
**Community Safety, Justice, & Reentry
Committee**

HB 1961

Brief Description: Concerning animal cruelty in the first degree.

Sponsors: Representatives Low, Walen, Leavitt, Eslick, Sandlin, Paul, Couture, Ramel, Ramos and Bateman.

Brief Summary of Bill

- Classifies Animal Cruelty in the first degree as a seriousness level III offense regardless of how it is committed.

Hearing Date: 1/8/24

Staff: Benjamin Ratcliff (786-7291) and Michelle Rusk (786-7153).

Background:

Animal Cruelty in the First Degree.

Commission of the offense of Animal Cruelty in the first degree may occur in three different ways. A person commits Animal Cruelty in the first degree when he or she:

1. except as authorized by law, (a) intentionally inflicts substantial pain on, (b) causes physical injury to, or (c) kills an animal by a means causing undue suffering or while manifesting an extreme indifference to life, or forces a minor to inflict unnecessary pain, injury or death on an animal;
2. except as authorized by law, with criminal negligence, starves, dehydrates, or suffocates an animal, or exposes an animal to excessive heat or cold and as a result causes substantial and unjustifiable physical pain or death; or
3. knowingly engages in, causes, aids or abets, permits, organizes, promotes, advertises, or

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

photographs or films for the purpose of sexual gratification, certain conduct involving sexual conduct or sexual contact with an animal.

Animal Cruelty in the first degree is a class C felony. It is a seriousness level III offense to commit the crime of Animal Cruelty in the first degree by means of knowingly engaging in, causing, aiding or abetting, permitting, organizing, promoting, advertising, or photographing or filming for the purpose of sexual gratification, certain conduct involving sexual conduct or sexual contact with an animal. The other two means of committing Animal Cruelty in the first degree do not have an assigned seriousness level.

Classification of Crimes and Fines.

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

<u>Classification</u>	<u>Maximum Confinement</u>	<u>Maximum Fine</u>
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

When a person is convicted of a felony, the Sentencing Reform Act applies and determines a specific range of confinement within the statutory maximum. Ranges are determined by a sentencing grid. The sentencing grid provides a standard range of months for the sentence, based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the offender's criminal history. Seriousness levels range from I to XVI, and offender scores can range from zero to nine or more points. A higher seriousness level or offender score results in a longer sentence.

Summary of Bill:

Every manner of committing the crime of Animal Cruelty in the first degree is ranked as a seriousness level III offense.

Appropriation: None.

Fiscal Note: Requested on January 4, 2024.

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