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SENATE BILL 6076

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State of Washington

65th Legislature

2018 Regular Session

By Senators Palumbo, Frockt, Conway, and Kuderer

Prefiled 01/04/18. Read first time 01/08/18. Referred to Committee on Law & Justice.

1 AN ACT Relating to animal cruelty in the first degree; and  
2 amending RCW 16.52.205.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 16.52.205 and 2015 c 235 s 6 are each amended to  
5 read as follows:

6 (1) A person is guilty of animal cruelty in the first degree  
7 when, except as authorized in law, he or she intentionally (a)  
8 inflicts substantial pain on, (b) causes physical injury to, or (c)  
9 kills an animal by a means causing undue suffering or while  
10 manifesting an extreme indifference to life, or forces a minor to  
11 inflict unnecessary pain, injury, or death on an animal.

12 (2) A person is guilty of animal cruelty in the first degree  
13 when, except as authorized by law, he or she, with criminal  
14 negligence, starves, dehydrates, or suffocates an animal and as a  
15 result causes: (a) Substantial and unjustifiable physical pain that  
16 extends for a period sufficient to cause considerable suffering; or  
17 (b) death.

18 (3) A person is guilty of animal cruelty in the first degree when  
19 he or she:

20 (a) Knowingly engages in any sexual conduct or sexual contact  
21 with an animal;

1 (b) Knowingly causes, aids, or abets another person to engage in  
2 any sexual conduct or sexual contact with an animal;

3 (c) Knowingly permits any sexual conduct or sexual contact with  
4 an animal to be conducted on any premises under his or her charge or  
5 control;

6 (d) Knowingly engages in, organizes, promotes, conducts,  
7 advertises, aids, abets, participates in as an observer, or performs  
8 any service in the furtherance of an act involving any sexual conduct  
9 or sexual contact with an animal for a commercial or recreational  
10 purpose; or

11 (e) Knowingly photographs or films, for purposes of sexual  
12 gratification, a person engaged in a sexual act or sexual contact  
13 with an animal.

14 (4) Animal cruelty in the first degree is a class C felony.

15 (5) In addition to the penalty imposed in subsection (4) of this  
16 section, the court may order that the convicted person do any of the  
17 following:

18 (a) Not harbor or own animals or reside in any household where  
19 animals are present;

20 (b) Participate in appropriate counseling at the defendant's  
21 expense;

22 (c) Reimburse the animal shelter or humane society for any  
23 reasonable costs incurred for the care and maintenance of any animals  
24 taken to the animal shelter or humane society as a result of conduct  
25 proscribed in subsection (3) of this section.

26 (6) Nothing in this section may be considered to prohibit  
27 accepted animal husbandry practices or accepted veterinary medical  
28 practices by a licensed veterinarian or certified veterinary  
29 technician.

30 (7) If the court has reasonable grounds to believe that a  
31 violation of this section has occurred, the court may order the  
32 seizure of all animals involved in the alleged violation as a  
33 condition of bond of a person charged with a violation.

34 (8) For purposes of this section:

35 (a) "Animal" means every creature, either alive or dead, other  
36 than a human being.

37 (b) "Sexual conduct" means ~~((any touching or fondling by a~~  
38 ~~person, either directly or through clothing, of the sex organs or~~  
39 ~~anus of an animal or any transfer or transmission of semen by the~~  
40 ~~person upon any part of the animal, for the purpose of sexual~~

1 ~~gratification or arousal of the person))~~ sexual penetration of a  
2 person or an animal and includes any penetration of the mouth,  
3 vagina, or anus however slight, by an object or body part, except  
4 when the penetration is accomplished for medically recognized  
5 treatment or diagnostic purposes.

6 (c) "Sexual contact" means any ~~((contact, however slight, between~~  
7 ~~the mouth, sex organ, or anus of a person and the sex organ or anus~~  
8 ~~of an animal, or any intrusion, however slight, of any part of the~~  
9 ~~body of the person into the sex organ or anus of an animal, or any~~  
10 ~~intrusion of the sex organ or anus of the person into the mouth of~~  
11 ~~the animal, for the purpose of sexual gratification or arousal of the~~  
12 ~~person))~~ touching of the sexual or other intimate parts of an animal  
13 by force, intimidation, coercion, or manipulation or where motivated  
14 by sexual arousal, sexual gratification, or financial gain.

15 (d) "Photographs" or "films" means the making of a photograph,  
16 motion picture film, videotape, digital image, or any other  
17 recording, sale, or transmission of the image.

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