

ESSB 6300 - H COMM AMD
By Committee on Public Safety

ADOPTED AS AMENDED 03/05/2020

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 16.08.100 and 2002 c 244 s 3 are each amended to
4 read as follows:

5 (1) Any dangerous dog shall be immediately confiscated by an
6 animal control authority if the: (a) Dog is not validly registered
7 under RCW 16.08.080; (b) owner does not secure the liability
8 insurance coverage required under RCW 16.08.080; (c) dog is not
9 maintained in the proper enclosure; or (d) dog is outside of the
10 dwelling of the owner, or outside of the proper enclosure and not
11 under physical restraint of the responsible person. The owner must
12 pay the costs of confinement and control. The animal control
13 authority must serve notice upon the dog owner in person or by
14 regular and certified mail, return receipt requested, specifying the
15 reason for the confiscation of the dangerous dog, that the owner is
16 responsible for payment of the costs of confinement and control, and
17 that the dog will be destroyed in an expeditious and humane manner if
18 the deficiencies for which the dog was confiscated are not corrected
19 within twenty days. The animal control authority shall destroy the
20 confiscated dangerous dog in an expeditious and humane manner if any
21 deficiencies required by this subsection are not corrected within
22 twenty days of notification. In addition, the owner shall be guilty
23 of a gross misdemeanor punishable in accordance with RCW 9A.20.021.

24 (2) If a dangerous dog of an owner with a prior conviction under
25 this chapter attacks or bites a person or another domestic animal,
26 the dog's owner is guilty of a class C felony, punishable in
27 accordance with RCW 9A.20.021. It is an affirmative defense that the
28 defendant must prove by a preponderance of the evidence that he or
29 she was in compliance with the requirements for ownership of a
30 dangerous dog pursuant to this chapter and the person or domestic
31 animal attacked or bitten by the defendant's dog trespassed on the
32 defendant's real or personal property or provoked the defendant's dog

1 without justification or excuse. In addition, the dangerous dog shall
2 be immediately confiscated by an animal control authority, placed in
3 quarantine for the proper length of time, and thereafter destroyed in
4 an expeditious and humane manner.

5 (3) The owner of any dog that aggressively attacks and causes
6 severe injury or death of any human, whether or not the dog has
7 previously been declared potentially dangerous or dangerous, shall,
8 upon conviction, be guilty of a class C felony punishable in
9 accordance with RCW 9A.20.021. It is an affirmative defense that the
10 defendant must prove by a preponderance of the evidence that the
11 human severely injured or killed by the defendant's dog: (a)
12 Trespassed on the defendant's real or personal property which was
13 enclosed by fencing suitable to prevent the entry of young children
14 and designed to prevent the dog from escaping and marked with clearly
15 visible signs warning people, including children, not to trespass and
16 to beware of dog; or (b) provoked the defendant's dog without
17 justification or excuse on the defendant's real or personal property
18 which was enclosed by fencing suitable to prevent the entry of young
19 children and designed to prevent the dog from escaping and marked
20 with clearly visible signs warning people, including children, not to
21 trespass and to beware of dog. In such a prosecution, the state has
22 the burden of showing that the owner of the dog either knew or should
23 have known that the dog was potentially dangerous as defined in this
24 chapter. The state may not meet its burden of proof that the owner
25 should have known the dog was potentially dangerous solely by showing
26 the dog to be a particular breed or breeds. In addition, the dog
27 shall be immediately confiscated by an animal control authority,
28 quarantined, and upon conviction of the owner destroyed in an
29 expeditious and humane manner.

30 ~~((4) Any person entering a dog in a dog fight is guilty of a~~
31 ~~class C felony punishable in accordance with RCW 9A.20.021.))~~

32 **Sec. 2.** RCW 16.52.011 and 2019 c 174 s 3 are each amended to
33 read as follows:

34 (1) Principles of liability as defined in chapter 9A.08 RCW apply
35 to this chapter.

36 (2) The definitions in this section apply throughout this chapter
37 unless the context clearly requires otherwise.

38 (a) "Abandons" means the knowing or reckless desertion of an
39 animal by its owner, or by a person who has taken control, custody,

1 or possession of an animal that was involved in animal fighting as
2 described in RCW 16.52.117, or the causing of the animal to be
3 deserted by its owner, in any place, without making provisions for
4 the animal's adequate care.

