
SENATE BILL 6417

State of Washington 59th Legislature 2006 Regular Session

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

Read first time 01/12/2006. Referred to Committee on Judiciary.

1 AN ACT Relating to sexual conduct or sexual contact with an animal;
2 reenacting and amending RCW 9.94A.515; adding a new section to chapter
3 16.52 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 9.94A.515 and 2005 c 458 s 2 and 2005 c 183 s 9 are
6 each reenacted and amended to read as follows:
7

8		TABLE 2
9		CRIMES INCLUDED WITHIN
10		EACH SERIOUSNESS LEVEL
11	XVI	Aggravated Murder 1 (RCW
12		10.95.020)
13	XV	Homicide by abuse (RCW 9A.32.055)
14		Malicious explosion 1 (RCW
15		70.74.280(1))
16		Murder 1 (RCW 9A.32.030)

1 XIV Murder 2 (RCW 9A.32.050)
2 Trafficking 1 (RCW 9A.40.100(1))
3 XIII Malicious explosion 2 (RCW
4 70.74.280(2))
5 Malicious placement of an explosive 1
6 (RCW 70.74.270(1))
7 XII Assault 1 (RCW 9A.36.011)
8 Assault of a Child 1 (RCW 9A.36.120)
9 Malicious placement of an imitation
10 device 1 (RCW 70.74.272(1)(a))
11 Rape 1 (RCW 9A.44.040)
12 Rape of a Child 1 (RCW 9A.44.073)
13 Trafficking 2 (RCW 9A.40.100(2))
14 XI Manslaughter 1 (RCW 9A.32.060)
15 Rape 2 (RCW 9A.44.050)
16 Rape of a Child 2 (RCW 9A.44.076)
17 X Child Molestation 1 (RCW 9A.44.083)
18 Indecent Liberties (with forcible
19 compulsion) (RCW
20 9A.44.100(1)(a))
21 Kidnapping 1 (RCW 9A.40.020)
22 Leading Organized Crime (RCW
23 9A.82.060(1)(a))
24 Malicious explosion 3 (RCW
25 70.74.280(3))
26 Sexually Violent Predator Escape
27 (RCW 9A.76.115)
28 IX Assault of a Child 2 (RCW 9A.36.130)
29 Explosive devices prohibited (RCW
30 70.74.180)
31 Hit and Run--Death (RCW
32 46.52.020(4)(a))
33 Homicide by Watercraft, by being
34 under the influence of intoxicating
35 liquor or any drug (RCW
36 79A.60.050)

1 Inciting Criminal Profiteering (RCW
2 9A.82.060(1)(b))
3 Malicious placement of an explosive 2
4 (RCW 70.74.270(2))
5 Robbery 1 (RCW 9A.56.200)
6 Sexual Exploitation (RCW 9.68A.040)
7 Vehicular Homicide, by being under
8 the influence of intoxicating liquor
9 or any drug (RCW 46.61.520)
10 VIII Arson 1 (RCW 9A.48.020)
11 Homicide by Watercraft, by the
12 operation of any vessel in a
13 reckless manner (RCW
14 79A.60.050)
15 Manslaughter 2 (RCW 9A.32.070)
16 Promoting Prostitution 1 (RCW
17 9A.88.070)
18 Theft of Ammonia (RCW 69.55.010)
19 Vehicular Homicide, by the operation
20 of any vehicle in a reckless
21 manner (RCW 46.61.520)
22 VII Burglary 1 (RCW 9A.52.020)
23 Child Molestation 2 (RCW 9A.44.086)
24 Civil Disorder Training (RCW
25 9A.48.120)
26 Dealing in depictions of minor
27 engaged in sexually explicit
28 conduct (RCW 9.68A.050)
29 Drive-by Shooting (RCW 9A.36.045)
30 Homicide by Watercraft, by disregard
31 for the safety of others (RCW
32 79A.60.050)
33 Indecent Liberties (without forcible
34 compulsion) (RCW 9A.44.100(1)
35 (b) and (c))
36 Introducing Contraband 1 (RCW
37 9A.76.140)

