

SENATE BILL REPORT

SB 5501

As Reported by Senate Committee On:
Law & Justice, February 12, 2015

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

Brief Description: Preventing animal cruelty.

Sponsors: Senators Fain, Frockt, Kohl-Welles and Chase.

Brief History:

Committee Activity: Law & Justice: 2/03/15, 2/12/15 [DPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5501 be substituted therefor, and the substitute bill do pass.

Signed by Senators Padden, Chair; Pedersen, Ranking Minority Member; Darneille, Kohl-Welles, Pearson and Roach.

Staff: Tim Ford (786-7423)

Background: Animal Cruelty. 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.

Other Crimes Involving Animals. In addition to prohibiting animal cruelty, the state's laws regarding the prevention of cruelty to animals prohibits certain specific practices and activities involving animals. Among the law's prohibitions are transporting or confining animals in an unsafe manner, engaging animals in exhibition fighting with other animals, and killing or stealing animals belonging to another person.

Unsafe Confinement. Transporting or confining a domestic animal in an unsafe manner is a misdemeanor. 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

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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 possess, sell, or train a dog or male chicken for the purpose of an animal fighting exhibition. It is also unlawful to organize, promote, watch, or wager bets on fights between dogs or male chickens. This offense is punishable as a class C felony.

Killing or Harming Livestock. It is unlawful for a person to, with malice, kill or cause substantial bodily harm to livestock belonging to another person. A violation constitutes a class C felony.

Killing or Stealing a Pet Animal. Any person who kills or obscures the identity of a pet animal, or who steals a pet animal worth \$250 or less, is subject to a mandatory fine of \$500 per animal. This conduct also constitutes a gross misdemeanor.

Enforcement of Animal Cruelty Laws. Law enforcement agencies and local animal care and control agencies may enforce the animal cruelty law. 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.

Summary of Bill (Recommended Substitute): It is a class 2 civil infraction to leave or confine any animal unattended in a motor vehicle or enclosed space if the animal could be harmed or killed by exposure to excessive heat, cold, lack of ventilation, or lack of necessary water. An animal control officer or law enforcement officer is authorized to enter the motor vehicle or enclosed area to remove the animal from such exposure. The officer or employing agency is not liable for any property damage related to the animal removal. The maximum penalty for a class 2 civil infraction is \$125, plus statutory assessments. The civil infraction does not preclude criminal prosecution for animal cruelty.

The crime of animal fighting includes causing a minor to commit the same crime. For the crime of animal fighting, the definition of an animal is no longer limited to just dogs or male chickens.

The value limit on a pet animal, the theft of which is subject to a mandatory \$500 fine, is raised from \$250 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 animal cruelty.

Animal cruelty in the first degree is committed when a person intentionally inflicts substantial pain, causes physical injury, or kills an animal. The cruelty must be committed by a means causing undue suffering with either malice or extreme indifference to life. Animal cruelty also includes causing a minor to inflict substantial pain, cause physical injury, or kill an animal.

The following exemptions apply:

- The civil infraction established for leaving animals unattended in a motor vehicle subject to harm, does not apply for agriculture, rodeos, and similar lawful activities.
- The crime of animal fighting does not apply for agriculture, rodeos, and similar lawful activities.
- The crime of animal cruelty does not apply for agriculture, rodeos, and similar lawful activities.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (Recommended Substitute): The following exemptions apply:

- The civil infraction established for leaving animals unattended in a motor vehicle subject to harm, does not apply for agriculture, rodeos, and similar lawful activities;
- The crime of animal fighting does not apply for agriculture, rodeos, and similar lawful activities; and
- The crime of animal cruelty does not apply for agriculture, rodeos, and similar lawful activities.

Appropriation: None.

Fiscal Note: Requested on February 23, 2015.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: Those of us who really care about pets, and others, can relate to this bill. We are knowledgeable that our animals have unconditional love for people. They are loving and totally loyal and it is heartbreaking to hear about damage inflicted on animals. It is particularly important to include the provision for causing minors to engage in fighting animals. Animal fighting is a huge issue in our state. Unless we are backed up with education and strong legislation, sanctuaries can't stop the abuse. This is a comprehensive and a common-sense approach to addressing animal cruelty. Many communities rely heavily on state laws as their main tools against animal cruelty. This bill does not impact livestock or rodeos. It will prohibit all forms of organized animal fighting. It will make it easier for law enforcement to intervene and remove unattended animals from a dangerous environment immediately without liability.

Persons Testifying: PRO: Senator Kohl-Welles; Cheri Scandalis, Higher Ground Animal Sanctuary; Kay Joubert, WA Federation of Animal Care and Control Agencies; Tami McMinn, Pasados Safe Haven; Erika Johnson, Thurston County Animal Services.