5 (b) "Animal" means any nonhuman mammal, bird, reptile, or
6 amphibian.

7 (c) "Animal care and control agency" means any city or county
8 animal control agency or authority authorized to enforce city or
9 county municipal ordinances regulating the care, control, licensing,
10 or treatment of animals within the city or county, and any
11 corporation organized under RCW 16.52.020 that contracts with a city
12 or county to enforce the city or county ordinances governing animal
13 care and control.

14 (d) "Animal control officer" means any individual employed,
15 contracted, or appointed pursuant to RCW 16.52.025 by an animal care
16 and control agency or humane society to aid in the enforcement of
17 ordinances or laws regulating the care and control of animals. For
18 purposes of this chapter, the term "animal control officer" shall be
19 interpreted to include "humane officer" as defined in (h) of this
20 subsection and RCW 16.52.025.

21 (e) "Dog" means an animal of the species *Canis lupus familiaris*.

22 (f) "Euthanasia" means the humane destruction of an animal
23 accomplished by a method that involves instantaneous unconsciousness
24 and immediate death, or by a method that causes painless loss of
25 consciousness, and death during the loss of consciousness.

26 (g) "Food" means food or feed appropriate to the species for
27 which it is intended.

28 (h) "Humane officer" means any individual employed, contracted,
29 or appointed by an animal care and control agency or humane society
30 as authorized under RCW 16.52.025.

31 (i) "Law enforcement agency" means a general authority Washington
32 law enforcement agency as defined in RCW 10.93.020.

33 (j) "Livestock" includes, but is not limited to, horses, mules,
34 cattle, sheep, swine, goats, and bison.

35 (k) "Malice" has the same meaning as provided in RCW 9A.04.110,
36 but applied to acts against animals.

37 (l) "Necessary food" means the provision at suitable intervals of
38 wholesome foodstuff suitable for the animal's age, species, and
39 condition, and that is sufficient to provide a reasonable level of

1 nutrition for the animal and is easily accessible to the animal or as
2 directed by a veterinarian for medical reasons.

3 (m) "Necessary shelter" means a structure sufficient to protect a
4 dog from wind, rain, snow, cold, heat, or sun that has bedding to
5 permit a dog to remain dry and reasonably clean and maintain a normal
6 body temperature.

7 (n) "Necessary water" means water that is in sufficient quantity
8 and of appropriate quality for the species for which it is intended
9 and that is accessible to the animal or as directed by a veterinarian
10 for medical reasons.

11 (o) "Owner" means a person who has a right, claim, title, legal
12 share, or right of possession to an animal or a person having lawful
13 control, custody, or possession of an animal.

14 (p) "Person" means individuals, corporations, partnerships,
15 associations, or other legal entities, and agents of those entities.

16 (q) (~~("Similar animal" means: (i) For a mammal, another animal
17 that is in the same taxonomic order; or (ii) for an animal that is
18 not a mammal, another animal that is in the same taxonomic class.~~

19 ~~(r))~~ "Substantial bodily harm" means substantial bodily harm as
20 defined in RCW 9A.04.110.

21 (~~(s))~~ (r) "Tether" means: (i) To restrain an animal by tying or
22 securing the animal to any object or structure; and (ii) a device
23 including, but not limited to, a chain, rope, cable, cord, tie-out,
24 pulley, or trolley system for restraining an animal.

25 **Sec. 3.** RCW 16.52.085 and 2016 c 181 s 1 are each amended to
26 read as follows:

27 (1) If a law enforcement officer or animal control officer has
28 probable cause to believe that an owner of a domestic animal has
29 violated this chapter or a person owns, cares for, or resides with an
30 animal in violation of an order issued under RCW 16.52.200(4) and no
31 responsible person can be found to assume the animal's care, the
32 officer may authorize, with a warrant, the removal of the animal to a
33 suitable place for feeding and care, or may place the animal under
34 the custody of an animal care and control agency. In determining what
35 is a suitable place, the officer shall consider the animal's needs,
36 including its size and behavioral characteristics. An officer may
37 remove an animal under this subsection without a warrant only if the
38 animal is in an immediate life-threatening condition.

1 (2) If a law enforcement officer or an animal control officer has
2 probable cause to believe a violation of this chapter has occurred,
3 the officer may authorize an examination of a domestic animal
4 allegedly neglected or abused in violation of this chapter by a
5 veterinarian to determine whether the level of neglect or abuse in
6 violation of this chapter is sufficient to require removal of the
7 animal. This section does not condone illegal entry onto private
8 property.

