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## Public Safety Committee

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### HB 1919

**Brief Description:** Preventing and responding to animal abuse.

**Sponsors:** Representatives Mosbrucker, Appleton, Smith, Ybarra, Dye, Ormsby and Stanford.

#### Brief Summary of Bill

- Expands the circumstances under which a person may commit an Animal Fighting offense to include: (1) stealing an animal for animal fighting; and (2) possessing, transferring, manufacturing, or engaging in other activities relating to animal fighting paraphernalia.
- Elevates the classification of Animal Fighting from a class C felony to a class B felony when a person intentionally mutilates an animal in furtherance of the offense.
- Provides that a person is guilty of Animal Cruelty in the second degree when he or she abandons an animal that has been used for animal fighting and thereby causes or risks harm to the animal.
- Requires the Washington State Patrol (WSP) to establish and maintain a statewide voicemail line to allow members of the public to anonymously report incidents of animal abuse.
- Requires the WSP to establish a central repository for local law enforcement agencies to report incidents of animal abuse for submission to the National Incident-Based Reporting System.

**Hearing Date:** 2/18/19

**Staff:** Omeara Harrington (786-7136).

**Background:**

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*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.*

### Animal Fighting.

Participation in animal fighting is a criminal offense. The crime of Animal Fighting encompasses various prohibited activities including, but not limited to, knowingly doing or causing a minor to do any of the following:

- own, possess, buy, sell, or train an animal with the intent that the animal will be engaged in a fighting exhibition;
- organize, promote, watch, wager money for, or otherwise participate in an animal fighting exhibition;
- keep, use, or accept payment for admission to any place for animal fighting; or
- take, lead away, possess, transfer, or receive an animal intending to use it for fighting, or for training or baiting for the purpose of fighting.

Animal Fighting is a class C felony.

### Animal Cruelty.

A person commits Animal Cruelty in the first degree when the person: (1) intentionally inflicts substantial pain on, causes physical injury to, or kills an animal by a means that causes undue suffering or while manifesting an extreme indifference to life; (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.

A person is guilty of Animal Cruelty in the second degree when the person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal. An owner may additionally commit this crime by failing to provide necessary shelter, rest, sanitation, space, or medical attention resulting in unnecessary or unjustifiable pain to the animal, or by abandoning the animal. Animal Cruelty in the second degree is a gross misdemeanor.

### Classification of Crimes.

Crimes are classified as misdemeanors, gross misdemeanors, or felonies. The classification of a crime generally determines the maximum term of confinement and the maximum fine a court can impose for an offense. For each classification, the maximum terms of confinement and maximum fines are as follows:

<b>Classification</b>	<b>Maximum Confinement</b>	<b>Maximum Fine</b>
Misdemeanor	90 days	\$1,000
Gross Misdemeanor	364 days	\$5,000
Class C Felony	5 years	\$10,000
Class B Felony	10 years	\$20,000
Class A Felony	Life	\$50,000

## National Incident-Based Reporting System.

The National Incident-Based Reporting System (NIBRS) is an incident-based crime reporting system maintained by the Federal Bureau of Investigation (FBI). The NIBRS captures details on individual crime incidents, as well as on separate offenses within the same incident, including information on victims, known offenders, relationships between victims and offenders, arrestees, and property involved in crimes. In 2016 the NIBRS began collecting detailed data from participating law enforcement agencies on acts of animal cruelty, including gross neglect, torture, organized abuse, and sexual abuse.

### **Summary of Bill:**

#### Animal Fighting.

The circumstances under which a person may be convicted of animal fighting are expanded. A person commits the offense if he or she knowingly steals an animal with the intent of using the animal for animal fighting, or for training or baiting for the purpose of animal fighting. A person also commits Animal Fighting if he or she owns, possesses, buys, sells, transfers, or manufactures animal fighting paraphernalia for the purpose of engaging in, promoting, or facilitating animal fighting, or for baiting a live animal for the purpose of animal fighting.

"Animal fighting paraphernalia" includes equipment, products, implements, or materials of any kind that are used, intended for use, or designed for use in the training, preparation, conditioning, or furtherance of animal fighting. Animal fighting paraphernalia includes, but is not limited to: breaking sticks; cat mills; treadmills; fighting pits; springpoles; unprescribed veterinary medicine; treatment supplies; and gaffs, slashers, heels, and any other sharp implement designed to be attached in place of the natural spur of a cock or game fowl.

The classification for Animal Fighting is elevated from a class C felony to a class B felony when the person mutilates an animal in furtherance of the Animal Fighting offense.

#### Animal Cruelty.

The crime of Animal Cruelty in the second degree is expanded to include circumstances in which a person has taken control, custody, or possession of an animal that was involved in animal fighting and subsequently abandons the animal, causing the animal bodily harm or putting the animal at risk of bodily harm.

#### Reporting of Animal Cruelty Offenses.

The Washington State Patrol (WSP) must establish and maintain a statewide toll-free voicemail line to allow members of the public to anonymously report incidents of animal abuse. The WSP must regularly review the messages received and, as appropriate, may refer incidents to local law enforcement agencies for investigation. No cause of action may be brought against the WSP based on communicating or not communicating an incident to local law enforcement.

The WSP must also create a central repository for local law enforcement agencies to report incidents of animal abuse, animal neglect, animal fighting, and animal sexual abuse. The WSP must compile and report these incidents to the FBI for inclusion on the NIBRS. Local law enforcement agencies may opt to report directly to the FBI instead of utilizing the WSP central repository.

**Appropriation:** None.

**Fiscal Note:** Requested February 13, 2019.

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