## HOUSE BILL 1149

## State of Washington 69th Legislature 2025 Regular Session

**By** Representatives Hackney, Low, Ramel, Leavitt, Obras, Timmons, Peterson, Wylie, Pollet, Kloba, Farivar, Berg, Ormsby, Fosse, Hill, and Walen

Prefiled 12/31/24. Read first time 01/13/25. Referred to Committee on Community Safety.

AN ACT Relating to the prevention of cruelty to animals; amending RCW 16.52.011, 16.52.085, 16.52.100, 16.52.117, 16.52.200, and 16.52.207; reenacting and amending RCW 9.94A.515; and prescribing penalties.

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

6 **Sec. 1.** RCW 16.52.011 and 2020 c 158 s 2 are each amended to 7 read as follows:

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

10 (2) The definitions in this section apply throughout this chapter 11 unless the context clearly requires otherwise.

(a) "Abandons" means the knowing or reckless desertion of an animal by its owner, or by a person who has taken control, custody, or possession of an animal that was involved in animal fighting as described in RCW 16.52.117, or the causing of the animal to be deserted by its owner, in any place, without making provisions for the animal's adequate care.

18 (b) "Animal" means any nonhuman mammal, bird, reptile, or 19 amphibian.

20 (c) "Animal care and control agency" means any city or county 21 animal control agency or authority authorized to enforce city or

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1 county municipal ordinances regulating the care, control, licensing, 2 or treatment of animals within the city or county, and any 3 corporation organized under RCW 16.52.020 that contracts with a city 4 or county to enforce the city or county ordinances governing animal 5 care and control.

6 (d) "Animal control officer" means any individual employed, 7 contracted, or appointed pursuant to RCW 16.52.025 by an animal care 8 and control agency or humane society to aid in the enforcement of 9 ordinances or laws regulating the care and control of animals. For 10 purposes of this chapter, the term "animal control officer" shall be 11 interpreted to include "humane officer" as defined in (h) of this 12 subsection and RCW 16.52.025.

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

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

18 (g) "Food" means food or feed appropriate to the species for 19 which it is intended.

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

(i) "Law enforcement agency" means a general authority Washingtonlaw enforcement agency as defined in RCW 10.93.020.

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

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

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

34 (m)) of species-appropriate food that is easily accessible to 35 the animal and of sufficient quantity and quality to sustain the 36 animal in good health and allow for normal growth or maintenance of 37 healthy body weight, provided at suitable intervals for the species, 38 age, and condition of the animal, but at least once daily unless 39 daily feeding is not suitable for the species, and placed so as to 1 <u>minimize contamination by excrement and pests</u>, or as directed by a 2 veterinarian for medical reasons.

(m) "Necessary medical attention" means veterinary care as deemed
 necessary by a reasonably prudent person to prevent or relieve in a
 timely manner distress from injury, neglect, or physical infirmity.

6 <u>(n) "Necessary sanitation" means that both indoor areas and</u> 7 <u>outdoor enclosures are kept reasonably clean and free from excess</u> 8 <u>waste, garbage, noxious odors, or other contaminants, objects, or</u> 9 <u>other animals that could cause harm to the animal's health and well-</u> 10 <u>being.</u>

11 (o) "Necessary shelter" means a structure sufficient to protect 12 ((a dog)) <u>an animal</u> from wind, rain, snow, cold, heat, or sun that 13 has bedding to permit ((a dog)) <u>an animal</u> to remain dry and 14 reasonably clean and maintain a normal body temperature, <u>except as</u> 15 <u>excluded by RCW 16.52.185 relating to accepted husbandry practices</u> 16 <u>used in the commercial raising or slaughtering of livestock or</u> 17 <u>poultry.</u>

18 (p) "Necessary space," except as excluded by RCW 16.52.185
19 relating to accepted husbandry practices used in the commercial
20 raising or slaughtering of livestock or poultry, means continuous
21 access to an area with the following:

(i) Adequate space for exercise necessary for the physical health and well-being of the animal based on the animal's species, age, or physical condition;

25 (ii) Temperature and ventilation suitable to the health and well26 being of the animal based on the animal's species, age, or physical
27 condition; and

28 <u>(iii) Regular diurnal lighting cycles of either natural or</u>
29 <u>artificial light</u>.

((((n))) (q) "Necessary water" means ((water that is in sufficient 30 31 quantity and of appropriate quality for the species for which it is 32 intended and that is accessible to the animal)) the provision of open or adequate access to potable water of a drinkable temperature that 33 is easily accessible to the animal, in sufficient quantity to satisfy 34 the animal's needs and placed so as to minimize contamination of the 35 36 water by excrement and pests, or as directed by a veterinarian for medical reasons. 37

38 ((((o))) (r) "Owner" means a person who has a right, claim, title, 39 legal share, or right of possession to an animal or a person having 40 ((lawful)) control, custody, or possession of an animal. 1 ((<del>(p)</del>)) <u>(s)</u> "Person" means individuals, corporations, 2 partnerships, associations, or other legal entities, and agents of 3 those entities.

4 ((<del>(q)</del>)) <u>(t)</u> "Substantial bodily harm" means substantial bodily
5 harm as defined in RCW 9A.04.110.

6 (((r))) (u) "Tether" means: (i) To restrain an animal by tying or
7 securing the animal to any object or structure; and (ii) a device
8 including, but not limited to, a chain, rope, cable, cord, tie-out,
9 pulley, or trolley system for restraining an animal.

