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HOUSE BILL 1243

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State of Washington

62nd Legislature

2011 Regular Session

By Representatives Kretz, Blake, Haigh, Smith, Johnson, Kelley, Finn, Warnick, Moeller, Harris, Roberts, McCune, Stanford, Haler, Taylor, and Condotta

Read first time 01/17/11. Referred to Committee on Judiciary.

1 AN ACT Relating to crimes against animals belonging to another  
2 person; amending RCW 4.24.320 and 16.52.011; adding a new section to  
3 chapter 16.52 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 16.52 RCW  
6 to read as follows:

7 (1) It is unlawful for a person to, with malice, kill or cause  
8 substantial bodily harm to livestock belonging to another person or  
9 wildlife, as that term is defined in RCW 77.08.010.

10 (2) A violation of this section constitutes a class C felony.

11 (3) For the purposes of this section, "malice" has the same meaning  
12 as provided in RCW 9A.04.110, but applied to acts against livestock or  
13 wildlife.

14 **Sec. 2.** RCW 4.24.320 and 2005 c 419 s 2 are each amended to read  
15 as follows:

16 Any person (~~who suffers damage to~~) whose livestock is damaged as  
17 a result of actions described in RCW 16.52.205 or any owner of  
18 livestock who suffers damage as a result of a willful, unauthorized act

1 described in RCW 9A.56.080 (~~(e)~~), 9A.56.083, or section 1 of this act  
2 may bring an action against the person or persons committing the act in  
3 a court of competent jurisdiction for exemplary damages up to three  
4 times the actual damages sustained, plus attorney's fees. As used in  
5 this section, "livestock" means the animals specified in RCW 9A.56.080.

6 **Sec. 3.** RCW 16.52.011 and 2009 c 287 s 1 are each amended to read  
7 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.

12 (a) "Abandons" means the knowing or reckless desertion of an animal  
13 by its owner or the causing of the animal to be deserted by its owner,  
14 in any place, without making provisions for the animal's adequate care.

15 (b) "Animal" means any nonhuman mammal, bird, reptile, or  
16 amphibian.

17 (c) "Animal care and control agency" means any city or county  
18 animal control agency or authority authorized to enforce city or county  
19 municipal ordinances regulating the care, control, licensing, or  
20 treatment of animals within the city or county, and any corporation  
21 organized under RCW 16.52.020 that contracts with a city or county to  
22 enforce the city or county ordinances governing animal care and  
23 control.

24 (d) "Animal control officer" means any individual employed,  
25 contracted, or appointed pursuant to RCW 16.52.025 by an animal care  
26 and control agency or humane society to aid in the enforcement of  
27 ordinances or laws regulating the care and control of animals. For  
28 purposes of this chapter, the term "animal control officer" shall be  
29 interpreted to include "humane officer" as defined in (f) of this  
30 subsection and RCW 16.52.025.

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

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

1 (g) "Law enforcement agency" means a general authority Washington  
2 law enforcement agency as defined in RCW 10.93.020.

3 (h) "Necessary food" means the provision at suitable intervals of  
4 wholesome foodstuff suitable for the animal's age and species and  
5 sufficient to provide a reasonable level of nutrition for the animal.

6 (i) "Owner" means a person who has a right, claim, title, legal  
7 share, or right of possession to an animal or a person having lawful  
8 control, custody, or possession of an animal.

9 (j) "Person" means individuals, corporations, partnerships,  
10 associations, or other legal entities, and agents of those entities.

11 (k) "Similar animal" means an animal classified in the same genus.

12 (l) "Substantial bodily harm" means substantial bodily harm as  
13 defined in RCW 9A.04.110.

14 (m) "Livestock" has the same meaning as provided in RCW 16.57.010.

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