

HOUSE BILL REPORT

SSB 5501

As Reported by House Committee On:
Judiciary

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

Brief Description: Preventing animal cruelty.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Fain, Frockt, Kohl-Welles and Chase).

Brief History:

Committee Activity:

Judiciary: 3/17/15, 3/26/15 [DPA].

**Brief Summary of Substitute Bill
(As Amended by Committee)**

- Creates a class 2 civil infraction that applies when an animal is confined in an enclosed space or vehicle creating a health or life-threatening situation, and permits law enforcement or animal control officers to remove the animal.
- Makes changes to several existing statutes regarding mistreatment of animals.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 7 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Goodman, Hansen, Kirby, Orwall and Walkinshaw.

Minority Report: Do not pass. Signed by 5 members: Representatives Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Haler, Klippert and Muri.

Minority Report: Without recommendation. Signed by 1 member: Representative Stokesbary.

Staff: Omeara Harrington (786-7136).

Background:

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.

Crimes Involving Animals.

Animal Cruelty in the First Degree.

Animal Cruelty in the first degree is committed when a person: (1) intentionally inflicts substantial pain on, causes physical injury to, or kills an animal by a means that causes undue suffering; (2) with criminal negligence, starves, dehydrates, or suffocates an animal, and the animal suffers unnecessary or unjustifiable physical pain or death; or (3) knowingly engages in certain conduct involving a sexual act or sexual contact with an animal. Animal Cruelty in the first degree is a class C felony.

Laws Relating to Unsafe Transport and Unsafe Confinement.

Transporting or confining a domestic animal in an unsafe manner is a misdemeanor. Additionally, if a domestic animal is confined without necessary food and water for more than 36 consecutive hours, any person may enter the area in which the animal is confined and provide food and water. The person providing care to the animal is not subject to liability for the entry, and is entitled to reimbursement for the food and water. Investigating officers may, if it is extremely difficult to supply food and water, remove the animal and take it into protective custody.

Animal Fighting.

It is unlawful to participate in animal fighting, and is punishable as a class C felony. The statute prohibits a number of activities associated with animal fighting enterprises, including, but not limited to, knowingly doing any of the following:

- possessing, selling, or training a dog or male chicken for the purpose of an animal fighting exhibition;
- organizing, promoting, watching, or wagering bets on fights between dogs or male chickens at any place or building; or
- taking, leading away, possessing, transferring, or receiving a stray or pet dog or male chicken with the intent to deprive the owner of the animal and use it for fighting.

Killing or Stealing a Pet Animal.

Any person who kills, injures, or obscures the identity of a pet animal, or who steals a pet animal worth up to \$250, is subject to a mandatory fine of \$500 per animal. This conduct also constitutes a gross misdemeanor. Under appropriate circumstances, a person may be convicted for a separate offense of theft or possession of stolen property.

Enforcement of Animal Cruelty Laws.

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. The officer may remove an animal without a warrant if the animal is in an immediate life-threatening situation.

Applicability.

The provisions of the animal cruelty chapter do not affect game laws, interfere with the right to kill dangerous animals or animals to be used for food, or interfere with legitimate scientific experiments. Nor do the animal cruelty provisions apply to accepted husbandry practices used in the commercial raising or slaughtering of livestock or poultry, or to the use of animals in the normal and usual course of rodeo events or fairs.

Summary of Amended Bill:

Unattended Confinement of an Animal in a Motor Vehicle or Enclosed Space.

It is unlawful to leave or confine any animal unattended in a motor vehicle or enclosed space in a manner that places the animal in a life or health-threatening situation due to exposure to extreme temperatures, inadequate ventilation, or lack of water. An animal control officer or law enforcement officer with reasonable cause to believe the animal is suffering or is likely to suffer harm may enter the vehicle or enclosed space and remove the animal if no person in the immediate area has access to the vehicle or enclosed space. The officer and the officer's employer are not liable for damages associated with the entry.

Violation is a class 2 civil infraction carrying a fine of up to \$125, plus statutory assessments. The person who confined the animal may be subject to prosecution for a separate offense of animal cruelty, if warranted under the circumstances.

Crimes Involving Animals.

Animal Cruelty in the First Degree.

In addition to the circumstances identified in current law, a person is guilty of Animal Cruelty in the first degree if he or she kills an animal while manifesting an extreme indifference to life.

Unsafe Confinement.

The definitions of "necessary food" and "necessary water" for purposes of the statutes allowing entry to provide food and water to a confined animal, and removal of an animal left unattended in a vehicle or enclosed space, are modified to include necessary food and water "as directed by a veterinarian for medical reasons." In addition, "necessary food" is the provision of wholesome foodstuff suitable for the animal's "condition" (in addition to the animal's age and species).

Animal Fighting.

Organized fighting involving any species, rather than only dogs and male chickens, is prohibited, as is causing a minor's involvement in animal fighting activities. The prohibition against organizing, promoting, watching, or wagering bets on fights between animals, need not be at "any place or building" to apply. Taking any animal for purposes of using it for animal fighting, regardless of whether or not the animal is a stray or pet, is unlawful.

Killing or Stealing a Pet Animal.

The value limit on a pet animal, the theft of which is subject to a mandatory \$500 fine, is raised to \$750, which is the monetary threshold for Theft in the third degree. A person in violation of the statute may also be prosecuted for a separate offense of animal cruelty.

Amended Bill Compared to Substitute Bill:

Amendatory language stating that the provisions of the animal cruelty chapter do not interfere with the laws regulating or any legal right to engage in agriculture, rodeos, farms, parades, use under game laws, official sport competitions licensed or regulated by the state, or the use of service animals is removed. (Current law exceptions to the animal cruelty statutes are unamended.) The provisions restating the limitations on the applicability of the animal cruelty chapter in several sections of the bill are removed.

The section amending the Animal Cruelty in the first degree statute is modified to reinstate the current law, but retain the change under which killing an animal "while manifesting an extreme indifference to life" qualifies as Animal Cruelty in the first degree.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) None.

(In support with amendment(s)) Backcountry horses are used on trails to haul equipment. The people handling these animals are careful not to injure them. There was originally a request to add an amendment to include equestrian events, but that amendment is being withdrawn due to a desire not to hinder the bill.

(In support with concerns) The bill should pass in its original form. The underlying bill makes reasonable improvements to current laws involving animal fighting and other provisions. The added exemptions are problematic. The existing law already has many exemptions to the animal cruelty statues that are workable, better defined, and narrower. The current law contains exemptions for raising and slaughtering of livestock, killing animals for food, normal exhibition of animals at fairs, game laws, and using dogs to manage livestock. The added exemptions go too far and will make it difficult to enforce a number of provisions of current law. There are many examples of the problems that the exemption language creates. In one case, meat rabbits were being transported when the vehicle got a flat tire. Cages were discovered stacked on top of one another, resulting in the animals being crushed and overheated. The farm exemption could potentially be claimed. The bill includes an exemption for rodeos, but there are fringe rodeos in which humane husbandry is not practiced. Illegal activity occurs, including ripping the tails off of horses. The service

animal exemption would interfere with enforcement of cases of abusive conduct toward service animals. Animal control authorities also need to be able to monitor the handling of dangerous animals, and wild animals kept as pets, such as bears, cougars, tigers, alligators, and alligator snapping turtles.

(Opposed) None.

Persons Testifying: (In support with amendment(s)) Terry Kohl and Chris Eurico, Back Country Horsemen of Washington.

(In support with concerns) Rick Hall, Washington Alliance for Humane Legislation; and Erika Johnson, Joint Animal Services.

Persons Signed In To Testify But Not Testifying: None.