10 Sec. 2. RCW 16.52.085 and 2023 c 246 s 2 are each amended to 11 read as follows:

12 (1) For the purposes of this section:

(a) "Minimum care" means care sufficient to preserve the physical and mental health and well-being of an animal and includes, but is not limited to, the following requirements:

16 (i) Food of sufficient nutrition, quantity, and quality to allow 17 for normal growth or maintenance of healthy body weight;

18 (ii) Open or adequate access to potable water of a drinkable 19 temperature in sufficient quantity to satisfy the animal's needs;

(iii) Shelter sufficient to protect the animal from wind, rain, snow, sun, or other environmental or weather conditions based on the animal's species, age, or physical condition;

(iv) Veterinary or other care as may be deemed necessary by a reasonably prudent person to prevent or relieve in a timely manner distress from injury, neglect, or physical infirmity; and

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(v) Continuous access to an area:

(A) With adequate space for exercise necessary for the physical
and mental health and well-being of the animal. Inadequate space may
be indicated by evidence of debility, stress, or abnormal behavior
patterns;

31 (B) With temperature and ventilation suitable for the health and 32 well-being of the animal based on the animal's species, age, or 33 physical condition;

34 (C) With regular diurnal lighting cycles of either natural or 35 artificial light; and

36 (D) Kept reasonably clean and free from excess waste, garbage, 37 noxious odors, or other contaminants, objects, or other animals that 38 could cause harm to the animal's health and well-being.

1 (b) "Physical infirmity" includes, but is not limited to, 2 starvation, dehydration, hypothermia, hyperthermia, muscle atrophy, 3 restriction of blood flow to a limb or organ, mange or other skin 4 disease, or parasitic infestation.

5 (c) "Physical injury" includes, but is not limited to, 6 substantial physical pain, fractures, cuts, burns, punctures, 7 bruises, or other wounds or illnesses produced by violence or by a 8 thermal or chemical agent.

9 (d) "Serious physical injury or infirmity" means physical injury 10 or physical infirmity that creates a substantial risk of death or 11 that causes protracted disfigurement, protracted impairment of 12 health, or protracted loss or impairment of the function of a limb or 13 bodily organ.

(2) (a) If a law enforcement officer or animal control officer has probable cause to believe that an owner of a domestic animal has violated this chapter or a person owns, cares for, or resides with an animal in violation of RCW 16.52.200 or an order issued under RCW <u>16.52.117</u>, 16.52.205, or 16.52.207, the officer, after obtaining a warrant, may enter the premises where the animal is located and seize the animal.

(b) If a law enforcement officer or an animal control officer has probable cause to believe an animal is in imminent danger or is suffering serious physical injury or infirmity, or needs immediate medical attention, the officer may enter onto private property without a warrant to:

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(i) Render emergency aid to the animal; or

(ii) Seize the animal without a warrant. Any animal seized without a warrant shall immediately be brought to a veterinarian licensed in the state of Washington to provide medical attention and to assess the health of the animal.

31 (c) A law enforcement officer or an animal control officer is not 32 liable for any damages for entry onto private property without a 33 warrant under this section, provided that the officer does not use 34 any more force than is reasonably necessary to enter upon the 35 property and remove the animal.

36 (3)(a) An animal seized under this section may be placed into the 37 custody of an animal care and control agency, into foster care that 38 is not associated in any way with the owner, or with a nonprofit 39 humane society, nonprofit animal sanctuary, or nonprofit rescue 40 organization. In determining what is a suitable placement, the

officer shall consider the animal's needs, including its size, medical needs, and behavioral characteristics. Any person or custodial agency receiving an animal seized under this section shall provide the animal with minimum care.

5 (b) If a seized animal is placed into foster care or with a 6 nonprofit animal sanctuary or rescue organization, the seizing agency 7 shall retain constructive custody of the animal, shall have the duty 8 to ensure the animal receives minimum care, and may draw from the 9 bond under subsection (5) of this section and distribute the funds to 10 the foster home, authorized humane society, sanctuary, or rescue 11 organization that is authorized to care for the animal.

12 (4) The owner from whom the animal was seized shall be provided with notice of the right to petition for immediate return of the 13 animal and shall be afforded an opportunity to petition for such a 14 civil hearing before the animal is deemed abandoned and forfeited. 15 16 Any owner whose animal is seized by a law enforcement officer or 17 animal control officer under this section shall, within 72 hours following the seizure, be given written notice of the circumstances 18 of the removal and notice of legal remedies available to the owner. 19 The notice shall be given by posting at the place of seizure, by 20 21 delivery to the last known or suspected owner in person or a person 22 residing at the place of seizure, or by registered mail to the last 23 known or suspected owner. Such notice shall include:

(a) The name, business address, and telephone number of the law
 enforcement agency or animal care and control agency responsible for
 seizing the animal;

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(b) A description of the seized animal;

(c) The authority and purpose for the seizure, including thetime, place, and circumstances under which the animal was seized;

30 (d) A statement that the owner is responsible for the cost of 31 care for an animal who was lawfully seized, and that the owner will 32 be required to post a bond with the clerk of the district court of 33 the county from which the animal was seized to defray the cost of 34 minimum care pursuant to subsection (5) of this section within 14 35 calendar days of the seizure or the animal will be deemed abandoned 36 and forfeited; and

(e) A statement that the owner has a right to petition the district court for a civil hearing for immediate return of the animal and that in order to receive a hearing, the owner or owner's agent must request the civil hearing by signing and returning to the court

1 an enclosed petition within 14 calendar days after the date of 2 seizure. The enclosed petition must be in substantially the same form 3 as set forth in subsection (13) of this section.

(5) (a) When an animal is seized pursuant to this section, the 4 owner shall post a bond with the district court in an amount 5 6 sufficient to provide minimum care for each animal seized for 30 days, including the day on which the animal was taken into custody, 7 regardless of whether the animal is the subject of a criminal charge. 8 Such bond shall be filed with the clerk of the district court of the 9 county from which the animal was seized within 14 calendar days after 10 11 the day the animal is seized.

(b) (i) If an owner fails to post a bond by 5:00 p.m. on the 14th calendar day after the day the animal was seized as required under this section, the animal is deemed abandoned and the owner's interest in the animal is forfeited to the custodial agency by operation of law in accordance with the notice provided in subsection (4) of this section.

(ii) A petition required by subsection (4)(e) of this section may be filed in the district court of the county from which an animal was seized concerning any animal seized pursuant to this section. Copies of the petition must be served on the law enforcement agency or animal care and control agency responsible for seizing the animal and the prosecuting attorney.