9 (3) Any owner whose domestic animal is removed pursuant to this
10 chapter shall be given written notice of the circumstances of the
11 removal and notice of legal remedies available to the owner. The
12 notice shall be given by posting at the place of seizure, by delivery
13 to a person residing at the place of seizure, or by registered mail
14 if the owner is known. In making the decision to remove an animal
15 pursuant to this chapter, the officer shall make a good faith effort
16 to contact the animal's owner before removal.

17 (4) The agency having custody of the animal may euthanize the
18 animal or may find a responsible person to adopt the animal not less
19 than fifteen business days after the animal is taken into custody. A
20 custodial agency may euthanize severely injured, diseased, or
21 suffering animals at any time. An owner may prevent the animal's
22 destruction or adoption by: (a) Petitioning the district court of the
23 county where the animal was seized for the animal's immediate return
24 subject to court-imposed conditions, or (b) posting a bond or
25 security in an amount sufficient to provide for the animal's care for
26 a minimum of thirty days from the seizure date. If the custodial
27 agency still has custody of the animal when the bond or security
28 expires, the animal shall become the agency's property unless the
29 court orders an alternative disposition. If a court order prevents
30 the agency from assuming ownership and the agency continues to care
31 for the animal, the court shall order the owner to post or renew a
32 bond or security for the agency's continuing costs for the animal's
33 care. When a court has prohibited the owner from owning, caring for,
34 or residing with ((~~a similar~~)) animals under RCW 16.52.200(4), the
35 agency having custody of the animal may assume ownership upon seizure
36 and the owner may not prevent the animal's destruction or adoption by
37 petitioning the court or posting a bond.

38 (5) If no criminal case is filed within fourteen business days of
39 the animal's removal, the owner may petition the district court of
40 the county where the animal was removed for the animal's return. The

1 petition shall be filed with the court. Copies of the petition must
2 be served on the law enforcement or animal care and control agency
3 responsible for removing the animal and to the prosecuting attorney.
4 If the court grants the petition, the agency which seized the animal
5 must surrender the animal to the owner at no cost to the owner. If a
6 criminal action is filed after the petition is filed but before the
7 hearing on the petition, then the petition shall be joined with the
8 criminal matter.

9 (6) In a motion or petition for the animal's return before a
10 trial, the burden is on the owner to prove by a preponderance of the
11 evidence that the animal will not suffer future neglect or abuse and
12 is not in need of being restored to health.

13 (7) Any authorized person treating or attempting to restore an
14 animal to health under this chapter shall not be civilly or
15 criminally liable for such action.

16 **Sec. 4.** RCW 16.52.095 and 1994 c 261 s 7 are each amended to
17 read as follows:

18 ~~((It shall not be lawful for))~~ (1) Except as provided in
19 subsection (2) of this section, it is a misdemeanor:

20 (a) For any person to cut off more than one-half of the ear or
21 ears of any domestic animal such as an ox, cow, bull, calf, sheep,
22 goat, or hog~~((, or dog, and any person cutting off more than one-half~~
23 ~~of the ear or ears of any such animals, shall be deemed guilty of a~~
24 ~~misdemeanor, and upon conviction, shall be fined in any sum less than~~
25 ~~twenty dollars. This section does not apply if cutting off more than~~
26 ~~one-half of the ear of the animal is a customary husbandry~~
27 ~~practice)); or~~

28 (b) For any person to:

29 (i) Devocalize a dog;

30 (ii) Crop or cut off any part of the ear of a dog; or

31 (iii) Crop or cut off any part of the tail of a dog that is seven
32 days old or older, or has opened its eyes, whichever occurs sooner.

33 (2) This section does not apply if the person performing the
34 procedure is a licensed veterinarian utilizing accepted veterinary
35 surgical protocols that may include local anesthesia, general
36 anesthesia, or perioperative pain management.

37 **Sec. 5.** RCW 16.52.200 and 2016 c 181 s 2 are each amended to
38 read as follows:

1 (1) The sentence imposed for a misdemeanor or gross misdemeanor
2 violation of this chapter may be deferred or suspended in accordance
3 with RCW 3.66.067 and 3.66.068, however the probationary period shall
4 be two years.

