
SENATE BILL 5144

State of Washington

62nd Legislature

2011 Regular Session

By Senators McAuliffe, Kohl-Welles, Kline, Nelson, Keiser, Tom, Shin,
and Conway

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

1 AN ACT Relating to creation of an animal abuser registry; adding a
2 new chapter to Title 16 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that:

5 (1) Studies in psychology, sociology, and criminology have
6 demonstrated that violent offenders frequently have childhood and
7 adolescent histories of serious and repeated animal cruelty;

8 (2) The federal bureau of investigation has recognized this
9 connection since the 1970s, when its analysis of the lives of serial
10 killers suggested that most had killed or tortured animals during their
11 life;

12 (3) Other research has shown consistent patterns of animal cruelty
13 among perpetrators of more common forms of violence, including child
14 abuse, spouse abuse, and elder abuse, leading the American psychiatric
15 association to consider animal cruelty as one of the diagnostic
16 criteria of conduct disorder;

17 (4) It is a compelling and necessary public interest that the
18 public have information concerning persons convicted of severe animal

1 abuse offenses, to allow members of the public to adequately protect
2 themselves and their animals from these persons;

3 (5) In balancing the abuser's due process and other rights against
4 the interests of public security, the legislature finds that releasing
5 information about certain animal abusers under the circumstances
6 specified in this chapter will further the primary governmental
7 interest of protecting vulnerable populations from potential harm;

8 (6) To protect the safety and general welfare of the people of this
9 state, it is necessary to provide for registration of abusers and for
10 the public release of specified information regarding abusers. This
11 policy of authorizing the release of necessary and relevant information
12 about abusers to members of the public is a means of assuring public
13 protection and it is not intended that the information be used to
14 inflict retribution or additional punishment on those abusers.

15 NEW SECTION. **Sec. 2.** As used in this chapter, unless the context
16 otherwise requires:

17 (1) "Animal abuser" means a person over eighteen years of age or a
18 minor who has been tried as an adult who has been convicted of an
19 animal abuse offense;

20 (2) "Animal abuse offense" means the commission of any act that
21 constitutes the criminal offense of:

- 22 (a) Animal cruelty in the first degree (RCW 16.52.205);
- 23 (b) Animal cruelty in the second degree (RCW 16.52.207);
- 24 (c) Animal fighting (RCW 16.52.117); and
- 25 (d) Poisoning animals (RCW 16.52.190).

26 (3) "Conviction" means a judgment entered by a court upon a plea of
27 guilty, a plea of nolo contendere, or a finding of guilt by a jury or
28 the court, notwithstanding any pending appeal or habeas corpus
29 proceeding arising from the judgment. A conviction includes, but is
30 not limited to, a conviction by a federal court or military tribunal,
31 including a court-martial conducted by the armed forces of the United
32 States, and a conviction in any other state of the United States, other
33 jurisdiction, or other country. A conviction for an offense committed
34 in another jurisdiction that would be classified as an animal abuse
35 offense if committed in this state, shall be considered a conviction.
36 Conviction includes a deferred prosecution under chapter 10.05 RCW, or
37 an equivalent disposition from another jurisdiction;

1 (4) "Primary residence" means a place where the person abides,
2 lodges, resides, or establishes any other living accommodations in this
3 state for five consecutive days;

4 (5) "Resident" means any person who abides, lodges, resides, or
5 establishes any other living accommodations in this state;

6 (6) "Secondary residence" means a place where the person abides,
7 lodges, or resides, or establishes any other living accommodations in
8 this state for a period of fourteen or more days in the aggregate
9 during any calendar year, and that is not the person's primary
10 residence; for a person whose primary residence is not in this state,
11 a place where the person is employed, practices a vocation, or is
12 enrolled as a student for a period of fourteen or more days in the
13 aggregate during any calendar year; or a place where the person
14 routinely abides, lodges, or resides for a period of four or more
15 consecutive or nonconsecutive days in any month and that is not the
16 person's primary residence, including any out-of-state address;

17 (7) "Student" means a person who is enrolled on a full-time or
18 part-time basis, in any public or private educational institution,
19 including any secondary school, trade, or professional institution or
20 institution of higher learning;

21 (8) "Within forty-eight hours" means a continuous forty-eight hour
22 period, not including Saturdays, Sundays, or federal or state holidays.