(iii) An owner's failure to file a written petition by 5:00 p.m. 24 on the 14th calendar day after the day the animal was seized shall 25 constitute a waiver of the right to file a petition under this 26 subsection and the animal is deemed abandoned and the owner's 27 28 interest in the animal is forfeited to the custodial agency by operation of law unless a bond has been posted pursuant to this 29 subsection (5). The court may extend the 14-day period to file a 30 31 written petition by an additional 14 calendar days if the petitioner 32 did not have actual notice of the seizure and the court finds, on the 33 record and in writing, that there are exceptional and compelling circumstances justifying the extension. 34

35 (c)(i) Upon receipt of a petition pursuant to (b) of this 36 subsection, the court shall set a civil hearing on the petition. The 37 hearing shall be conducted within 30 calendar days after the filing 38 of the petition.

39 (ii) At the hearing requested by the owner, the rules of civil 40 procedure shall apply and the respondent shall have the burden of

establishing probable cause to believe that the seized animal was 1 subjected to a violation of this chapter. The owner shall have an 2 3 opportunity to be heard before the court makes its final finding. If the court finds that probable cause exists, the court shall order the 4 owner to post a bond as required by this subsection (5) within 72 5 6 hours of the hearing, and if the owner fails to do so, the seized animal is deemed abandoned and the owner's interest in the animal is 7 forfeited to the custodial agency by operation of law. If the 8 respondent does not meet its burden of proof, the court may order the 9 animal returned to the owner at no cost to the owner, subject to 10 conditions set by the court. If the court orders the return of an 11 12 animal to the owner, the court may also order:

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(A) Reasonable attorney fees for the owner; and

(B) A full refund of the bond posted pursuant to this subsection(5) by the owner for the care of the animal.

(d) (i) If a bond has been posted in accordance with this subsection (5), subsequent court proceedings shall be given court calendar priority so long as the animal remains in the custody of the custodial agency and the custodial agency may draw from the bond the actual reasonable costs incurred by the agency in providing minimum care to the animal from the date of seizure to the date of final disposition of the animal in the criminal action.

(ii) At the end of the time for which expenses are covered by the bond, if the owner seeks to prevent disposition of the animal by the custodial agency, the owner shall post a new bond with the court within 72 hours following the prior bond's expiration. If an owner fails to post or renew a bond as required under this subsection (5), the animal is deemed abandoned and the owner's interest in the animal is forfeited to the custodial agency by operation of law.

30 (e) For the purposes of this subsection (5), "animal" includes 31 all unborn offspring of the seized animal and all offspring of the 32 seized animal born after the animal was seized.

(6) When an animal is seized from a person prohibited from owning, caring for, possessing, or residing with animals under RCW 16.52.200 or an order issued pursuant to RCW <u>16.52.117</u>, 16.52.205, or 16.52.207, the animal is immediately and permanently forfeited by operation of law to the custodial agency and no court action is necessary.

39 (7) If an animal is forfeited to a custodial agency according to 40 the provisions of this section, the agency to which the animal was 1 forfeited may place the animal with a new owner; provided that the 2 agency may not place the animal with family members or friends of the 3 former owner or with anyone who lives in the same household as the 4 former owner. At the time of placement, the agency must provide the 5 new owner with notice that it may constitute a crime for the former 6 owner to own, care for, possess, or reside with the animal at any 7 time in the future.

8 (8) A custodial agency may authorize a veterinarian or veterinary 9 technician licensed in the state of Washington or a certified 10 euthanasia technician certified in the state of Washington to 11 euthanize a seized animal for humane reasons at any time if the 12 animal is severely injured, sick, diseased, or suffering.

(9) Nothing in this chapter shall be construed to prevent the voluntary, permanent relinquishment of any animal by its owner to a law enforcement officer, animal control officer, or animal care and control agency. Voluntary relinquishment has no effect on the criminal charges that may be pursued by the appropriate authorities.

18 (10) Nothing in this chapter requires court action for taking 19 custody of, caring for, and properly disposing of stray, feral, at-20 large, or abandoned animals, or wild animals not owned or kept as 21 pets or livestock, as lawfully performed by law enforcement agencies 22 or animal care and control agencies.

(11) Any authorized person caring for, treating, or attempting to restore an animal to health under this chapter shall not be civilly or criminally liable for such action.

26 (12) The provisions of this section are in addition to, and not 27 in lieu of, the provisions of RCW 16.52.200.

(13) A petition for a civil hearing for the immediate return of a seized animal shall be in a form substantially similar to the following:

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32	"IN THE COURT		
33	OF THE STATE OF WASHINGTON IN AND FOR		
34	THE COUNTY OF		
35	,	No	
36	Petitioner,		
37	vs.	PETITION FOR	
38	,	RETURN OF SEIZED	
39	Respondent	ANIMALS	

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## PARTIES/JURISDICTION

2 (a) (i) That Petitioner is, and at all relevant times herein was,
3 a resident of . . . . (county of residence) County, Washington.

(ii) That Respondent is, and at all relevant times herein was, an
agent, contractor, or political subdivision of the City/County
of . . . . (city or county of seizing agency), State of Washington.
(iii) That Petitioner's animal/animals were seized by Respondent
in . . . . (county where animals were seized) County, Washington.

9 (iv) That this Court has jurisdiction over the subject matter and 10 the parties hereto.

11 FACTS

(b) (i) That upon seizure of . . . (number and type of animals)
such animals were placed in the care and custody of the Respondent
on . . . (date of seizure).

(ii) That on or about . . . (date on notice) the Respondent issued a seizure, bond, and forfeiture notice under RCW 16.52.085, a true and correct copy of said notice and accompanying attachments is attached hereto and incorporated herein as Exhibit A (attach a copy of the notice of seizure to this petition).

(iii) That pursuant to such notice, Petitioner herein files this petition for the immediate return of all such seized animals pursuant to RCW 16.52.085.

