

FINAL BILL REPORT

ESSB 6300

C 158 L 20
Synopsis as Enacted

Brief Description: Concerning animal welfare.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Rivers, Pedersen, Zeiger, Kuderer, Frockt and Lovelett).

Senate Committee on Law & Justice
House Committee on Public Safety

Background: In general, animal anti-cruelty laws penalize two types of actions—intentional acts and failure to act. Intentional acts are those where the actor knowingly tries to hurt an animal or uses an animal in harmful activities. Failure to act falls into the neglect category including depriving animals of necessary food, shelter, water, abandonment, or confining them under unsafe or unsanitary conditions.

Current laws provide for killing marauding dogs, dogs injuring stock, and old or diseased animals abandoned and at large. Persons may crop up to half of a domestic animal's ears or more if it is a customary husbandry practice.

Animal Cruelty Crimes. First degree animal cruelty is a class C felony. A person commits this crime by:

- intentionally inflicting substantial pain on, causing physical injury to, or killing an animal through means causing undue suffering, or while manifesting an extreme indifference to life;
- through criminal negligence, starving, dehydrating, or suffocating an animal and causing the animal's death or its substantial and unjustifiable physical pain for a period of time sufficient to cause considerable suffering; or
- knowingly engaging in sexual conduct or sexual contact with an animal.

"Sexual conduct" means any touching or fondling by a person, either directly or through clothing, of the sex organs or anus of an animal, or any transfer or transmission of semen by the person upon any part of the animal, for the purpose of sexual gratification or arousal of the person.

"Sexual contact" means any contact, however slight, between the mouth, sex organ, or anus of a person and the sex organ or anus of an animal, or any intrusion, however slight, of any part of the body of the person into the sex organ or anus of an animal, or any intrusion of the

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sex organ or anus of the person into the mouth of the animal, for the purpose of the person's sexual gratification or arousal.

Second degree animal cruelty is a gross misdemeanor. A person commits this crime by:

- knowingly, recklessly, or with criminal negligence inflicting unnecessary suffering or pain upon an animal; or
- taking control, custody, or possession of an animal that was involved in animal fighting and knowingly, recklessly, or with criminal negligence abandoning the animal, and as a result, the animal suffers bodily harm or is put at imminent and substantial risk of substantial bodily harm.

An animal's owner commits this crime by:

- failing to provide the animal with necessary shelter, rest, sanitation, space, or medical attention resulting in unnecessary or unjustifiable pain to the animal; or
- abandoning the animal, and as a result of being abandoned, the animal suffers bodily harm or is put at imminent and substantial risk of substantial bodily harm.

Economic distress beyond the defendant's control is an affirmative defense to second degree animal cruelty committed by means other than abandonment.

A misdemeanor offense is punishable by up to 90 days in jail, a fine up to \$1,000, or both. However, unsafe transportation of an animal or docking is punishable by a \$150 fine and 60 days in jail, or both, plus the costs of prosecution. Persons convicted of animal cruelty crimes face liability for costs to law enforcement, animal care and control agencies or other agencies of the abused animal's care, euthanasia, or adoption. A convicted person is restricted from owning, caring for, or residing with animals similar to the abused animal. The restriction is for two years for a first conviction of second degree animal abuse. If the person is convicted for a second offense of second degree animal cruelty, or for first degree animal cruelty, the restriction is permanent. A person may petition for their rights to be restored if they meet certain requirements. If the person violates the restriction they pay a \$1,000 civil penalty for the first violation and a \$2,500 penalty for the second violation. Third and subsequent violations are a gross misdemeanor.

Current laws address other specific animal cruelty crimes and infractions such as unsafe transporting or confining of an animal, docking a horse's tail, animal fighting, animal poisoning, dogs or cats used as bait, unlawful use of a hook, animal breeding crimes, leaving an animal unattended in a motor vehicle or enclosed space, or unlawful animal tethering.

Disposition of Abandoned Animals Left in the Care of a Veterinarian, Kennel, or Other Person. Under current law, an animal is deemed abandoned if it is placed in the custody of a veterinarian, boarding kennel, or other person for treatment, board, or care and the animal is not retrieved within 15 days of a notice to remove the animal, or the person placing the animal refuses to pay the agreed or reasonable charges for the care, board, or treatment. If an animal is placed in custody for a specific time, it is deemed abandoned if the animal is not removed at the end of the specific time or the person placing the animal refuses to pay agreed or reasonable charges for the animal's care, board, or treatment.

A person who has custody of an abandoned animal may deliver the abandoned animal to a humane society or pound maintained by or contracted with the city or county where the animal was abandoned. If there is no humane society or pound, the county sheriff may be notified and disposes of the animal as required by law, or is sold at public auction.

Summary: Only a licensed veterinarian may devocalize a dog or crop a dog's ear or tail, and the veterinarian must use accepted veterinary surgical protocols and pain management during the procedure. The exception to the customary animal husbandry practice of ear cropping and tail docking is removed. A violation is a misdemeanor.

Persons convicted of first or second degree animal cruelty are limited from owning, caring for, possessing, or residing with any animal. Exposing an animal to excessive heat or cold is an additional basis for a first degree animal cruelty offense unless resulting from an unforeseen or unpreventable accident or extraordinary force of nature. For purposes of the crime of first degree animal cruelty, evidence of the animal's physiological adaptability and other characteristics must be considered when determining whether the animal experienced substantial and unjustifiable physical pain from exposure to excessive heat or cold. Sexual contact includes use of a foreign object and includes any transfer or transmission of saliva by the person upon the animal's sex organs or anus. Sexual conduct no longer requires proof that sexual arousal or gratification motivates the defendant. Second degree animal cruelty no longer requires proof that abandonment caused the animal bodily harm, or created an imminent and substantial risk that the animal will suffer substantial bodily harm; abandonment itself is sufficient for the crime. Economic distress beyond the defendant's control is not an affirmative defense to second degree animal cruelty.

An animal abandoned after being left in the care of a veterinarian, boarding kennel, or another person may be delivered to any animal care and control or an animal rescue group having facilities to care for the animal. The references to humane society and county or city operated or contracted pound, and the requirement for the animal to be delivered to such a facility in the county where it was abandoned, is deleted. If the sheriff is notified of an abandoned animal, and no specific disposition is required by law for the animal, the sheriff must deliver the animal to any animal care and control agency or animal rescue group having the facilities and resources necessary for the animal's care. If no such agency or rescue group can be identified, the sheriff must sell the animal at public auction

Votes on Final Passage:

Senate	43	5	
House	89	8	(House amended)
Senate	45	3	(Senate concurred)

Effective: June 11, 2020