

SENATE BILL REPORT

HB 1961

As Passed Senate, February 28, 2024

Title: An act relating to animal cruelty in the first degree.

Brief Description: Concerning animal cruelty in the first degree.

Sponsors: Representatives Low, Walen, Leavitt, Eslick, Sandlin, Paul, Couture, Ramel, Ramos, Bateman, Graham, Cheney, Riccelli, Pollet and Shavers.

Brief History: Passed House: 1/29/24, 95-1.

Committee Activity: Law & Justice: 2/15/24, 2/20/24 [DP].

Floor Activity: Passed Senate: 2/28/24, 49-0.

Brief Summary of Bill

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

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; Kuderer, McCune, Pedersen, Salomon, Torres, Valdez, Wagoner and Wilson, L..

Staff: Joe McKittrick (786-7287)

Background: Animal Cruelty in the First Degree. Animal cruelty in the first degree is a class C felony. A person may commit this crime in manner of different ways. A person commits first degree animal cruelty if the person, except as authorized by law:

- inflicts substantial pain on, causes physical pain to, or 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; or

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- with criminal negligence starves, dehydrates, or suffocates an animal, or exposes an animal to excessive heat or cold and as a result causes either substantial and unjustifiable physical pain that extends for a period sufficient to cause considerable suffering or death.

A person will not be guilty of animal cruelty by means of exposing an animal to excessive heat or cold, if the exposure is due to an unforeseen or unpreventable accident or event caused exclusively by an extraordinary force of nature.

A person may also commit first degree animal cruelty if the person knowingly:

- engages in any sexual conduct or sexual contact with an animal;
- causes, aid, or abets another person to engage in sexual conduct with an animal;
- permits any sexual conduct or sexual contact with an animal to be conducted on any premises under the person's charge or control;
- engages in, organizes, promotes, conducts, advertises, aids, abets, participates in as an observer, or performs any service in the furtherance of an act involving any sexual conduct or sexual contact with an animal for a commercial or recreational purpose; or
- photographs or films, for the purpose of sexual gratification, a person engaged in a sexual act or sexual contact with an animal.

Felony Seriousness Level. In 1981 Washington enacted the Sentencing Reform Act (SRA) which replaced a system of indeterminate sentencing, where a person's release date was determined by a parole board, with a system of determinate sentencing, where formulas and matrices determined a set sentence length.

Under the SRA, when determining a particular person's standard sentence range, the determinate range of time in which a judge may set the sentence, the court must first determine the seriousness level of the crime. Felony crimes range in seriousness from level XVI for the most serious crimes to level I for less serious felonies. However, some felonies that are rarely charged or recently created are not included in the table listing crimes by seriousness level or in the felony sentencing grid. These are commonly referred to as unranked felonies.

Unlike ranked felonies, unranked felonies have no standard sentence range, and a judge may impose a determinate sentence up to 12 months confinement, and may also impose community service, legal financial obligations, and community supervision.

Seriousness level of Animal Cruelty in the First Degree. First degree animal cruelty involving sexual conduct or contact with an animal is considered a seriousness level II offense meaning a person convicted of this crime with no relevant criminal history would face a standard sentence range of one to three months of confinement, and a person with a maximum offender score of nine, would face a standard sentence range of 51 to 60 months confinement.

First degree animal cruelty by means of inflicting substantial pain or death, or by means of negligently starving, dehydrating, or suffocating an animal, or exposing an animal to extreme heat or cold, are considered unranked class C felonies. A person convicted of first degree by either of these means, regardless of the person's criminal history or offender score, could face up to one year of confinement.

Summary of Bill: Animal cruelty in the first degree, regardless by which means the crime is committed, is classified as a seriousness level III offense.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill would create consistency in sentencing for the crime of animal cruelty for judges, prosecutors, and defense attorneys. Currently, this treats perpetrators the same whether they abuse one animal or 100. This would also align the penalty for this crime with other similar crimes such as unlawful taking of big game. The lack of uniformity in the ranking of animal cruelty has resulted in a serious discrepancy in how acts of animal cruelty are sentenced. Currently, even if a person abuses ten animals and is convicted of ten counts of animal cruelty, the perpetrator will face the same sentence range as if they abused only one animal.

CON: The scope of this bill includes increasing the penalty of negligent conduct not just intentional conduct. Negligent conduct related to animals should not be ranked at the same level of intentional conduct such as assault of a police officer.

Persons Testifying: PRO: Representative Sam Low, Prime Sponsor; Brenna Anderst, Pasado's Safe Haven/Education & Advocacy Director; Nathaniel Block, Skagit County Prosecuting Attorney's Office; Tina Griffin, Washington State Gambling Commission; Sam Low, Representative 39th District.

CON: Ramona Brandes.

Persons Signed In To Testify But Not Testifying: No one.