23 PRAYER

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(c) Petitioner prays that this Court grant said petition and order the immediate return of Petitioner's aforementioned animals to Petitioner's care and custody.

28 DATED the . . . day of ....., ....

32 Sec. 3. RCW 16.52.100 and 1994 c 261 s 10 are each amended to 33 read as follows:

<u>(1)</u> If any domestic animal is impounded or confined without necessary food and water for more than ((thirty-six)) <u>24</u> consecutive hours, any person may, from time to time, as is necessary, enter into and open any pound or place of confinement in which any domestic animal is confined, and supply it with necessary food and water so long as it is confined. The person shall not be liable to action for

1 the entry, and may collect from the animal's owner the reasonable 2 cost of the food and water. The animal shall be subject to attachment 3 for the costs and shall not be exempt from levy and sale upon 4 execution issued upon a judgment.

(2) An investigating officer may enter into and upon a property, 5 6 building, dwelling, or vehicle to provide a confined animal necessary 7 food and water prior to the animal being without necessary food or water for 24 consecutive hours if the officer has probable cause to 8 believe the animal's health or life is in imminent danger. If an 9 investigating officer finds it extremely difficult to supply confined 10 animals with food and water, the officer may remove the animals to 11 12 protective custody for that purpose.

13 (3) Nothing in this section shall be construed as requiring an 14 investigating officer to wait for an animal to be confined or 15 impounded without necessary food or water for 24 consecutive hours 16 before making a determination that the animal has been abandoned.

17 Sec. 4. RCW 16.52.117 and 2019 c 174 s 1 are each amended to 18 read as follows:

(1) A person commits the crime of animal fighting if the person
knowingly does any of the following ((<del>or</del>)), causes a minor to do any
of the following, or aids or abets any of the following:

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

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

31 (c) Keeps or uses any place for the purpose of animal fighting, 32 or manages or accepts payment of admission to any place kept or used 33 for the purpose of animal fighting;

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

37 (e) Steals, takes, leads away, possesses, confines, sells,
 38 transfers, or receives an animal with the intent of using the animal

1 for animal fighting, or for training or baiting for the purpose of 2 animal fighting; or

3 (f) Owns, possesses, buys, sells, transfers, or manufactures 4 animal fighting paraphernalia for the purpose of engaging in, 5 promoting, or facilitating animal fighting, or for baiting a live 6 animal for the purpose of animal fighting.

7 (2)(a) Except as provided in (b) of this subsection, a person who 8 violates this section is guilty of a class C felony punishable under 9 RCW 9A.20.021;

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

(3) Nothing in this section prohibits the following:

14 (a) The use of dogs in the management of livestock, as defined by 15 chapter 16.57 RCW, by the owner of the livestock or the owner's 16 employees or agents or other persons in lawful custody of the 17 livestock;

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

19 (c) The training of animals or the use of equipment in the 20 training of animals for any purpose not prohibited by law.

21 (4) For the purposes of this section, "animal fighting paraphernalia" includes equipment, products, implements, or materials 22 of any kind that are used, intended for use, or designed for use in 23 24 the training, preparation, conditioning, or furtherance of animal 25 fighting, and includes, but is not limited to: Cat mills; fighting 26 pits; springpoles; unprescribed veterinary medicine; treatment supplies; and gaffs, slashers, heels, and any other sharp implement 27 28 designed to be attached in place of the natural spur of a cock or 29 game fowl.

30 Sec. 5. RCW 16.52.200 and 2020 c 158 s 5 are each amended to 31 read as follows:

32 (1) The sentence imposed for a misdemeanor or gross misdemeanor 33 violation of this chapter may be deferred or suspended in accordance 34 with RCW 3.66.067 and 3.66.068, however the probationary period shall 35 be two years.

36 (2) In case of multiple misdemeanor or gross misdemeanor 37 convictions, the sentences shall be consecutive, however the 38 probationary period shall remain two years. 1 (3) In addition to the penalties imposed by the court, the court shall order the forfeiture of all animals held by law enforcement or 2 animal care and control authorities under the provisions of this 3 chapter if any one of the animals involved dies as a result of a 4 violation of this chapter or if the defendant has a prior conviction 5 6 under this chapter. In other cases the court may enter an order requiring the owner to forfeit the animal if the court deems the 7 animal's treatment to have been severe and likely to reoccur. 8

9 (4) Any person convicted of animal cruelty <u>or animal fighting</u> 10 shall be prohibited from owning, caring for, possessing, or residing 11 with any animals for a period of time as follows:

12 (a) Two years for a first conviction of animal cruelty in the 13 second degree under RCW 16.52.207;

(b) Permanently for a first conviction of animal cruelty in the first degree under RCW 16.52.205 <u>or for a first conviction of animal</u> <u>fighting under RCW 16.52.117</u>;

(c) Permanently for a second or subsequent conviction of animalcruelty, except as provided in subsection (5) of this section.

(5) If a person has no more than two convictions of animal 19 cruelty and each conviction is for animal cruelty in the second 20 21 degree, the person may petition the sentencing court in which the most recent animal cruelty conviction occurred, for a restoration of 22 the right to own, care for, possess, or reside with animals five 23 years after the date of the second conviction. In determining whether 24 25 to grant the petition, the court shall consider, but not be limited 26 to, the following:

(a) The person's prior animal cruelty in the second degreeconvictions;

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(b) The type of harm or violence inflicted upon the animals;

30 (c) Whether the person has completed the conditions imposed by 31 the court as a result of the underlying convictions;

32 (d) Whether the person complied with the prohibition on owning,33 caring for, possessing, or residing with animals; and

34 (e) Any other matters the court finds reasonable and material to 35 consider in determining whether the person is likely to abuse another 36 animal.

The court may delay its decision on forfeiture under subsection (3) of this section until the end of the probationary period.

