

**SB 5352** - H COMM AMD  
By Committee on Judiciary

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 16.52.205 and 1994 c 261 s 8 are each amended to read  
4 as follows:

5 (1) A person is guilty of animal cruelty in the first degree when,  
6 except as authorized in law, he or she intentionally (a) inflicts  
7 substantial pain on, (b) causes physical injury to, or (c) kills an  
8 animal by a means causing undue suffering, or forces a minor to inflict  
9 unnecessary pain, injury, or death on an animal.

10 (2) A person is guilty of animal cruelty in the first degree when,  
11 except as authorized by law, he or she, with criminal negligence,  
12 starves, dehydrates, or suffocates an animal and as a result causes:  
13 (a) Substantial and unjustifiable physical pain that extends for a  
14 period sufficient to cause considerable suffering; or (b) death.

15 (3) Animal cruelty in the first degree is a class C felony.

16 **Sec. 2.** RCW 16.52.207 and 1994 c 261 s 9 are each amended to read  
17 as follows:

18 (1) A person is guilty of animal cruelty in the second degree if,  
19 under circumstances not amounting to first degree animal cruelty, the  
20 person knowingly, recklessly, or with criminal negligence inflicts  
21 unnecessary suffering or pain upon an animal.

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

25 (a) Fails to provide the animal with necessary (~~food, water,~~)  
26 shelter, rest, sanitation, ventilation, space, or medical attention and  
27 the animal suffers unnecessary or unjustifiable physical pain as a  
28 result of the failure; or

29 (b) Abandons the animal.

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

2 (4) In any prosecution of animal cruelty in the second degree, it  
3 shall be an affirmative defense, if established by the defendant by a  
4 preponderance of the evidence, that the defendant's failure was due to  
5 economic distress beyond the defendant's control.

6 **Sec. 3.** RCW 16.52.117 and 1994 c 261 s 11 are each amended to read  
7 as follows:

8 (1) (~~(Any)~~) A person ((who does any of the following is guilty of  
9 ~~a gross misdemeanor punishable by imprisonment not to exceed one year,~~  
10 ~~or by a fine not to exceed five thousand dollars, or by both fine and~~  
11 ~~imprisonment)) commits the crime of animal fighting if the person  
12 knowingly does any of the following:~~

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

17 (b) (~~For amusement or gain causes any animal to fight with another~~  
18 ~~animal, or causes any animals to injure each other; or~~

19 ~~(c) Permits any act in violation of (a) or (b) of this subsection~~  
20 ~~to be done on any premises under his or her charge or control, or~~  
21 ~~promotes or aids or abets any such act.)) Promotes, organizes,  
22 conducts, participates in, advertises, or performs any service in the  
23 furtherance of an exhibition of animal fighting, transports spectators  
24 to an animal fight, or provides or serves as a stakeholder for any  
25 money wagered on an animal fight;~~

26 (c) Keeps or uses any place for the purpose of animal fighting, or  
27 manages or accepts payment of admission to any place kept or used for  
28 the purpose of animal fighting;

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

32 (e) Takes, leads away, possesses, confines, sells, transfers, or  
33 receives a stray animal or a pet animal, with the intent to deprive the  
34 owner of the pet animal, and with the intent of using the stray animal  
35 or pet animal for animal fighting, or for training or baiting for the  
36 purpose of animal fighting.

1           (2) (~~Any person who is knowingly present, as a spectator, at any~~  
2 ~~place or building where preparations are being made for an exhibition~~  
3 ~~of the fighting of animals, with the intent to be present at such~~  
4 ~~preparations, or is knowingly present at such exhibition or at any~~  
5 ~~other fighting or injuring as described in subsection (1)(b) of this~~  
6 ~~section, with the intent to be present at such exhibition, fighting, or~~  
7 ~~injuring, is guilty of a misdemeanor.)) A person who violates this  
8 section is guilty of a class C felony punishable under RCW 9A.20.021.~~

9           (3) Nothing in this section (~~may~~) prohibits the following:

10           (a) The use of (~~dogs~~) animals in the management of livestock, as  
11 defined by chapter 16.57 RCW, by the owner of the livestock or the  
12 owner's employees or agents or other persons in lawful custody of the  
13 livestock;

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

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

17           Correct the title.

EFFECT: Changes an element of the crime to provide that the pain  
caused to the animal must be substantial and unjustifiable and must  
extend for a period of time to cause considerable suffering. The  
underlying bill requires "unnecessary or unjustifiable physical pain."

Raises the crime of animal fighting from a gross misdemeanor to a  
class C felony and expands the crime to include a person who knowingly:

Breeds, buys, sells, advertises, or offers for sale any animal with  
the intent that the animal will be used for fighting;

Participates in, advertises, or performs any service in the  
furtherance of an animal fight;

Transports spectators to an animal fight or accepts payment for  
admission to an animal fight;

Keeps or uses a place for animal fighting or allows a place to be  
used for animal fighting;

Serves as a stakeholder for any money wagered on an animal fight;  
and

Takes or receives a stray or pet animal with the intent of using  
the stray animal or pet animal for animal fighting or for training or  
baiting for animal fighting.

Removes the specific provision making it a crime to be a spectator  
at an animal fight (participation in an animal fight remains a criminal  
offense).

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