

SENATE BILL REPORT

SHB 1243

As of March 23, 2011

Title: An act relating to crimes against animals belonging to another person.

Brief Description: Concerning crimes against animals belonging to another person.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Kretz, Blake, Haigh, Smith, Johnson, Kelley, Finn, Warnick, Moeller, Harris, Roberts, McCune, Stanford, Haler, Taylor and Condotta).

Brief History: Passed House: 2/26/11, 97-0.

Committee Activity: Judiciary: 3/23/11.

SENATE COMMITTEE ON JUDICIARY

Staff: Juliana Roe (786-7438)

Background: Related but separate provisions in the criminal code may apply when a person harms livestock. These include the crimes of animal cruelty, theft of livestock, and malicious mischief.

A person is guilty of animal cruelty in the first degree when, except as authorized in law, that person intentionally (1) inflicts substantial pain on; (2) causes physical injury to; or (3) kills an animal by a means causing undue suffering. Animal in this context means every creature other than a human being. Animal cruelty in the first degree is a class C felony and is unranked, except for animal cruelty involving sexual conduct.

A person is guilty of theft of livestock if the person intends to appropriate the horse or cattle for his or her own use or resale to another person. A person commits theft of livestock in the first degree when depriving and defrauding the lawful owner of an animal with the intent to sell or exchange the animal. Theft of livestock in the second degree occurs when the person willfully takes, leads, transports away, conceals, withholds, slaughters, or otherwise appropriates an animal for his or her own use. Livestock theft in the first degree is a class B felony and is ranked at seriousness level IV under the Sentencing Reform Act.

A person is guilty of malicious mischief in the first degree if the person knowingly and maliciously causes physical damage to the property of another in an amount exceeding

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\$1,500. Malicious mischief in the first degree is a class B felony and is ranked at seriousness level II.

The term malice is defined in the criminal code as an evil intent; wish; or design to vex, annoy, or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

Summary of Bill: The term livestock includes, but is not limited to, horses, mules, cattle, sheep, swine, goats, and bison.

A new crime is created. It is unlawful for a person to, with malice, kill or cause substantial bodily harm to livestock belonging to another person. The crime is an unranked class C felony, carrying a standard sentence range of 0-12 months in jail.

The owner of livestock that has been killed or harmed may bring a civil action for damages up to three times the actual damages sustained, plus attorneys' fees.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill addresses behavior that is not currently addressed in existing law. One of the problems we have faced is that people have been committing what is being called spree killing in recent years. This occurs when individuals drive up to a herd of cows or horses and start shooting into the herd until the gun is empty. There is no subsequent theft. There were many of these cases in which the offender was caught, but released soon afterward.

The original bill included both livestock and wildlife, but wildlife was taken out of this version of the bill.

Persons Testifying: PRO: Representative Kretz, prime sponsor.