39 (6) In addition to fines and court costs, the defendant, only if 40 convicted or in agreement, shall be liable for reasonable costs

incurred pursuant to this chapter by law enforcement agencies, animal care and control agencies, or authorized private or public entities involved with the care of the animals. Reasonable costs include expenses of the investigation, and the animal's care, euthanization, or adoption.

6 (7) If convicted, the defendant shall also pay a civil penalty of 7 ((one thousand dollars)) <u>\$1,000</u> to the county to prevent cruelty to 8 animals. These funds shall be used to prosecute offenses under this 9 chapter and to care for forfeited animals pending trial.

10 (8) If a person violates the prohibition on owning, caring for, 11 possessing, or residing with animals under subsection (4) of this 12 section, that person:

13 (a) ((Shall pay a civil penalty of one thousand dollars)) Is 14 guilty of a misdemeanor for the first violation;

(b) ((Shall pay a civil penalty of two thousand five hundred dollars)) Is guilty of a gross misdemeanor for the second violation; and

18 (c) Is guilty of a ((gross misdemeanor)) <u>class C felony</u> for the 19 third and each subsequent violation.

(9) As a condition of the sentence imposed under this chapter or RCW 9.08.070 through 9.08.078, the court may also order the defendant to participate in an available animal cruelty prevention or education program or obtain available psychological counseling to treat mental health problems contributing to the violation's commission. The defendant shall bear the costs of the program or treatment.

(10) Nothing in this section limits the authority of a law enforcement officer, animal control officer, custodial agency, or court to remove, adopt, euthanize, or require forfeiture of an animal under RCW 16.52.085.

30 Sec. 6. RCW 16.52.207 and 2020 c 158 s 7 are each amended to 31 read as follows:

32 (1) A person is guilty of animal cruelty in the second degree if,33 under circumstances not amounting to first degree animal cruelty:

(a) The person knowingly, recklessly, or with criminal negligence
 inflicts unnecessary suffering or pain upon an animal; ((<del>or</del>))

36 (b) The person takes control, custody, or possession of an animal 37 that was involved in animal fighting as described in RCW 16.52.117 38 and knowingly, recklessly, or with criminal negligence abandons the 39 animal<u>; or</u>

1	(c) The person willfully instigates, engages in, or in any way		
2	furthers any act of animal cruelty to any animal.		
3	(2) (( <del>An owner of an animal</del> )) <u>A person</u> is guilty of animal		
4	cruelty in the second degree if, under circumstances not amounting to		
5	first degree animal cruelty, the (( <del>owner</del> )) <u>person</u> knowingly,		
6	recklessly, or with criminal negligence:		
7	(a) Fails to provide the animal with necessary <u>food, water</u> ,		
8	shelter, rest, sanitation, space, or medical attention and the animal		
9	suffers unnecessary or unjustifiable physical pain as a result of the		
10 11	<pre>failure; or   (b) Abandons the animal.</pre>		
12	(3) Animal cruelty in the second degree is a gross misdemeanor.		
т 2	(3) minut crucity in the second degree is a gross misdemeanor.		
13	Sec. 7. RCW 9.94A.515 and 2024 c 301 s 29 and 2024 c 55 s 1 are		
14	each reenacted and amended to read as follows:		
15	TABLE 2		
16	CRIMES INCLUDED WITHIN EACH		
17	SERIOUSNESS LEVEL		
18	XVI Aggravated Murder 1 (RCW 10.95.020)		
19	XV Homicide by abuse (RCW 9A.32.055)		
20	Malicious explosion 1 (RCW		
21	70.74.280(1))		
22	Murder 1 (RCW 9A.32.030)		
23	XIV Murder 2 (RCW 9A.32.050)		
24	Trafficking 1 (RCW 9A.40.100(1))		
25	XIII Malicious explosion 2 (RCW		
26	70.74.280(2))		
27	Malicious placement of an explosive 1		
28	(RCW 70.74.270(1))		
29	XII Assault 1 (RCW 9A.36.011)		
30	Assault of a Child 1 (RCW 9A.36.120)		
31	Malicious placement of an imitation		
32	device 1 (RCW 70.74.272(1)(a))		
33	Promoting Commercial Sexual Abuse		
34	of a Minor (RCW 9.68A.101)		
35	Rape 1 (RCW 9A.44.040)		

1		Rape of a Child 1 (RCW 9A.44.073)
2		Trafficking 2 (RCW 9A.40.100(3))
3	XI	Manslaughter 1 (RCW 9A.32.060)
4		Rape 2 (RCW 9A.44.050)
5		Rape of a Child 2 (RCW 9A.44.076)
6		Vehicular Homicide, by being under the
7		influence of intoxicating liquor or
8		any drug (RCW 46.61.520)
9		Vehicular Homicide, by the operation of
10		any vehicle in a reckless manner
11		(RCW 46.61.520)
12	Х	Child Molestation 1 (RCW 9A.44.083)
13		Criminal Mistreatment 1 (RCW
14		9A.42.020)
15		Indecent Liberties (with forcible
16		compulsion) (RCW
17		9A.44.100(1)(a))
18		Kidnapping 1 (RCW 9A.40.020)
19		Leading Organized Crime (RCW
20		9A.82.060(1)(a))
21		Malicious explosion 3 (RCW
22		70.74.280(3))
23		Sexually Violent Predator Escape (RCW
24		9A.76.115)
25	IX	Abandonment of Dependent Person 1
26		(RCW 9A.42.060)
27		Assault of a Child 2 (RCW 9A.36.130)
28		Explosive devices prohibited (RCW
29		70.74.180)
30		Hit and Run—Death (RCW
31		46.52.020(4)(a))
32		Homicide by Watercraft, by being under
33		the influence of intoxicating liquor
34		or any drug (RCW 79A.60.050)

