

HOUSE BILL REPORT

HB 1775

As Passed House:

February 28, 2007

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

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

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

Brief History:

Committee Activity:

Judiciary: 2/7/07, 2/20/07 [DP].

Floor Activity:

Passed House: 2/28/07, 95-2.

Brief Summary of Bill

- 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.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 10 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Kirby, Moeller, Pedersen, Ross and Williams.

Staff: Jasmine Vasavada (786-5793) and Edie Adams (786-7180).

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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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 12 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 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 \$2,000 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 \$1,500. 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 a horse or cattle belonging to another person is created. It is an unranked class B felony, carrying a standard sentence of zero to 12 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.

Staff Summary of Public Testimony:

(In Support) Raising livestock is a major part of the lifestyle and commercial activity in much of rural Washington. It is sad that such a bill is necessary because in the old days you would not have thought of shooting someone's animal. There seem to be conflicts and crimes that we never had to deal with before, particularly in areas where the suburbs are reaching into rural areas. This bill could give deputies more discretion and ammunition in deterring this kind of crime. In a situation where a cow is found dead in the process of having a calf and the calf is missing, or a mare can no longer have offspring, the damages to the property owner are severe.

(Opposed) None.

Persons Testifying: Representative Hinkle, prime sponsor; and Tom Dent, Flying T. LLC.

Persons Signed In To Testify But Not Testifying: None.