

HOUSE BILL REPORT

SHB 1919

As Passed House:
March 1, 2019

Title: An act relating to preventing and responding to animal abuse.

Brief Description: Preventing and responding to animal abuse.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Mosbrucker, Appleton, Smith, Ybarra, Dye, Ormsby and Stanford).

Brief History:

Committee Activity:

Public Safety: 2/18/19, 2/21/19 [DPS].

Floor Activity:

Passed House: 3/1/19, 94-0.

Brief Summary of Substitute 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.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Appleton, Graham, Lovick, Pellicciotti and Pettigrew.

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.

Staff: Omeara Harrington (786-7136).

Background:

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 any of the following:

- owning, possessing, buying, selling, or training an animal with the intent that the animal will be engaged in a fighting exhibition;
- organizing, promoting, watching, wagering money for, or otherwise participating in an animal fighting exhibition;
- keeping, using, or accepting payment for admission to any place for animal fighting; or
- taking, leading away, possessing, transferring, or receiving an animal intending to use it for fighting, or for training or baiting for the purpose of fighting.

Animal Fighting is an unranked 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:

Classification	Maximum Confinement	Maximum Fine
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

If a felony is "unranked," it means that the offense does not have a statutorily designated seriousness level under the Sentencing Reform Act. Unranked felonies carry a maximum period of confinement of one year regardless of the class of felony.

Summary of Substitute 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.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 22, 2019.

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

Staff Summary of Public Testimony:

(In support) There is a dogfighting epidemic in Yakima and other areas. Pet dogs are being stolen from yards and used as bait. After being captured, their mouths are duct taped, and the dogs are sliced and put into dogfighting rings. This is a blood sport in every sense of the word and is inhuman. Seeing or hearing a dogfight leaves a person forever changed. It is

chilling and brutal. These incidents are gruesome and animals suffer horribly. Also, domestic violence often begins with violence toward animals.

Animal fighting only exists because of gambling. Large amounts of money are being made in these operations, and they are very dangerous for law enforcement, as drugs, weapons, and gangs are often involved. These gambling operations are underground organizations that are hard to infiltrate and investigate. The laws around mutilating animals in furtherance of fighting should be strengthened, as should the laws around paraphernalia. Many of the paraphernalia items would not be used for other purposes, such as knives attached to roosters. Other items are not necessarily illegal, like treadmills, but are used in dogfighting. It takes a lot to get a fighting match going, involving holding pens, a spectator area, performance-enhancing drugs, and other elements. These operations are often in rural areas, and it is difficult to know when they are taking place. As a result, gambling or fighting may not be occurring when law enforcement arrives, so sometimes it is difficult to move forward with these cases. Adding paraphernalia to the law is a good step and will make it easier to enforce illegal gambling laws.

(Opposed) None.

(Other) Animals die horrific deaths when involved in animal fighting. The training is rigorous and well organized. Animal fighting may involve torture devices, or dogs will be strapped to treadmills and forced to run for hours. This bill allows paraphernalia to be tied to the animal fighting itself. People who run these operations are sophisticated and keep their equipment separate from others parts of the operation, knowing that will make it harder to be caught. People who participate in animal fighting are involved in close-knit communities, and large sting operations are required in order to enforce the existing laws. It is nearly impossible to catch perpetrators in the act. There is precedent for criminalizing possession of crime-related implements, like burglary tools. Because some of these items have legitimate uses, the intent will have to be considered.

Section four of the bill creates a hotline and a central repository within the WSP to report animal abuse and has the WSP refer those incidents to local law enforcement. It also has the WSP collect incidents reported by law enforcement and submit those reported incidents to the Federal Bureau of Investigation. This section should be taken out of the bill. When a crime has occurred, the only number people should call is 9-1-1.

Persons Testifying: (In support) Representative Mosbrucker, prime sponsor; Dana Dwinell, Brian Considine and Dave Trujillo, Washington State Gambling Commission; and Chase Connelly, Kitsap County Animal Control.

(Other) James McMahan, Washington Association of Sheriffs and Police Chiefs; and Dan Paul, Washington Chapter of the Humane Society of the United States.

Persons Signed In To Testify But Not Testifying: None.