5 (2) In case of multiple misdemeanor or gross misdemeanor
6 convictions, the sentences shall be consecutive, however the
7 probationary period shall remain two years.

8 (3) In addition to the penalties imposed by the court, the court
9 shall order the forfeiture of all animals held by law enforcement or
10 animal care and control authorities under the provisions of this
11 chapter if any one of the animals involved dies as a result of a
12 violation of this chapter or if the defendant has a prior conviction
13 under this chapter. In other cases the court may enter an order
14 requiring the owner to forfeit the animal if the court deems the
15 animal's treatment to have been severe and likely to reoccur.

16 (4) Any person convicted of animal cruelty shall be prohibited
17 from owning, caring for, possessing, or residing with any (~~similar~~)
18 animals for a period of time as follows:

19 (a) Two years for a first conviction of animal cruelty in the
20 second degree under RCW 16.52.207;

21 (b) Permanently for a first conviction of animal cruelty in the
22 first degree under RCW 16.52.205;

23 (c) Permanently for a second or subsequent conviction of animal
24 cruelty, except as provided in subsection (5) of this section.

25 (5) If a person has no more than two convictions of animal
26 cruelty and each conviction is for animal cruelty in the second
27 degree, the person may petition the sentencing court in which the
28 most recent animal cruelty conviction occurred, for a restoration of
29 the right to own (~~or possess a similar animal~~), care for, possess,
30 or reside with animals five years after the date of the second
31 conviction. In determining whether to grant the petition, the court
32 shall consider, but not be limited to, the following:

33 (a) The person's prior animal cruelty in the second degree
34 convictions;

35 (b) The type of harm or violence inflicted upon the animals;

36 (c) Whether the person has completed the conditions imposed by
37 the court as a result of the underlying convictions;

38 (d) Whether the person complied with the prohibition on owning,
39 caring for, possessing, or residing with (~~similar~~) animals; and

1 (e) Any other matters the court finds reasonable and material to
2 consider in determining whether the person is likely to abuse another
3 animal.

4 The court may delay its decision on forfeiture under subsection
5 (3) of this section until the end of the probationary period.

6 (6) In addition to fines and court costs, the defendant, only if
7 convicted or in agreement, shall be liable for reasonable costs
8 incurred pursuant to this chapter by law enforcement agencies, animal
9 care and control agencies, or authorized private or public entities
10 involved with the care of the animals. Reasonable costs include
11 expenses of the investigation, and the animal's care, euthanization,
12 or adoption.

13 (7) If convicted, the defendant shall also pay a civil penalty of
14 one thousand dollars to the county to prevent cruelty to animals.
15 These funds shall be used to prosecute offenses under this chapter
16 and to care for forfeited animals pending trial.

17 (8) If a person violates the prohibition on owning, caring for,
18 possessing, or residing with (~~(similar)~~) animals under subsection (4)
19 of this section, that person:

20 (a) Shall pay a civil penalty of one thousand dollars for the
21 first violation;

22 (b) Shall pay a civil penalty of two thousand five hundred
23 dollars for the second violation; and

24 (c) Is guilty of a gross misdemeanor for the third and each
25 subsequent violation.

26 (9) As a condition of the sentence imposed under this chapter or
27 RCW 9.08.070 through 9.08.078, the court may also order the defendant
28 to participate in an available animal cruelty prevention or education
29 program or obtain available psychological counseling to treat mental
30 health problems contributing to the violation's commission. The
31 defendant shall bear the costs of the program or treatment.

32 (10) Nothing in this section limits the authority of a law
33 enforcement officer, animal control officer, custodial agency, or
34 court to remove, adopt, euthanize, or require forfeiture of an animal
35 under RCW 16.52.085.

36 **Sec. 6.** RCW 16.52.205 and 2015 c 235 s 6 are each amended to
37 read as follows:

38 (1) A person is guilty of animal cruelty in the first degree
39 when, except as authorized in law, he or she intentionally (a)

1 inflicts substantial pain on, (b) causes physical injury to, or (c)
2 kills an animal by a means causing undue suffering or while
3 manifesting an extreme indifference to life, or forces a minor to
4 inflict unnecessary pain, injury, or death on an animal.

