping with class A Felony  
29 (RCW 9A.76.170(3)(b))  
30 Child Molestation 3 (RCW 9A.44.089)  
31 Criminal Mistreatment 1 (RCW  
32 9A.42.020)  
33 Custodial Sexual Misconduct 1 (RCW  
34 9A.44.160)

1 Domestic Violence Court Order  
2 Violation (RCW 10.99.040,  
3 10.99.050, 26.09.300, 26.10.220,  
4 26.26.138, 26.50.110, 26.52.070,  
5 or 74.34.145)  
6 Extortion 1 (RCW 9A.56.120)  
7 Extortionate Extension of Credit  
8 (RCW 9A.82.020)  
9 Extortionate Means to Collect  
10 Extensions of Credit (RCW  
11 9A.82.040)  
12 Incest 2 (RCW 9A.64.020(2))  
13 Kidnapping 2 (RCW 9A.40.030)  
14 Perjury 1 (RCW 9A.72.020)  
15 Persistent prison misbehavior (RCW  
16 9.94.070)  
17 Possession of a Stolen Firearm (RCW  
18 9A.56.310)  
19 Rape 3 (RCW 9A.44.060)  
20 Rendering Criminal Assistance 1  
21 (RCW 9A.76.070)  
22 Sexual Misconduct with a Minor 1  
23 (RCW 9A.44.093)  
24 Sexually Violating Human Remains  
25 (RCW 9A.44.105)  
26 Stalking (RCW 9A.46.110)  
27 Taking Motor Vehicle Without  
28 Permission 1 (RCW 9A.56.070)  
29 IV Arson 2 (RCW 9A.48.030)  
30 Assault 2 (RCW 9A.36.021)  
31 Assault 3 (of a Peace Officer with a  
32 Projectile Stun Gun) (RCW  
33 9A.36.031(1)(h))  
34 Assault by Watercraft (RCW  
35 79A.60.060)

1 Bribing a Witness/Bribe Received by  
2 Witness (RCW 9A.72.090,  
3 9A.72.100)  
4 Cheating 1 (RCW 9.46.1961)  
5 Commercial Bribery (RCW  
6 9A.68.060)  
7 Counterfeiting (RCW 9.16.035(4))  
8 Endangerment with a Controlled  
9 Substance (RCW 9A.42.100)  
10 Escape 1 (RCW 9A.76.110)  
11 Hit and Run--Injury (RCW  
12 46.52.020(4)(b))  
13 Hit and Run with Vessel--Injury  
14 Accident (RCW 79A.60.200(3))  
15 Identity Theft 1 (RCW 9.35.020(2))  
16 Indecent Exposure to Person Under  
17 Age Fourteen (subsequent sex  
18 offense) (RCW 9A.88.010)  
19 Influencing Outcome of Sporting  
20 Event (RCW 9A.82.070)  
21 Malicious Harassment (RCW  
22 9A.36.080)  
23 Residential Burglary (RCW  
24 9A.52.025)  
25 Robbery 2 (RCW 9A.56.210)  
26 Theft of Livestock 1 (RCW 9A.56.080)  
27 Threats to Bomb (RCW 9.61.160)  
28 Trafficking in Stolen Property 1 (RCW  
29 9A.82.050)  
30 Unlawful factoring of a credit card or  
31 payment card transaction (RCW  
32 9A.56.290(4)(b))  
33 Unlawful transaction of health  
34 coverage as a health care service  
35 contractor (RCW 48.44.016(3))



1 Unlawful transaction of health  
2 coverage as a health maintenance  
3 organization (RCW 48.46.033(3))  
4 Unlawful transaction of insurance  
5 business (RCW 48.15.023(3))  
6 Unlicensed practice as an insurance  
7 professional (RCW 48.17.063(3))  
8 Use of Proceeds of Criminal  
9 Profiteering (RCW 9A.82.080 (1)  
10 and (2))  
11 Vehicular Assault, by being under the  
12 influence of intoxicating liquor or  
13 any drug, or by the operation or  
14 driving of a vehicle in a reckless  
15 manner (RCW 46.61.522)  
16 Willful Failure to Return from  
17 Furlough (RCW 72.66.060)  
18 III Abandonment of dependent person 2  
19 (RCW 9A.42.070)  
20 Animal Cruelty 1 (Sexual Conduct or  
21 Contact) (RCW 16.52.205(3))  
22 Assault 3 (Except Assault 3 of a Peace  
23 Officer With a Projectile Stun  
24 Gun) (RCW 9A.36.031 except  
25 subsection (1)(h))  
26 Assault of a Child 3 (RCW 9A.36.140)  
27 Bail Jumping with class B or C Felony  
28 (RCW 9A.76.170(3)(c))  
29 Burglary 2 (RCW 9A.52.030)  
30 Communication with a Minor for  
31 Immoral Purposes (RCW  
32 9.68A.090)  
33 Criminal Gang Intimidation (RCW  
34 9A.46.120)  
35 Criminal Mistreatment 2 (RCW  
36 9A.42.030)  
37 Custodial Assault (RCW 9A.36.100)