23 NEW SECTION. **Sec. 3.** (1) The clerk of the court in which a
24 person's conviction for an animal abuse offense occurs shall forward,
25 electronically or otherwise, to the attorney general a copy of the
26 judgment document of the conviction, the animal abuser's home address,
27 and other information set out in subsection (3) of this section. The
28 information shall be forwarded to the attorney general within forty-
29 five days of the date of judgment.

30 (2) The registry shall be maintained by the attorney general and
31 made available for public inquiry on the internet.

32 (3) The registry shall consist of the person's name, date of birth,
33 residential address, all animal abuse offense convictions, conviction
34 dates, county and state of convictions, the person's photograph and
35 such other identifying data as the attorney general determines is
36 necessary for the public to properly identify the person, but shall not
37 include the person's social security number. The attorney general may

1 use the driver's license photograph of the animal abuser maintained by
2 the department of licensing for the registry. If no driver's license
3 photograph is available, the attorney general shall use the photograph
4 taken at the animal abuser's booking.

5 NEW SECTION. **Sec. 4.** (1) Within forty-eight hours of changing a
6 primary or secondary residence, the animal abuser shall notify the
7 attorney general of the change of address.

8 (2) An animal abuser from another state, jurisdiction, or country
9 who has established a primary or secondary residence within this state,
10 or has established a physical presence at a particular location, shall,
11 within forty-eight hours of establishing residency or a physical
12 presence, notify the attorney general of the person's presence in this
13 state.

14 (3) An animal abuser from another state, jurisdiction, or country,
15 who is not a resident of this state, shall, within forty-eight hours of
16 employment, commencing practice of a vocation, or becoming a student in
17 this state, notify the attorney general of the person's presence in
18 this state.

19 (4) Animal abusers who do not maintain either a primary or
20 secondary residence, shall be considered homeless, and are subject to
21 the registration requirements of this chapter.

22 NEW SECTION. **Sec. 5.** (1) Any animal abuser who is subject to
23 registration pursuant to this chapter shall be assessed a fee of fifty
24 dollars at the time of conviction.

25 (2) The fee shall be retained by the clerk transmitting the
26 information to the attorney general for the sole purpose of defraying
27 the costs of administering this chapter.

28 NEW SECTION. **Sec. 6.** (1) The attorney general shall remove from
29 the registry the name and other identifying information of any person
30 who has not been convicted of an animal abuse offense for a period of
31 ten years from the date of the person's most recent conviction.

32 (2) Upon receipt of notice of the death of a registered animal
33 abuser, as evidenced by a death certificate, the attorney general shall
34 remove all data pertaining to the deceased animal abuser from the
35 registry.

1 NEW SECTION. **Sec. 7.** (1) It is an offense for an animal abuser to
2 knowingly violate this chapter. Violations shall include, but not be
3 limited to, the following:

- 4 (a) Falsification of information supplied to the attorney general;
5 (b) Failure to timely disclose required information to the attorney
6 general; and
7 (c) Failure to pay the initial registration fee, if financially
8 able;

9 (2) A violation of this chapter is a gross misdemeanor.

10 (3) A violation of this chapter is a continuing offense. If an
11 animal abuser is required to register pursuant to this chapter, venue
12 lies in any county in which the animal abuser may be found or in any
13 county where the violation occurred.

14 NEW SECTION. **Sec. 8.** The attorney general shall adopt rules
15 necessary to implement and administer the provisions of this act.

16 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute
17 a new chapter in Title 16 RCW.

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