5 (2) (a) A person is guilty of animal cruelty in the first degree
6 when, except as authorized by law or as provided in (c) of this
7 subsection, he or she, with criminal negligence, starves, dehydrates,
8 or suffocates an animal, or exposes an animal to excessive heat or
9 cold and as a result causes: ~~((a))~~ (i) Substantial and
10 unjustifiable physical pain that extends for a period sufficient to
11 cause considerable suffering; or ~~((b))~~ (ii) death.

12 (b) In determining whether an animal has experienced the
13 condition described in (a)(i) of this subsection due to exposure to
14 excessive heat or cold, the trier of fact shall consider any evidence
15 as to: (i) Whether the animal's particular species and breed is
16 physiologically adaptable to the conditions to which the animal was
17 exposed; and (ii) the animal's age, health, medical conditions, and
18 any other physical characteristics of the animal or factor that may
19 affect its susceptibility to excessive heat or cold.

20 (c) A person is not guilty of animal cruelty in the first degree
21 by means of exposing an animal to excessive heat or cold if the
22 exposure is due to an unforeseen or unpreventable accident or event
23 caused exclusively by an extraordinary force of nature.

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

26 (a) Knowingly engages in any sexual conduct or sexual contact
27 with an animal;

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

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

33 (d) Knowingly engages in, organizes, promotes, conducts,
34 advertises, aids, abets, participates in as an observer, or performs
35 any service in the furtherance of an act involving any sexual conduct
36 or sexual contact with an animal for a commercial or recreational
37 purpose; or

38 (e) Knowingly photographs or films, for purposes of sexual
39 gratification, a person engaged in a sexual act or sexual contact
40 with an animal.

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

2 (5) In addition to the penalty imposed in subsection (4) of this
3 section, the court ~~((may))~~ must order that the convicted person ~~((~~do~~~~
4 ~~any of the following:~~

5 ~~(a) Not harbor or own animals or reside in any household where~~
6 ~~animals are present;~~

7 ~~(b))~~ not own, care for, possess, or reside in any household
8 where an animal is present, in accordance with RCW 16.52.200.

9 (6) In addition to the penalties imposed in subsections (4) and
10 (5) of this section, the court may order that the convicted person:

11 (a) Participate in appropriate counseling at the defendant's
12 expense;

13 ~~((e))~~ (b) Reimburse the animal shelter or humane society for
14 any reasonable costs incurred for the care and maintenance of any
15 animals taken to the animal shelter or humane society as a result of
16 conduct proscribed in ~~((subsection (3) of))~~ this section.

17 ~~((6))~~ (7) Nothing in this section ~~((may be considered to))~~
18 prohibits accepted animal husbandry practices or ~~((accepted~~
19 ~~veterinary medical practices by))~~ prohibits a licensed veterinarian
20 or certified veterinary technician from performing procedures on an
21 animal that are accepted veterinary medical practices.

22 ~~((7))~~ (8) If the court has reasonable grounds to believe that a
23 violation of this section has occurred, the court may order the
24 seizure of all animals involved in the alleged violation as a
25 condition of bond of a person charged with a violation.

26 ~~((8))~~ (9) For purposes of this section:

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

29 (b) "Sexual conduct" means any touching ~~((or))~~ by a person of,
30 fondling by a person of, transfer of saliva by a person to, or use of
31 a foreign object by a person on, ~~((either directly or through~~
32 ~~clothing, or))~~ the sex organs or anus of an animal, either directly
33 or through clothing, or any transfer or transmission of semen by the
34 person upon any part of the animal ~~((, for the purpose of sexual~~
35 ~~gratification or arousal of the person))~~.

36 (c) "Sexual contact" means any contact, however slight, between
37 the mouth, sex organ, or anus of a person and the mouth, sex organ,
38 or anus of an animal, or any intrusion, however slight, of any part
39 of the body of the person or foreign object into the sex organ or
40 anus of an animal, or any intrusion of the sex organ or anus of the

1 person into the mouth of the animal(~~(, for the purpose of sexual~~
2 ~~gratification or arousal of the person)~~).

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

6 **Sec. 7.** RCW 16.52.207 and 2019 c 174 s 2 are each amended to
7 read as follows:

8 (1) A person is guilty of animal cruelty in the second degree if,
9 under circumstances not amounting to first degree animal cruelty:

10 (a) The person knowingly, recklessly, or with criminal negligence
11 inflicts unnecessary suffering or pain upon an animal; or

12 (b) The person takes control, custody, or possession of an animal
13 that was involved in animal fighting as described in RCW 16.52.117
14 and knowingly, recklessly, or with criminal negligence abandons the
15 animal(~~(, and (i) as a result of being abandoned, the animal suffers~~
16 ~~bodily harm; or (ii) abandoning the animal creates an imminent and~~
17 ~~substantial risk that the animal will suffer substantial bodily~~
18 ~~harm)~~).

