

FINAL BILL REPORT

SHB 2644

C 181 L 16
Synopsis as Enacted

Brief Description: Concerning animal forfeiture in animal cruelty cases.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Blake, Muri, Van De Wege, Jenkins, Kretz, Short, Fitzgibbon, Rossetti and McBride).

House Committee on Judiciary
Senate Committee on Law & Justice

Background:

Removal of Animals During an Animal Cruelty Investigation.

Law enforcement agencies and local animal care and control agencies may enforce the animal cruelty laws. A law enforcement officer or animal control officer may, with a warrant, remove an animal to a suitable place for care if the officer has probable cause to believe the owner has violated the animal cruelty laws and there is no responsible person available who can assume the animal's care. An officer may remove an animal without a warrant if the animal is in an immediate life-threatening situation.

An owner of a seized domestic animal must be notified, in writing, of the circumstances of removal and legal remedies. After 15 business days, the agency having custody of the animal may euthanize the animal or find a responsible person to adopt the animal. If no criminal case is filed within 14 business days, the owner may petition the court for the animal's return. An owner may prevent the animal's destruction or adoption by filing a petition for return of the animal or posting a bond or security in an amount sufficient to provide for the animal's care for a minimum of 30 days.

If the owner files a petition for return of the animal, a copy of the petition must be served on the agency that removed the animal and the prosecuting attorney. If the court grants the petition, the animal must be delivered to the owner at no cost. If a criminal action is filed after a petition for return is filed, but before the animal is returned, the petition must be joined with the criminal action.

Forfeiture of Animals Upon Conviction.

When a person is convicted of a criminal violation of the animal cruelty laws, the court must order forfeiture of all seized animals if any one of the animals involved dies as a result of the

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.

violation or if the defendant has a prior conviction under the animal cruelty laws. In other cases, the court may order forfeiture of an animal if the animal's treatment was severe and is likely to reoccur. A person convicted of animal cruelty is prohibited from owning, residing with, or caring for any similar animals for a specified period of time, unless the person's right is sooner restored.

Summary:

Changes are made to the process under which an owner may petition for return of an animal that has been removed from the owner's care. A petition for return of a removed animal must be joined with a criminal action against the owner if the action is filed before the hearing on the petition, rather than before the time the animal is returned. Upon an owner's successful petition for return of a removed animal, the animal must be surrendered to the owner, rather than delivered to the owner.

The authority of a law enforcement officer, animal control officer, custodial agency, or court to remove, adopt, euthanize, or require forfeiture of an animal is not limited by the forfeiture provisions and limitations on animal ownership in the criminal sentencing provisions of the animal cruelty laws.

Votes on Final Passage:

House	97	0	
Senate	48	0	(Senate amended)
House	96	0	(House concurred)

Effective: June 9, 2016