1 Cyberstalking (subsequent conviction  
2 or threat of death) (RCW  
3 9.61.260(3))  
4 Escape 2 (RCW 9A.76.120)  
5 Extortion 2 (RCW 9A.56.130)  
6 Harassment (RCW 9A.46.020)  
7 Intimidating a Public Servant (RCW  
8 9A.76.180)  
9 Introducing Contraband 2 (RCW  
10 9A.76.150)  
11 Malicious Injury to Railroad Property  
12 (RCW 81.60.070)  
13 Negligently Causing Substantial Bodily  
14 Harm By Use of a Signal  
15 Preemption Device (RCW  
16 46.37.674)  
17 Patronizing a Juvenile Prostitute  
18 (RCW 9.68A.100)  
19 Perjury 2 (RCW 9A.72.030)  
20 Possession of Incendiary Device (RCW  
21 9.40.120)  
22 Possession of Machine Gun or Short-  
23 Barreled Shotgun or Rifle (RCW  
24 9.41.190)  
25 Promoting Prostitution 2 (RCW  
26 9A.88.080)  
27 Securities Act violation (RCW  
28 21.20.400)  
29 Tampering with a Witness (RCW  
30 9A.72.120)  
31 Telephone Harassment (subsequent  
32 conviction or threat of death)  
33 (RCW 9.61.230(2))  
34 Theft of Livestock 2 (RCW 9A.56.083)  
35 Trafficking in Stolen Property 2 (RCW  
36 9A.82.055)

1 Unlawful Imprisonment (RCW  
2 9A.40.040)  
3 Unlawful possession of firearm in the  
4 second degree (RCW 9.41.040(2))  
5 Vehicular Assault, by the operation or  
6 driving of a vehicle with disregard  
7 for the safety of others (RCW  
8 46.61.522)  
9 Willful Failure to Return from Work  
10 Release (RCW 72.65.070)  
11 II Computer Trespass 1 (RCW  
12 9A.52.110)  
13 Counterfeiting (RCW 9.16.035(3))  
14 Escape from Community Custody  
15 (RCW 72.09.310)  
16 Health Care False Claims (RCW  
17 48.80.030)  
18 Identity Theft 2 (RCW 9.35.020(3))  
19 Improperly Obtaining Financial  
20 Information (RCW 9.35.010)  
21 Malicious Mischief 1 (RCW  
22 9A.48.070)  
23 Possession of Stolen Property 1 (RCW  
24 9A.56.150)  
25 Theft 1 (RCW 9A.56.030)  
26 Theft of Rental, Leased, or Lease-  
27 purchased Property (valued at one  
28 thousand five hundred dollars or  
29 more) (RCW 9A.56.096(5)(a))  
30 Trafficking in Insurance Claims (RCW  
31 48.30A.015)  
32 Unlawful factoring of a credit card or  
33 payment card transaction (RCW  
34 9A.56.290(4)(a))  
35 Unlawful Practice of Law (RCW  
36 2.48.180)

1 Unlicensed Practice of a Profession or  
2 Business (RCW 18.130.190(7))  
3 I Attempting to Elude a Pursuing Police  
4 Vehicle (RCW 46.61.024)  
5 False Verification for Welfare (RCW  
6 74.08.055)  
7 Forgery (RCW 9A.60.020)  
8 Fraudulent Creation or Revocation of a  
9 Mental Health Advance Directive  
10 (RCW 9A.60.060)  
11 Malicious Mischief 2 (RCW  
12 9A.48.080)  
13 Mineral Trespass (RCW 78.44.330)  
14 Possession of Stolen Property 2 (RCW  
15 9A.56.160)  
16 Reckless Burning 1 (RCW 9A.48.040)  
17 Taking Motor Vehicle Without  
18 Permission 2 (RCW 9A.56.075)  
19 Theft 2 (RCW 9A.56.040)  
20 Theft of Rental, Leased, or Lease-  
21 purchased Property (valued at two  
22 hundred fifty dollars or more but  
23 less than one thousand five  
24 hundred dollars) (RCW  
25 9A.56.096(5)(b))  
26 Transaction of insurance business  
27 beyond the scope of licensure  
28 (RCW 48.17.063(4))  
29 Unlawful Issuance of Checks or Drafts  
30 (RCW 9A.56.060)  
31 Unlawful Possession of Fictitious  
32 Identification (RCW 9A.56.320)  
33 Unlawful Possession of Instruments of  
34 Financial Fraud (RCW  
35 9A.56.320)  
36 Unlawful Possession of Payment  
37 Instruments (RCW 9A.56.320)

1 Unlawful Possession of a Personal  
2 Identification Device (RCW  
3 9A.56.320)  
4 Unlawful Production of Payment  
5 Instruments (RCW 9A.56.320)  
6 Unlawful Trafficking in Food Stamps  
7 (RCW 9.91.142)  
8 Unlawful Use of Food Stamps (RCW  
9 9.91.144)  
10 Vehicle Prowl 1 (RCW 9A.52.095)

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