

# FINAL BILL REPORT

## SSB 5065

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Synopsis as Enacted

**Brief Description:** Preventing animal cruelty.

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

**Senate Committee on Judiciary**  
**House Committee on Judiciary**

**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:** 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, 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.

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*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.*

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.

Food means food or feed appropriate to the species for which it is intended.

Necessary food means the provision at suitable intervals of wholesome foodstuff suitable for the animal's age and species and that is sufficient to provide a reasonable level of nutrition for the animal and is easily accessible to the animal.

Necessary water means water that is in sufficient quantity and of appropriate quality for the species for which it is intended and that is accessible to the animal.

Animal control officers are given the power to issue citations to offenders for civil infractions based on probable cause.

**Votes on Final Passage:**

Senate	47	0	
House	93	2	(House amended)
Senate	46	0	(Senate concurred)

**Effective:** July 22, 2011.