1 Malicious placement of an explosive 3
2 (RCW 70.74.270(3))
3 Negligently Causing Death By Use of
4 a Signal Preemption Device
5 (RCW 46.37.675)
6 Sending, bringing into state depictions
7 of minor engaged in sexually
8 explicit conduct (RCW
9 9.68A.060)
10 Unlawful Possession of a Firearm in
11 the first degree (RCW
12 9.41.040(1))
13 Use of a Machine Gun in Commission
14 of a Felony (RCW 9.41.225)
15 Vehicular Homicide, by disregard for
16 the safety of others (RCW
17 46.61.520)
18 VI Bail Jumping with Murder 1 (RCW
19 9A.76.170(3)(a))
20 Bribery (RCW 9A.68.010)
21 Incest 1 (RCW 9A.64.020(1))
22 Intimidating a Judge (RCW
23 9A.72.160)
24 Intimidating a Juror/Witness (RCW
25 9A.72.110, 9A.72.130)
26 Malicious placement of an imitation
27 device 2 (RCW 70.74.272(1)(b))
28 Rape of a Child 3 (RCW 9A.44.079)
29 Theft of a Firearm (RCW 9A.56.300)
30 Unlawful Storage of Ammonia (RCW
31 69.55.020)
32 V Abandonment of dependent person 1
33 (RCW 9A.42.060)
34 Advancing money or property for
35 extortionate extension of credit
36 (RCW 9A.82.030)

1 Bail Jumping with class A Felony
2 (RCW 9A.76.170(3)(b))
3 Child Molestation 3 (RCW 9A.44.089)
4 Criminal Mistreatment 1 (RCW
5 9A.42.020)
6 Custodial Sexual Misconduct 1 (RCW
7 9A.44.160)
8 Domestic Violence Court Order
9 Violation (RCW 10.99.040,
10 10.99.050, 26.09.300, 26.10.220,
11 26.26.138, 26.50.110, 26.52.070,
12 or 74.34.145)
13 Extortion 1 (RCW 9A.56.120)
14 Extortionate Extension of Credit
15 (RCW 9A.82.020)
16 Extortionate Means to Collect
17 Extensions of Credit (RCW
18 9A.82.040)
19 Incest 2 (RCW 9A.64.020(2))
20 Kidnapping 2 (RCW 9A.40.030)
21 Perjury 1 (RCW 9A.72.020)
22 Persistent prison misbehavior (RCW
23 9.94.070)
24 Possession of a Stolen Firearm (RCW
25 9A.56.310)
26 Rape 3 (RCW 9A.44.060)
27 Rendering Criminal Assistance 1
28 (RCW 9A.76.070)
29 Sexual Conduct or Sexual Contact with
30 an animal (section 2 of this act)
31 Sexual Misconduct with a Minor 1
32 (RCW 9A.44.093)
33 Sexually Violating Human Remains
34 (RCW 9A.44.105)
35 Stalking (RCW 9A.46.110)
36 Taking Motor Vehicle Without
37 Permission 1 (RCW 9A.56.070)

1 IV Arson 2 (RCW 9A.48.030)
2 Assault 2 (RCW 9A.36.021)
3 Assault 3 (of a Peace Officer with a
4 Projectile Stun Gun) (RCW
5 9A.36.031(1)(h))
6 Assault by Watercraft (RCW
7 79A.60.060)
8 Bribing a Witness/Bribe Received by
9 Witness (RCW 9A.72.090,
10 9A.72.100)
11 Cheating 1 (RCW 9.46.1961)
12 Commercial Bribery (RCW
13 9A.68.060)
14 Counterfeiting (RCW 9.16.035(4))
15 Endangerment with a Controlled
16 Substance (RCW 9A.42.100)
17 Escape 1 (RCW 9A.76.110)
18 Hit and Run--Injury (RCW
19 46.52.020(4)(b))
20 Hit and Run with Vessel--Injury
21 Accident (RCW 79A.60.200(3))
22 Identity Theft 1 (RCW 9.35.020(2))
23 Indecent Exposure to Person Under
24 Age Fourteen (subsequent sex
25 offense) (RCW 9A.88.010)
26 Influencing Outcome of Sporting
27 Event (RCW 9A.82.070)
28 Malicious Harassment (RCW
29 9A.36.080)
30 Residential Burglary (RCW
31 9A.52.025)
32 Robbery 2 (RCW 9A.56.210)
33 Theft of Livestock 1 (RCW 9A.56.080)
34 Threats to Bomb (RCW 9.61.160)
35 Trafficking in Stolen Property 1 (RCW
36 9A.82.050)