1 2		Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
3		
4		Malicious placement of an explosive 2 (RCW 70.74.270(2))
5		Robbery 1 (RCW 9A.56.200)
6		Sexual Exploitation (RCW 9.68A.040)
7	VIII	Arson 1 (RCW 9A.48.020)
8		Commercial Sexual Abuse of a Minor
9		(RCW 9.68A.100)
10		Homicide by Watercraft, by the
11		operation of any vessel in a reckless
12		manner (RCW 79A.60.050)
13		Manslaughter 2 (RCW 9A.32.070)
14		Promoting Prostitution 1 (RCW
15		9A.88.070)
16		Theft of Ammonia (RCW 69.55.010)
17	VII	Air bag diagnostic systems (causing
18		bodily injury or death) (RCW
19		46.37.660(2)(b))
20		Air bag replacement requirements
21		(causing bodily injury or death)
22		(RCW 46.37.660(1)(b))
23		Burglary 1 (RCW 9A.52.020)
24		Child Molestation 2 (RCW 9A.44.086)
25		Civil Disorder Training (RCW
26		9A.48.120)
27		Custodial Sexual Misconduct 1 (RCW
28		9A.44.160)
29		Dealing in depictions of minor engaged
30		in sexually explicit conduct 1
31		(RCW 9.68A.050(1))
32		Drive-by Shooting (RCW 9A.36.045)
33		False Reporting 1 (RCW
34		9A.84.040(2)(a))

1		Homicide by Watercraft, by disregard
2		for the safety of others (RCW
3		79A.60.050)
4		Indecent Liberties (without forcible
5		compulsion) (RCW 9A.44.100(1)
6		(b) and (c))
7		Introducing Contraband 1 (RCW
8		9A.76.140)
9		Malicious placement of an explosive 3
10		(RCW 70.74.270(3))
11		Manufacture or import counterfeit,
12		nonfunctional, damaged, or
13		previously deployed air bag
14		(causing bodily injury or death)
15		(RCW 46.37.650(1)(b))
16		Negligently Causing Death By Use of a
17		Signal Preemption Device (RCW
18		46.37.675)
19		Sell, install, or reinstall counterfeit,
20		nonfunctional, damaged, or
21		previously deployed airbag (RCW
22		46.37.650(2)(b))
23		Sending, bringing into state depictions
24		of minor engaged in sexually
25		explicit conduct 1 (RCW
26		9.68A.060(1))
27		Unlawful Possession of a Firearm in the
28		first degree (RCW 9.41.040(1))
29		Use of a Machine Gun or Bump-fire
30		Stock in Commission of a Felony
31		(RCW 9.41.225)
32		Vehicular Homicide, by disregard for
33		the safety of others (RCW
34		46.61.520)
35	VI	Bail Jumping with Murder 1 (RCW
36		9A.76.170(3)(a))
37		Bribery (RCW 9A.68.010)

1	Incest 1 (RCW 9A.64.020(1))
2	Intimidating a Judge (RCW 9A.72.160)
3	Intimidating a Juror/Witness (RCW
4	9A.72.110, 9A.72.130)
5	Malicious placement of an imitation
6	device 2 (RCW 70.74.272(1)(b))
7	Possession of Depictions of a Minor
8	Engaged in Sexually Explicit
9	Conduct 1 (RCW 9.68A.070(1))
10	Rape of a Child 3 (RCW 9A.44.079)
11	Theft of a Firearm (RCW 9A.56.300)
12	Theft from a Vulnerable Adult 1 (RCW
13	9A.56.400(1))
14	Unlawful Storage of Ammonia (RCW
15	69.55.020)
16	V Abandonment of Dependent Person 2
17	(RCW 9A.42.070)
18	Advancing money or property for
19	extortionate extension of credit
20	(RCW 9A.82.030)
21	Air bag diagnostic systems (RCW
22	46.37.660(2)(c))
23	Air bag replacement requirements
24	(RCW 46.37.660(1)(c))
25	Bail Jumping with class A Felony
26	(RCW 9A.76.170(3)(b))
27	Child Molestation 3 (RCW 9A.44.089)
28	Criminal Mistreatment 2 (RCW
29	9A.42.030)
30	Custodial Sexual Misconduct 2 (RCW
31	9A.44.170)
32	Dealing in Depictions of Minor
33	Engaged in Sexually Explicit
34	Conduct 2 (RCW 9.68A.050(2))

1	Domestic Violence Court Order
2	Violation (RCW 7.105.450,
3	10.99.040, 10.99.050, 26.09.300,
4	26.26B.050, or 26.52.070)
5	Extortion 1 (RCW 9A.56.120)
6	Extortionate Extension of Credit (RCW
7	9A.82.020)
8	Extortionate Means to Collect
9	Extensions of Credit (RCW
10	9A.82.040)
11	Incest 2 (RCW 9A.64.020(2))
12	Kidnapping 2 (RCW 9A.40.030)
13	Manufacture or import counterfeit,
14	nonfunctional, damaged, or
15	previously deployed air bag (RCW
16	46.37.650(1)(c))
17	Perjury 1 (RCW 9A.72.020)
18	Persistent prison misbehavior (RCW
19	9.94.070)
20	Possession of a Stolen Firearm (RCW
21	9A.56.310)
22	Rape 3 (RCW 9A.44.060)
23	Rendering Criminal Assistance 1 (RCW
24	9A.76.070)
25	Sell, install, or reinstall counterfeit,
26	nonfunctional, damaged, or
27	previously deployed airbag (RCW
28	46.37.650(2)(c))
29	Sending, Bringing into State Depictions
30	of Minor Engaged in Sexually
31	Explicit Conduct 2 (RCW
32	9.68A.060(2))
33	Sexual Misconduct with a Minor 1
34	(RCW 9A.44.093)
35	Sexually Violating Human Remains
36	(RCW 9A.44.105)

