

# SENATE BILL REPORT

## SSB 5402

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As Amended by House, April 7, 2009

**Title:** An act relating to prevention of animal cruelty.

**Brief Description:** Regarding the prevention of animal cruelty.

**Sponsors:** Senate Committee on Judiciary (originally sponsored by Senators Tom, Carrell, Shin, Delvin, Kline, Fraser, Roach, Kohl-Welles and Marr).

**Brief History:**

**Committee Activity:** Judiciary: 2/06/09, 2/20/09 [DPS].

Passed Senate: 3/07/09, 43-1.

Passed House: 4/07/09, 71-27.

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 5402 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell, Kohl-Welles and Tom.

**Staff:** Juliana Roe (786-7438)

**Background:** Under current law, the court is required to order the forfeiture of all animals held by law enforcement or animal care and control authorities if any one of the animals involved dies as a result of a violation of this chapter or if the defendant has a prior conviction under this chapter. If the court finds that the animal's treatment was severe or is likely to reoccur, the court may enter an order requiring forfeiture of the animal. If forfeiture is ordered, the owner will be prohibited from owning or caring for any similar animals for two years. The court is allowed to delay its forfeiture decision until the end of the convicted person's two-year probationary period.

The term "similar animals" is not defined.

**Summary of Substitute Bill:** "Similar animals" mean animals classified in the same genus.

When a court orders the forfeiture of an animal, the owner will be prohibited from owning or caring for similar animals: two years for the first conviction of second degree animal cruelty; permanently for the first conviction of first degree animal cruelty; permanently for the

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second conviction of animal cruelty. If a person has two convictions for second degree animal cruelty, the person may petition the sentencing court for a restoration of the right to own or possess a similar animal five years after the date of the second conviction. The court must consider various factors prior to restoring this right.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: There is no excuse for the mistreatment of animals. There are too many people who choose to repeatedly abuse animals. This bill is an attempt to put an end to that cycle.

Prosecutors and law enforcement have come together to investigate and prosecute animal cruelty cases under the current laws. However, the current laws lack teeth. People are allowed to mistreat animals time and again because the penalties involved are not severe enough. Right now, those who are convicted of killing or severely abusing animals are only prohibited from owning a like animal for a period of two years. Current law does not prohibit these offenders from owning other animals even though they are likely to mistreat them as well. This bill prohibits offenders, who intentionally or with gross negligence mistreat animals, from ever owning similar, and in some cases nonsimilar, animals again. It strengthens the guidelines for repeat offenders. The bill does not penalize the citizen who unintentionally mistreats an animal. These offenders are given plenty of chances, including warnings, prior to prosecution. This type of penalty sends a message to offenders. Many other states have already passed more stringent penalties for animal mistreatment and Washington should follow suit.

Prosecution of these cases is costly. In Thurston County, prosecuting two of these cases cost the agency over \$28,000. In the interest of best allocation of resources and person power, this bill should be passed.

The term "similar animals" is a difficult one to define. A change to that definition would be beneficial, especially with regard to the current inclusion of birds in each category, which is too broad.

CON: There is a concern that birds are included in all three similarity groups within the definition of "similar animals." There are over 8,000 types of birds. This definition should be amended.

**Persons Testifying:** PRO: Senator Tom, prime sponsor; Debra Eurich, Thurston County Prosecutor's Office; Erika Quinn-Ellenbecker, Susanne Beauregard, Joint Animal Services; John Countryman, Hooved Animal Reserve of Thurston County; Donna Snow, Gary Kaufman, Tracy Clark, citizens.

CON: Robert Vincent, citizen.

**House Amendment(s):** The court must ban possession of similar animals for any conviction subsequent to a second conviction (not just on the second conviction). The ability to petition for restoration of the right to possess similar animals is clarified in that it applies when the person has no more than two second degree animal cruelty convictions.