

# SENATE BILL REPORT

## SB 5065

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As of February 3, 2011

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

**Brief Description:** Preventing animal cruelty.

**Sponsors:** Senators Carrell, Kline, Kohl-Welles, Nelson, Delvin, Tom, Shin, McAuliffe and Kilmer.

**Brief History:**

**Committee Activity:** Judiciary: 1/28/11.

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### SENATE COMMITTEE ON JUDICIARY

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

**Background:** Under current law, a person convicted of animal cruelty in the second degree is guilty of a misdemeanor if the person either knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal; fails to provide the animal with necessary shelter, rest, sanitation, space, or medical attention, and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; or abandons the animal. A person is guilty of a gross misdemeanor if the person abandons the animal and the animal suffers bodily harm or there is a substantial risk the animal will suffer great bodily harm due to the abandonment. If a person is convicted of animal cruelty in the second degree, the court may enter an order requiring the owner to forfeit the animal if the court finds that the animal's treatment was severe or likely to reoccur. If forfeiture is ordered, the owner will be prohibited from owning or caring for any similar animals for a set period of time.

A "similar animal" is defined as an animal classified in the same genus. Genus is a biological classification that groups organisms with similar characteristics.

**Summary of Bill:** Animal cruelty in the second degree is a gross misdemeanor. If a person is convicted of animal cruelty in the second degree and the court orders forfeiture of the person's animal, then the person is prohibited from owning, caring for, or residing with any similar animals for a set period of time.

If a person has no more than two convictions for animal cruelty in the second degree, the person may petition the sentencing court for a restoration of his or her right after five years,

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and the court may consider, among other things, whether the person complied with the prohibition on owning, caring for, or residing with similar animals. If a person violates the prohibition, that person must pay a \$1,000 civil penalty for the first violation and a \$2,500 penalty for the second violation. The third and any subsequent violations will result in gross misdemeanors.

Similar animal means: (1) for a mammal, another animal that is in the same taxonomic order; or (2) for an animal that is not a mammal, another animal that is in the same taxonomic class.

Necessary food and water means food or feed appropriate to the species for which it is intended. Both food and water must be in sufficient quantity and quality to sustain the animal, and must be easily accessible to the animal.

An owner who fails to provide an animal with necessary food, water, shelter, ventilation, rest, sanitation, space, or medical attention can be charged with failure to provide care – a class 2 civil infraction.

**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: Seraphina's bill, SSB 5402, that passed into law in 2009 has been very successful. However, there have been problems. The current law defines the term similar animal very narrowly so that other animals are at risk of victimization. Further, there are no penalties in place for those who violate the court's forfeiture order. There is also a problem in that forfeiture is not ordered for those defendants who actually kill the animal rather than merely harm the animal. Persons that kill animals are still allowed to have pets.

This bill does not affect current animal husbandry practices.

OTHER: I am working on language with staff to address concerns regarding livestock.

**Persons Testifying:** PRO: Senator Carrell, prime sponsor; Rick Hall, Washington Alliance for Humane Legislation; Debra Eurich, citizen; Whitney Phillips, Washington Alliance for Humane Legislation, Feral Cat Spay/Neuter Project.

OTHER: Jack Field, Washington Cattlemen's Association.