1 Unlawful factoring of a credit card or
2 payment card transaction (RCW
3 9A.56.290(4)(b))
4 Unlawful transaction of health
5 coverage as a health care service
6 contractor (RCW 48.44.016(3))
7 Unlawful transaction of health
8 coverage as a health maintenance
9 organization (RCW 48.46.033(3))
10 Unlawful transaction of insurance
11 business (RCW 48.15.023(3))
12 Unlicensed practice as an insurance
13 professional (RCW 48.17.063(3))
14 Use of Proceeds of Criminal
15 Profiteering (RCW 9A.82.080 (1)
16 and (2))
17 Vehicular Assault, by being under the
18 influence of intoxicating liquor or
19 any drug, or by the operation or
20 driving of a vehicle in a reckless
21 manner (RCW 46.61.522)
22 Willful Failure to Return from
23 Furlough (RCW 72.66.060)
24 III Abandonment of dependent person 2
25 (RCW 9A.42.070)
26 Assault 3 (Except Assault 3 of a Peace
27 Officer With a Projectile Stun
28 Gun) (RCW 9A.36.031 except
29 subsection (1)(h))
30 Assault of a Child 3 (RCW 9A.36.140)
31 Bail Jumping with class B or C Felony
32 (RCW 9A.76.170(3)(c))
33 Burglary 2 (RCW 9A.52.030)
34 Communication with a Minor for
35 Immoral Purposes (RCW
36 9.68A.090)

1 Criminal Gang Intimidation (RCW
2 9A.46.120)
3 Criminal Mistreatment 2 (RCW
4 9A.42.030)
5 Custodial Assault (RCW 9A.36.100)
6 Cyberstalking (subsequent conviction
7 or threat of death) (RCW
8 9.61.260(3))
9 Escape 2 (RCW 9A.76.120)
10 Extortion 2 (RCW 9A.56.130)
11 Harassment (RCW 9A.46.020)
12 Intimidating a Public Servant (RCW
13 9A.76.180)
14 Introducing Contraband 2 (RCW
15 9A.76.150)
16 Malicious Injury to Railroad Property
17 (RCW 81.60.070)
18 Negligently Causing Substantial Bodily
19 Harm By Use of a Signal
20 Preemption Device (RCW
21 46.37.674)
22 Patronizing a Juvenile Prostitute
23 (RCW 9.68A.100)
24 Perjury 2 (RCW 9A.72.030)
25 Possession of Incendiary Device (RCW
26 9.40.120)
27 Possession of Machine Gun or Short-
28 Barreled Shotgun or Rifle (RCW
29 9.41.190)
30 Promoting Prostitution 2 (RCW
31 9A.88.080)
32 Securities Act violation (RCW
33 21.20.400)
34 Tampering with a Witness (RCW
35 9A.72.120)

1 Telephone Harassment (subsequent
2 conviction or threat of death)
3 (RCW 9.61.230(2))
4 Theft of Livestock 2 (RCW 9A.56.083)
5 Trafficking in Stolen Property 2 (RCW
6 9A.82.055)
7 Unlawful Imprisonment (RCW
8 9A.40.040)
9 Unlawful possession of firearm in the
10 second degree (RCW 9.41.040(2))
11 Vehicular Assault, by the operation or
12 driving of a vehicle with disregard
13 for the safety of others (RCW
14 46.61.522)
15 Willful Failure to Return from Work
16 Release (RCW 72.65.070)
17 II Computer Trespass 1 (RCW
18 9A.52.110)
19 Counterfeiting (RCW 9.16.035(3))
20 Escape from Community Custody
21 (RCW 72.09.310)
22 Health Care False Claims (RCW
23 48.80.030)
24 Identity Theft 2 (RCW 9.35.020(3))
25 Improperly Obtaining Financial
26 Information (RCW 9.35.010)
27 Malicious Mischief 1 (RCW
28 9A.48.070)
29 Possession of Stolen Property 1 (RCW
30 9A.56.150)
31 Theft 1 (RCW 9A.56.030)
32 Theft of Rental, Leased, or Lease-
33 purchased Property (valued at one
34 thousand five hundred dollars or
35 more) (RCW 9A.56.096(5)(a))
36 Trafficking in Insurance Claims (RCW
37 48.30A.015)

