
HOUSE BILL 1919

State of Washington

66th Legislature

2019 Regular Session

By Representatives Mosbrucker, Appleton, Smith, Ybarra, Dye, Ormsby, and Stanford

Read first time 02/06/19. Referred to Committee on Public Safety.

1 AN ACT Relating to preventing and responding to animal abuse;
2 amending RCW 16.52.117, 16.52.207, and 16.52.011; adding a new
3 section to chapter 43.43 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

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

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

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

4 (e) Steals, takes, leads away, possesses, confines, sells,
5 transfers, or receives an animal with the intent of using the animal
6 for animal fighting, or for training or baiting for the purpose of
7 animal fighting; or

8 (f) Owns, possesses, buys, sells, transfers, or manufactures
9 animal fighting paraphernalia for the purpose of engaging in,
10 promoting, or facilitating animal fighting, or for baiting a live
11 animal for the purpose of animal fighting.

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

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

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

19 (a) The use of dogs in the management of livestock, as defined by
20 chapter 16.57 RCW, by the owner of the livestock or the owner's
21 employees or agents or other persons in lawful custody of the
22 livestock;

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

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

26 (4) For the purposes of this section, "animal fighting
27 paraphernalia" includes equipment, products, implements, or materials
28 of any kind that are used, intended for use, or designed for use in
29 the training, preparation, conditioning, or furtherance of animal
30 fighting, and includes, but is not limited to: Breaking sticks; cat
31 mills; treadmills; fighting pits; springpoles; unprescribed
32 veterinary medicine; treatment supplies; and gaffs, slashers, heels,
33 and any other sharp implement designed to be attached in place of the
34 natural spur of a cock or game fowl.

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

37 (1) A person is guilty of animal cruelty in the second degree if,
38 under circumstances not amounting to first degree animal
39 cruelty(~~or~~):

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

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

9 (2) An owner of an animal is guilty of animal cruelty in the
10 second degree if, under circumstances not amounting to first degree
11 animal cruelty, the owner knowingly, recklessly, or with criminal
12 negligence:

13 (a) Fails to provide the animal with necessary shelter, rest,
14 sanitation, space, or medical attention and the animal suffers
15 unnecessary or unjustifiable physical pain as a result of the
16 failure;

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

19 (c) Abandons the animal and (i) as a result of being abandoned,
20 the animal suffers bodily harm; or (ii) abandoning the animal creates
21 an imminent and substantial risk that the animal will suffer
22 substantial bodily harm.

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

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

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

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

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

35 (a) "Abandons" means the knowing or reckless desertion of an
36 animal by its owner, or by a person who has taken control, custody,
37 or possession of an animal that was involved in animal fighting as
38 described in RCW 16.52.117, or the causing of the animal to be

1 deserted by its owner, in any place, without making provisions for
2 the animal's adequate care.

3 (b) "Animal" means any nonhuman mammal, bird, reptile, or
4 amphibian.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.43
24 RCW to read as follows:

25 (1) In order to facilitate community reporting and law
26 enforcement response to animal abuse, the Washington state patrol
27 must establish and maintain a statewide toll-free voicemail line to
28 allow members of the public to anonymously report incidents of animal
29 abuse. The Washington state patrol must regularly review the messages
30 received and may refer incidents to local law enforcement agencies
31 for investigation as appropriate. No cause of action may be brought
32 against the Washington state patrol based on a reported incident
33 being communicated or not communicated to local law enforcement.

34 (2) The Washington state patrol must create a central repository
35 for local law enforcement agencies to report incidents of animal
36 abuse, animal neglect, animal fighting, and animal sexual abuse. The
37 Washington state patrol shall compile and report the incidents to the
38 federal bureau of investigation for inclusion in the national
39 incident-based reporting system. Nothing in this subsection prevents

1 local law enforcement agencies from reporting incidents directly to
2 the federal bureau of investigation without utilizing the central
3 repository created in this subsection.

4 (3) The Washington state patrol shall adopt rules as necessary to
5 implement this section.

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