

SSB 5227 - H COMM AMD
By By Committee on Judiciary

ADOPTED 4/9/2007

1 Beginning on page 1, line 4, strike all of section 1 and insert
2 the following:

3 "Sec. 1. RCW 16.52.207 and 2005 c 481 s 2 are each amended to
4 read as follows:

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

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

13 (a) Fails to provide the animal with necessary shelter, rest,
14 sanitation, space, or medical attention and the animal suffers
15 unnecessary or unjustifiable physical pain as a result of the
16 failure; ((or))

17 (b) Under circumstances not amounting to animal cruelty in the
18 second degree under (c) of this subsection, abandons the animal; or

19 (c) Abandons the animal and (i) as a result of being abandoned,
20 the animal suffers bodily harm; or (ii) abandoning the animal
21 creates an imminent and substantial risk that the animal will
22 suffer substantial bodily harm.

23 (3) (a) Animal cruelty in the second degree under subsection
24 (1), (2)(a), or (2)(b) of this section is a misdemeanor.

25 (b) Animal cruelty in the second degree under subsection (2)(c)
26 of this section is a gross misdemeanor.

27 (4) In any prosecution of animal cruelty in the second degree
28 under subsection (1) or (2)(a) of this section, it shall be an
29 affirmative defense, if established by the defendant by a

1 preponderance of the evidence, that the defendant's failure was due
2 to economic distress beyond the defendant's control. "

EFFECT: Provides that abandonment of an animal is a gross misdemeanor only if the abandonment results in bodily harm to the animal or creates an imminent and substantial risk of substantial bodily harm to the animal. Otherwise, abandoning an animal is a misdemeanor offense.