1		Stalking (RCW 9A.46.110)
2		Taking Motor Vehicle Without
3		Permission 1 (RCW 9A.56.070)
4	IV	Animal Fighting (with intentional
5		mutilation) (RCW 16.52.117(2)(b))
6		Arson 2 (RCW 9A.48.030)
7		Assault 2 (RCW 9A.36.021)
8		Assault 3 (of a Peace Officer with a
9		Projectile Stun Gun) (RCW
10		9A.36.031(1)(h))
11		Assault 4 (third domestic violence
12		offense) (RCW 9A.36.041(3))
13		Assault by Watercraft (RCW
14		79A.60.060)
15		Bribing a Witness/Bribe Received by
16		Witness (RCW 9A.72.090,
17		9A.72.100)
18		Cheating 1 (RCW 9.46.1961)
19		Commercial Bribery (RCW 9A.68.060)
20		Counterfeiting (RCW 9.16.035(4))
21		Driving While Under the Influence
22		(RCW 46.61.502(6))
23		Endangerment with a Controlled
24		Substance (RCW 9A.42.100)
25		Escape 1 (RCW 9A.76.110)
26		Hate Crime (RCW 9A.36.080)
27		Hit and Run—Injury (RCW
28		46.52.020(4)(b))
29		Hit and Run with Vessel—Injury
30		Accident (RCW 79A.60.200(3))
31		Identity Theft 1 (RCW 9.35.020(2))
32		Indecent Exposure to Person Under Age
33		14 (subsequent sex offense) (RCW
34		9A.88.010)

1	Influencing Outcome of Sporting Event
2	(RCW 9A.82.070)
3	Physical Control of a Vehicle While
4	Under the Influence (RCW
5	46.61.504(6))
6	Possession of Depictions of a Minor
7	Engaged in Sexually Explicit
8	Conduct 2 (RCW 9.68A.070(2))
9	Residential Burglary (RCW 9A.52.025)
10	Robbery 2 (RCW 9A.56.210)
11	Theft of Livestock 1 (RCW 9A.56.080)
12	Threats to Bomb (RCW 9.61.160)
13	Trafficking in Catalytic Converters 1
14	(RCW 9A.82.190)
15	Trafficking in Stolen Property 1 (RCW
16	9A.82.050)
17	Unlawful factoring of a credit card or
18	payment card transaction (RCW
19	9A.56.290(4)(b))
20	Unlawful transaction of health coverage
21	as a health care service contractor
22	(RCW 48.44.016(3))
23	Unlawful transaction of health coverage
24	as a health maintenance
25	organization (RCW 48.46.033(3))
26	Unlawful transaction of insurance
27	business (RCW 48.15.023(3))
28	Unlicensed practice as an insurance
28 29	Unlicensed practice as an insurance professional (RCW 48.17.063(2))
	1
29 30 31	professional (RCW 48.17.063(2))
29 30	professional (RCW 48.17.063(2)) Use of Proceeds of Criminal
29 30 31	professional (RCW 48.17.063(2)) Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1)

1		Vehicular Assault, by being under the
2		influence of intoxicating liquor or
3		any drug, or by the operation or
4		driving of a vehicle in a reckless
5		manner (RCW 46.61.522)
6		Viewing of Depictions of a Minor
7		Engaged in Sexually Explicit
8		Conduct 1 (RCW 9.68A.075(1))
9	III	Animal Cruelty 1 (RCW 16.52.205)
10		Animal Fighting (without intentional
11		mutilation) (RCW 16.52.117(2)(a))
12		Assault 3 (Except Assault 3 of a Peace
13		Officer With a Projectile Stun Gun)
14		(RCW 9A.36.031 except subsection
15		(1)(h))
16		Assault of a Child 3 (RCW 9A.36.140)
17		Bail Jumping with class B or C Felony
18		(RCW 9A.76.170(3)(c))
19		Burglary 2 (RCW 9A.52.030)
20		Communication with a Minor for
21		Immoral Purposes (RCW
22		9.68A.090)
23		Criminal Gang Intimidation (RCW
24		9A.46.120)
25		Custodial Assault (RCW 9A.36.100)
26		Cyber Harassment (RCW
27		9A.90.120(2)(b))
28		Escape 2 (RCW 9A.76.120)
29		Extortion 2 (RCW 9A.56.130)
30		False Reporting 2 (RCW
31		9A.84.040(2)(b))
32		Harassment (RCW 9A.46.020)
33		Hazing (RCW 28B.10.901(2)(b))
34		Intimidating a Public Servant (RCW
35		9A.76.180)

1 2	Introducing Contraband 2 (RCW 9A.76.150)
3	, ,
4	Malicious Injury to Railroad Property (RCW 81.60.070)
5	Manufacture of Untraceable Firearm
6	with Intent to Sell (RCW 9.41.190)
7	Manufacture or Assembly of an
8	Undetectable Firearm or
9	Untraceable Firearm (RCW
10	9.41.325)
11	Mortgage Fraud (RCW 19.144.080)
12	Negligently Causing Substantial Bodily
13	Harm By Use of a Signal
14	Preemption Device (RCW
15	46.37.674)
16	Organized Retail Theft 1 (RCW
17	9A.56.350(2))
18	Perjury 2 (RCW 9A.72.030)
19	Possession of Incendiary Device (RCW
20	9.40.120)
21	Possession of Machine Gun, Bump-Fire
22	Stock, Undetectable Firearm, or
23	Short-Barreled Shotgun or Rifle
24	(RCW 9.41.190)
25	Promoting Prostitution 2 (RCW
26	9A.88.080)
27	Retail Theft with Special Circumstances
28	1 (RCW 9A.56.360(2))
29	Securities Act violation (RCW
30	21.20.400)
31	Tampering with a Witness (RCW
32	9A.72.120)
33	Telephone Harassment (subsequent
34	conviction or threat of death)
35	(RCW 9.61.230(2))
36	Theft of Livestock 2 (RCW 9A.56.083)

