
Judiciary Committee

HB 1775

Title: An act relating to crimes against livestock belonging to another person.

Brief Description: Regarding crimes against livestock belonging to another person.

Sponsors: Representatives Hinkle, Pettigrew, Kretz, Grant, Armstrong, Pearson, Strow, Sump, Warnick and Blake.

Brief Summary of Bill
<ul style="list-style-type: none">• Creates the crime of intentionally killing or harming a horse or cattle without consent of the owner.• Establishes a civil cause of action for treble damages.

Hearing Date: 2/7/07

Staff: Jasmine Vasavada (786-5793).

Background:

Related but separate provisions in the criminal code may apply when a person harms a horse or cattle. These include the crimes of animal cruelty, theft of livestock, and malicious mischief.

A person is guilty of animal cruelty in the first degree when, except as authorized in law, he or she intentionally (a) inflicts substantial pain on, (b) causes physical injury to, or (c) kills an animal by a means causing undue suffering. "Animal" in this context means every creature other than a human being. Animal cruelty in the first degree is a class C felony and is unranked, except for animal cruelty involving sexual conduct. Under the Sentencing Reform Act, the standard sentence range for an unranked felony is zero to twelve months. This can be greater if a jury finds aggravating circumstances, leading a judge to impose an exceptional sentence.

A person is guilty of theft of livestock if the person intends to appropriate the horse or cattle for his or her own use or resale to another person. A person commits theft of livestock in the first degree when depriving and defrauding the lawful owner of an animal with the intent to sell or

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exchange the animal. Theft of livestock in the second degree occurs when the person willfully takes, leads, or transports away, conceals, withholds, slaughters, or otherwise appropriates an animal for his or her own use. The following animals are considered livestock for the purpose of the crime of theft of livestock: horse, mule, cow, heifer, bull, steer, swine, and sheep.

Livestock theft in the first degree is a class B felony, ranked at seriousness level IV, and carries a standard sentence range of three to nine months for a person with no prior offenses. In addition, the court must order a person convicted of livestock theft to pay a fine of at least two thousand dollars for each animal killed or possessed. A livestock owner who is harmed by livestock theft may also bring a civil action against the thief for damages. If successful, the owner may recover up to three times the actual damages sustained and attorneys' fees.

A person is guilty of malicious mischief in the first degree if he knowingly and maliciously causes physical damage to the property of another in an amount exceeding one thousand five hundred dollars. Malicious mischief in the first degree is a class B felony, ranked at seriousness level II under the Sentencing Reform Act. This offense carries a standard sentence range of zero to 90 days for a first time offender.

Summary of Bill:

The specific crime of intentional unauthorized killing of or harm to horse or cattle belonging to another person is created. It is an unranked class B felony, carrying a standard sentence of zero to twelve months in jail. This crime does not apply in the industrial context of slaughterhouses or meatpacking facilities.

The owner of the horse or cattle that has been killed or harmed may bring a civil action for treble damages and attorneys' fees.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.