19 (2) An owner of an animal is guilty of animal cruelty in the
20 second degree if, under circumstances not amounting to first degree
21 animal cruelty, the owner knowingly, recklessly, or with criminal
22 negligence:

23 (a) Fails to provide the animal with necessary shelter, rest,
24 sanitation, space, or medical attention and the animal suffers
25 unnecessary or unjustifiable physical pain as a result of the
26 failure; or

27 (b) (~~Under circumstances not amounting to animal cruelty in the~~
28 ~~second degree under (c) of this subsection, abandons)~~ Abandons the
29 animal(~~(, or~~

30 ~~(c) Abandons the animal and (i) as a result of being abandoned,~~
31 ~~the animal suffers bodily harm; or (ii) abandoning the animal creates~~
32 ~~an imminent and substantial risk that the animal will suffer~~
33 ~~substantial bodily harm)~~).

34 (3) Animal cruelty in the second degree is a gross misdemeanor.

35 (~~(4) In any prosecution of animal cruelty in the second degree~~
36 ~~under subsection (1) (a) or (2) (a) of this section, it shall be an~~
37 ~~affirmative defense, if established by the defendant by a~~
38 ~~preponderance of the evidence, that the defendant's failure was due~~
39 ~~to economic distress beyond the defendant's control.)~~)

1 **Sec. 8.** RCW 16.54.020 and 2011 c 336 s 425 are each amended to
2 read as follows:

3 Any person having in his or her care, custody, or control any
4 abandoned animal as defined in RCW 16.54.010, may deliver such animal
5 to any (~~humane society having facilities for the care of such~~
6 ~~animals or to any pound maintained by or under contract or agreement~~
7 ~~with any city or county within which such animal was abandoned. If no~~
8 ~~such humane society or pound exists within the county~~) animal care
9 and control agency as defined in RCW 16.52.011 or to an animal rescue
10 group as defined in RCW 82.04.040 having the facilities and resources
11 necessary for the care of such animals. If such an animal care and
12 control agency or animal rescue group cannot reasonably be identified
13 to receive the animal, the person with whom the animal was abandoned
14 may notify the sheriff of the county wherein the abandonment
15 occurred.

16 **Sec. 9.** RCW 16.54.030 and 1955 c 190 s 3 are each amended to
17 read as follows:

18 It shall be the duty of the sheriff of such county upon being so
19 notified, to dispose of such animal as provided by law in reference
20 to estrays if such law is applicable to the animal abandoned, or if
21 not so applicable then deliver such an animal to any animal care and
22 control agency as defined in RCW 16.52.011 or to an animal rescue
23 group as defined in RCW 82.04.040 having the facilities and resources
24 necessary for the care of such an animal. If such an animal care and
25 control agency or animal rescue group cannot reasonably be identified
26 to receive the animal, then such an animal shall be sold by the
27 sheriff at public auction. Notice of any such sale shall be given by
28 posting a notice in three public places in the county at least ten
29 days prior to such public sale. Proceeds of such sale shall be paid
30 to the county treasurer for deposit in the county general fund.

31 NEW SECTION. **Sec. 10.** The following acts or parts of acts are
32 each repealed:

33 (1) RCW 16.08.030 (Marauding dog—Duty of owner to kill) and 1929
34 c 198 s 7;

35 (2) RCW 16.52.110 (Old or diseased animals at large) and 2011 c
36 336 s 424 & 1901 c 146 s 13; and

1 (3) RCW 16.52.165 (Punishment—Conviction of misdemeanor) and 1982
2 c 114 s 7 & 1901 c 146 s 16."

3 Correct the title.

EFFECT: Retains all provisions of the underlying bill. Adds a provision requiring consideration of any evidence of the animal's physiological adaptability and other physical characteristics and factors when determining, for purposes of the crime of Animal Cruelty in the first degree, whether the animal has experienced substantial and unjustifiable physical pain that extends for a period sufficient to cause considerable suffering due to exposure to excessive heat or cold.

--- END ---