1	Theft with the Intent to Resell 1 (RCW	
2	9A.56.340(2))	
3	Trafficking in Catalytic Converters 2	
4	(RCW 9A.82.200)	
5	Trafficking in Stolen Property 2 (RCW	
6	9A.82.055)	
7	Unlawful Hunting of Big Game 1	
8	(RCW 77.15.410(3)(b))	
9	Unlawful Imprisonment (RCW	
10	9A.40.040)	
11	Unlawful Misbranding of Fish or	
12	Shellfish 1 (RCW 77.140.060(3))	
13	Unlawful possession of firearm in the	
14	second degree (RCW 9.41.040(2))	
15	Unlawful Taking of Endangered Fish or	
16	Wildlife 1 (RCW 77.15.120(3)(b))	
17	Unlawful Trafficking in Fish, Shellfish,	
18	or Wildlife 1 (RCW	
19	77.15.260(3)(b))	
20	Unlawful Use of a Nondesignated	
21	Vessel (RCW 77.15.530(4))	
22	Vehicular Assault, by the operation or	
23	driving of a vehicle with disregard	
24 25	for the safety of others (RCW	
	46.61.522)	
26 27	II Commercial Fishing Without a License	
	1 (RCW 77.15.500(3)(b))	
28	Computer Trespass 1 (RCW 9A.90.040)	
29	Counterfeiting (RCW 9.16.035(3))	
30	Electronic Data Service Interference	
31	(RCW 9A.90.060)	
32	Electronic Data Tampering 1 (RCW	
33	9A.90.080)	
34	Electronic Data Theft (RCW	
35	9A.90.100)	

1	Engaging in Fish Dealing Activity
2	Unlicensed 1 (RCW 77.15.620(3))
3	Escape from Community Custody
4	(RCW 72.09.310)
5	Failure to Register as a Sex Offender
6	(second or subsequent offense)
7	(RCW 9A.44.130 prior to June 10,
8	2010, and RCW 9A.44.132)
9	Health Care False Claims (RCW
10	48.80.030)
11	Identity Theft 2 (RCW 9.35.020(3))
12	Improperly Obtaining Financial
13	Information (RCW 9.35.010)
14	Malicious Mischief 1 (RCW 9A.48.070)
15	Organized Retail Theft 2 (RCW
16	9A.56.350(3))
17	Possession of Stolen Property 1 (RCW
18	9A.56.150)
19	Possession of a Stolen Vehicle (RCW
20	9A.56.068)
21	Possession, sale, or offering for sale of
22	seven or more unmarked catalytic
23	converters (RCW 9A.82.180(5))
24	Retail Theft with Special Circumstances
25	2 (RCW 9A.56.360(3))
26	Scrap Processing, Recycling, or
27	Supplying Without a License
28	(second or subsequent offense)
29	(RCW 19.290.100)
30	Theft 1 (RCW 9A.56.030)
31	Theft of a Motor Vehicle (RCW
32	9A.56.065)
33	Theft of Rental, Leased, Lease-
34	purchased, or Loaned Property
35	(valued at \$5,000 or more) (RCW
36	9A.56.096(5)(a))

1	Theft with the Intent to Resell 2 (RCW
2	9A.56.340(3))
3	Trafficking in Insurance Claims (RCW
4	48.30A.015)
5	Unlawful factoring of a credit card or
6	payment card transaction (RCW
7	9A.56.290(4)(a))
8	Unlawful Participation of Non-Indians
9	in Indian Fishery (RCW
10	77.15.570(2))
11	Unlawful Practice of Law (RCW
12	2.48.180)
13	Unlawful Purchase or Use of a License
14	(RCW 77.15.650(3)(b))
15	Unlawful Trafficking in Fish, Shellfish,
16	or Wildlife 2 (RCW
17	77.15.260(3)(a))
18	Unlicensed Practice of a Profession or
19	Business (RCW 18.130.190(7))
20	Voyeurism 1 (RCW 9A.44.115)
21	I Attempting to Elude a Pursuing Police
22	Vehicle (RCW 46.61.024)
23	False Verification for Welfare (RCW
24	74.08.055)
25	Forgery (RCW 9A.60.020)
26	Fraudulent Creation or Revocation of a
27	Mental Health Advance Directive
28	(RCW 9A.60.060)
29	Malicious Mischief 2 (RCW 9A.48.080)
30	Mineral Trespass (RCW 78.44.330)
31	Possession of Stolen Property 2 (RCW
32	9A.56.160)
33	Reckless Burning 1 (RCW 9A.48.040)
34	Spotlighting Big Game 1 (RCW
35	77.15.450(3)(b))

1	Suspension of Department Privileges 1
2	(RCW 77.15.670(3)(b))
3	Taking Motor Vehicle Without
4	Permission 2 (RCW 9A.56.075)
5	Theft 2 (RCW 9A.56.040)
6	Theft from a Vulnerable Adult 2 (RCW
7	9A.56.400(2))
8	Theft of Rental, Leased, Lease-
9	purchased, or Loaned Property
10	(valued at \$750 or more but less
11	than \$5,000) (RCW
12	9A.56.096(5)(b))
13	Transaction of insurance business
14	beyond the scope of licensure
15	(RCW 48.17.063)
16	Unlawful Fish and Shellfish Catch
17	Accounting (RCW 77.15.630(3)(b))
18	Unlawful Issuance of Checks or Drafts
19	(RCW 9A.56.060)
20	Unlawful Possession of Fictitious
21	Identification (RCW 9A.56.320)
22	Unlawful Possession of Instruments of
23	Financial Fraud (RCW 9A.56.320)
24	Unlawful Possession of Payment
25	Instruments (RCW 9A.56.320)
26	Unlawful Possession of a Personal
27	Identification Device (RCW
28	9A.56.320)
29	Unlawful Production of Payment
30	Instruments (RCW 9A.56.320)
31	Unlawful Releasing, Planting,
32	Possessing, or Placing Deleterious
33	Exotic Wildlife (RCW
34	77.15.250(2)(b))
35	Unlawful Trafficking in Food Stamps
36	(RCW 9.91.142)

1	Unlawful Use of Food Stamps (RCW
2	9.91.144)
3	Unlawful Use of Net to Take Fish 1
4	(RCW 77.15.580(3)(b))
5	Vehicle Prowl 1 (RCW 9A.52.095)
6	Violating Commercial Fishing Area or
7	Time 1 (RCW 77.15.550(3)(b))
	END

HB 1149