1 Unlawful factoring of a credit card or
2 payment card transaction (RCW
3 9A.56.290(4)(a))
4 Unlawful Practice of Law (RCW
5 2.48.180)
6 Unlicensed Practice of a Profession or
7 Business (RCW 18.130.190(7))
8 I Attempting to Elude a Pursuing Police
9 Vehicle (RCW 46.61.024)
10 False Verification for Welfare (RCW
11 74.08.055)
12 Forgery (RCW 9A.60.020)
13 Fraudulent Creation or Revocation of a
14 Mental Health Advance Directive
15 (RCW 9A.60.060)
16 Malicious Mischief 2 (RCW
17 9A.48.080)
18 Mineral Trespass (RCW 78.44.330)
19 Possession of Stolen Property 2 (RCW
20 9A.56.160)
21 Reckless Burning 1 (RCW 9A.48.040)
22 Taking Motor Vehicle Without
23 Permission 2 (RCW 9A.56.075)
24 Theft 2 (RCW 9A.56.040)
25 Theft of Rental, Leased, or Lease-
26 purchased Property (valued at two
27 hundred fifty dollars or more but
28 less than one thousand five
29 hundred dollars) (RCW
30 9A.56.096(5)(b))
31 Transaction of insurance business
32 beyond the scope of licensure
33 (RCW 48.17.063(4))
34 Unlawful Issuance of Checks or Drafts
35 (RCW 9A.56.060)
36 Unlawful Possession of Fictitious
37 Identification (RCW 9A.56.320)

1 Unlawful Possession of Instruments of
2 Financial Fraud (RCW
3 9A.56.320)
4 Unlawful Possession of Payment
5 Instruments (RCW 9A.56.320)
6 Unlawful Possession of a Personal
7 Identification Device (RCW
8 9A.56.320)
9 Unlawful Production of Payment
10 Instruments (RCW 9A.56.320)
11 Unlawful Trafficking in Food Stamps
12 (RCW 9.91.142)
13 Unlawful Use of Food Stamps (RCW
14 9.91.144)
15 Vehicle Prowl 1 (RCW 9A.52.095)

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 16.52 RCW
17 to read as follows:

18 (1)(a) A person may not knowingly engage in any sexual conduct or
19 sexual contact with an animal.

20 (b) A person may not knowingly cause, aid, or abet another person
21 to engage in any sexual conduct or sexual contact with an animal.

22 (c) A person may not knowingly permit any sexual conduct or sexual
23 contact with an animal to be conducted on any premises under his or her
24 charge or control.

25 (d) A person may not knowingly engage in, organize, promote,
26 conduct, advertise, aid, abet, participate in as an observer, or
27 perform any service in the furtherance of an act involving any sexual
28 conduct or sexual contact with an animal for a commercial or
29 recreational purpose.

30 (e) A person may not knowingly videotape a person engaged in a
31 sexual act or sexual contact with an animal.

32 (2) A person who violates subsection (1)(a), (b), (c), (d), or (e)
33 of this section is guilty of a class C felony.

34 (3) In addition to the penalty imposed in subsection (2) of this
35 section, the court may order that the convicted person do any of the
36 following:

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

3 (b) Relinquish and permanently forfeit all animals residing on the
4 premises to a recognized or duly organized animal shelter or humane
5 society;

6 (c) Participate in appropriate counseling at the defendant's
7 expense;

8 (d) Reimburse the animal shelter or humane society for any
9 reasonable costs incurred for the care and maintenance of the animal
10 involved in the sexual conduct or sexual contact in addition to any
11 animals relinquished to the animal shelter or humane society.

12 (4) Nothing in this section shall be construed to prohibit accepted
13 animal husbandry practices or accepted veterinary medical practices by
14 a licensed veterinarian or certified veterinary technician.

15 (5) If the court has reasonable grounds to believe that a violation
16 of this section has occurred, the court may order the seizure of all
17 animals involved in the alleged violation as a condition of bond of a
18 person charged with a violation.

19 (6) For purposes of this section:

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

22 (b) "Photographs" or "films" means the making of a photograph,
23 motion picture film, videotape, digital image, or any other recording,
24 sale, or transmission of the image.

25 (c) "Sexual conduct" means any touching or fondling by a person,
26 either directly or through clothing, of the sex organs or anus of an
27 animal or any transfer or transmission of semen by the person upon any
28 part of the animal, for the purpose of sexual gratification or arousal
29 of the person.

30 (d) "Sexual contact" means any contact, however slight, between the
31 sex organ or anus of a person and the sex organ, mouth, or anus of an
32 animal, or any intrusion, however slight, of any part of the body of
33 the person into the sex organ or anus of an animal, for the purpose of
34 sexual gratification or arousal of the person. Evidence of emission of
35 semen is not required to prove sexual contact.

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