

HOUSE BILL REPORT

HB 1579

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to animal fighting.

Brief Description: Expanding the crime of animal fighting.

Sponsors: Representatives Campbell, Kirby, O'Brien, Lantz, P. Sullivan, Chase, McCoy, Moeller, Dunshee and Sump.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/24/05 [DP].

Brief Summary of Bill

- Modifies the crime of animal fighting.
- Changes the penalty for animal fighting from a gross misdemeanor to a class C felony.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 5 members: Representatives O'Brien, Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby and Strow.

Minority Report: Do not pass. Signed by 2 members: Representatives Darneille, Vice Chair; and Kagi.

Staff: Erik Van Hagen (786-5793) and Yvonne Walker (786-7841).

Background:

The crime of animal fighting occurs when an individual owns, possesses, keeps, or trains any animal with the intent that the animal will engage in fighting with another animal. Animal fighting also occurs when an individual causes any animal to fight with another animal for amusement or gain, or aids or abets any such act. Animal fighting is a gross misdemeanor offense punishable by a maximum term of one year in jail, a \$5,000 fine, or both. It is a misdemeanor offense to be a spectator at an animal fighting event. Any person who enters a dog into a dog fight is guilty of a class C felony.

A misdemeanor or a gross misdemeanor violation of an animal fighting offense may be deferred or suspended provided a two-year probation period is imposed. In addition to criminal penalties, a court may require that an owner forfeit animals used for fighting. If forfeiture is ordered, the owner is prohibited from owning or caring for a similar animal for two years. An animal owner may be responsible for reasonable costs related to the investigation and the animal's care. Convictions for animal fighting require an additional \$1,000 penalty levied against the offender to be used to assist in the prosecution of animal cruelty related crimes and for the care of forfeited animals.

Cruelty to animals is also a criminal offense. Animal cruelty in the first degree, a class C felony offense, occurs when a person intentionally inflicts substantial pain, injury, or death by means of undue suffering upon an animal. Animal cruelty in the second degree, a misdemeanor offense, occurs when a person knowingly inflicts unnecessary pain or suffering upon an animal.

"Animal" is defined as any nonhuman mammal, bird, reptile, or amphibian.

Summary of Bill:

The crime of animal fighting is expanded to include a person who knowingly:

- breeds, buys, sells, advertises, or offers for sale any animal with the intent the animal will be used for fighting;
- promotes, organizes, conducts, participates in, advertises, or performs any service in the furtherance of an animal fight;
- transports spectators to an animal fight;
- uses a place which the person has control to be used for animal fighting;
- accepts payment for admission to an animal fight;
- serves as a stakeholder for any money wagered on an animal fight; and
- takes or receives a stray or pet animal, with the intent to deprive the owner of the pet animal, and with the intent of using the stray animal or pet animal for animal fighting.

Animal fighting is increased from a gross misdemeanor offense to a seriousness level III class C felony. The specific provision relating to spectators of animal fighting is repealed. However, participation in an animal fight remains a criminal offense. The prohibition on animal fighting does not prevent the use of any animal in the management of livestock or in hunting as permitted by law.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Animal fighting is a heinous crime that is becoming more widespread. A stronger statement is necessary to demonstrate animal fighting will not be tolerated. Animal fighting is often connected to other criminal activity, including organized crime. This bill also makes it a crime to steal dogs that are often used for bait in dog fights, which is a growing problem. Law enforcement will also be provided with tools to prosecute associates and participants of those engaged in animal fighting. This bill represents a modernization of animal cruelty laws and increases the deterrent. The current animal fighting penalty of a gross misdemeanor is not taken seriously by offenders.

Testimony Against: None.

Persons Testifying: Representative Campbell, prime sponsor; Robert Reder, Humane Society of the United States; Officer Jody White, Wenatchee Valley Humane Society; Jill Patty, City of Vancouver; and Coby Cohen, King County Prosecutor's Office.

Persons Signed In To Testify But Not Testifying: None.