

**SHB 1919** - S COMM AMD

By Committee on Law & Justice

ADOPTED 03/29/2019

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

3 **"Sec. 1.** RCW 16.52.117 and 2015 c 235 s 3 are each amended to  
4 read as follows:

5 (1) A person commits the crime of animal fighting if the person  
6 knowingly does any of the following or causes a minor to do any of  
7 the following:

8 (a) Owns, possesses, keeps, breeds, trains, buys, sells, or  
9 advertises or offers for sale any animal with the intent that the  
10 animal shall be engaged in an exhibition of fighting with another  
11 animal;

12 (b) Promotes, organizes, conducts, participates in, is a  
13 spectator of, advertises, prepares, or performs any service in the  
14 furtherance of, an exhibition of animal fighting, transports  
15 spectators to an animal fight, or provides or serves as a stakeholder  
16 for any money wagered on an animal fight;

17 (c) Keeps or uses any place for the purpose of animal fighting,  
18 or manages or accepts payment of admission to any place kept or used  
19 for the purpose of animal fighting;

20 (d) Suffers or permits any place over which the person has  
21 possession or control to be occupied, kept, or used for the purpose  
22 of an exhibition of animal fighting; ((~~or~~))

23 (e) Steals, takes, leads away, possesses, confines, sells,  
24 transfers, or receives an animal with the intent of using the animal  
25 for animal fighting, or for training or baiting for the purpose of  
26 animal fighting; or

27 (f) Owns, possesses, buys, sells, transfers, or manufactures  
28 animal fighting paraphernalia for the purpose of engaging in,  
29 promoting, or facilitating animal fighting, or for baiting a live  
30 animal for the purpose of animal fighting.

1       (2) (a) Except as provided in (b) of this subsection, a person who  
2 violates this section is guilty of a class C felony punishable under  
3 RCW 9A.20.021;

4       (b) A person who intentionally mutilates an animal in furtherance  
5 of an animal fighting offense as described in subsection (1) of this  
6 section is guilty of a class B felony punishable under RCW 9A.20.021.

7       (3) Nothing in this section prohibits the following:

8       (a) The use of dogs in the management of livestock, as defined by  
9 chapter 16.57 RCW, by the owner of the livestock or the owner's  
10 employees or agents or other persons in lawful custody of the  
11 livestock;

12       (b) The use of dogs in hunting as permitted by law; or

13       (c) The training of animals or the use of equipment in the  
14 training of animals for any purpose not prohibited by law.

15       (4) For the purposes of this section, "animal fighting  
16 paraphernalia" includes equipment, products, implements, or materials  
17 of any kind that are used, intended for use, or designed for use in  
18 the training, preparation, conditioning, or furtherance of animal  
19 fighting, and includes, but is not limited to: Cat mills; fighting  
20 pits; springpoles; unprescribed veterinary medicine; treatment  
21 supplies; and gaffs, slashers, heels, and any other sharp implement  
22 designed to be attached in place of the natural spur of a cock or  
23 game fowl.

24       **Sec. 2.** RCW 16.52.207 and 2011 c 172 s 5 are each amended to  
25 read as follows:

26       (1) A person is guilty of animal cruelty in the second degree if,  
27 under circumstances not amounting to first degree animal  
28 cruelty((~~r~~)):

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

31       (b) The person takes control, custody, or possession of an animal  
32 that was involved in animal fighting as described in RCW 16.52.117  
33 and knowingly, recklessly, or with criminal negligence abandons the  
34 animal, and (i) as a result of being abandoned, the animal suffers  
35 bodily harm; or (ii) abandoning the animal creates an imminent and  
36 substantial risk that the animal will suffer substantial bodily harm.

37       (2) An owner of an animal is guilty of animal cruelty in the  
38 second degree if, under circumstances not amounting to first degree

1 animal cruelty, the owner knowingly, recklessly, or with criminal  
2 negligence:

3 (a) Fails to provide the animal with necessary shelter, rest,  
4 sanitation, space, or medical attention and the animal suffers  
5 unnecessary or unjustifiable physical pain as a result of the  
6 failure;

7 (b) Under circumstances not amounting to animal cruelty in the  
8 second degree under (c) of this subsection, abandons the animal; or

9 (c) Abandons the animal and (i) as a result of being abandoned,  
10 the animal suffers bodily harm; or (ii) abandoning the animal creates  
11 an imminent and substantial risk that the animal will suffer  
12 substantial bodily harm.

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

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

19 **Sec. 3.** RCW 16.52.011 and 2017 c 65 s 2 are each amended to read  
20 as follows:

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

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

25 (a) "Abandons" means the knowing or reckless desertion of an  
26 animal by its owner, or by a person who has taken control, custody,  
27 or possession of an animal that was involved in animal fighting as  
28 described in RCW 16.52.117, or the causing of the animal to be  
29 deserted by its owner, in any place, without making provisions for  
30 the animal's adequate care.

31 (b) "Animal" means any nonhuman mammal, bird, reptile, or  
32 amphibian.

33 (c) "Animal care and control agency" means any city or county  
34 animal control agency or authority authorized to enforce city or  
35 county municipal ordinances regulating the care, control, licensing,  
36 or treatment of animals within the city or county, and any  
37 corporation organized under RCW 16.52.020 that contracts with a city  
38 or county to enforce the city or county ordinances governing animal  
39 care and control.

1 (d) "Animal control officer" means any individual employed,  
2 contracted, or appointed pursuant to RCW 16.52.025 by an animal care  
3 and control agency or humane society to aid in the enforcement of  
4 ordinances or laws regulating the care and control of animals. For  
5 purposes of this chapter, the term "animal control officer" shall be  
6 interpreted to include "humane officer" as defined in (h) of this  
7 subsection and RCW 16.52.025.

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

9 (f) "Euthanasia" means the humane destruction of an animal  
10 accomplished by a method that involves instantaneous unconsciousness  
11 and immediate death, or by a method that causes painless loss of  
12 consciousness, and death during the loss of consciousness.

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

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

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

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

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

24 (l) "Necessary food" means the provision at suitable intervals of  
25 wholesome foodstuff suitable for the animal's age, species, and  
26 condition, and that is sufficient to provide a reasonable level of  
27 nutrition for the animal and is easily accessible to the animal or as  
28 directed by a veterinarian for medical reasons.

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

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

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

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

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

6 (r) "Substantial bodily harm" means substantial bodily harm as  
7 defined in RCW 9A.04.110.

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

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12 On page 1, line 1 of the title, after "abuse;" strike the  
13 remainder of the title and insert "amending RCW 16.52.117, 16.52.207,  
14 and 16.52.011; and prescribing penalties."

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