
Judiciary Committee

HB 1202

Title: An act relating to the prevention of animal cruelty.

Brief Description: Preventing animal cruelty.

Sponsors: Representatives Roberts, Haler, Haigh, Hunt, Reykdal, Sullivan, Ryu, Dunshee, Goodman, Fitzgibbon, Pollet, Sells, Appleton, Stanford, Liias, Upthegrove, Maxwell, Cody, Tharinger, Jenkins, Bergquist and Ormsby.

Brief Summary of Bill

- Creates a civil infraction penalizing owners who fail to provide care to their animals.
- Allows law enforcement and animal control officers, and fire and rescue workers, to remove an animal from a confined space that the officer or worker has probable cause to believe is in a life-threatening situation.
- Makes numerous amendments broadening existing animal cruelty statutes.
- Makes several technical changes to the animal cruelty chapter.

Hearing Date: 1/31/13

Staff: Omeara Harrington (786-7136).

Background:

Animal Cruelty.

Animal cruelty in the first degree is committed when a person: (1) intentionally inflicts substantial pain on, causes physical injury to, or kills an animal by a means that causes undue suffering; (2) with criminal negligence, starves, dehydrates, or suffocates an animal, and the animal suffers unnecessary or unjustifiable physical pain or death; or (3) knowingly engages in certain conduct involving a sexual act or sexual contact with an animal. Animal cruelty in the first degree is a class C felony.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Animal cruelty in the second degree is committed when a person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal. An owner may commit this crime by failing to provide necessary shelter, rest, sanitation, space, or medical attention, or by abandoning the animal. Animal cruelty in the second degree is a gross misdemeanor. It is an affirmative defense that the failure to provide care was due to economic distress beyond the defendant's control.

Other Crimes Involving Animals.

In addition to prohibiting animal cruelty, the state's laws regarding the prevention of cruelty to animals prohibits certain specific practices and activities involving animals. Among the law's prohibitions are transporting or confining animals in an unsafe manner, engaging animals in exhibition fighting with other animals, and killing or stealing animals belonging to another person.

Unsafe confinement.

Transporting or confining a domestic animal in an unsafe manner is a misdemeanor. If a domestic animal is confined without necessary food and water for more than 36 consecutive hours, any person may enter the area in which the animal is confined and provide food and water. The person providing care to the animal is not subject to liability for the entry, and is entitled to reimbursement for the food and water. Investigating officers may, if it is extremely difficult to supply food and water, remove the animal and take it into protective custody.

Animal fighting.

It is unlawful to possess, sell, or train a dog or male chicken for the purpose of an animal fighting exhibition. It is also unlawful to organize, promote, watch, or wager bets on fights between dogs or male chickens. This offense is punishable as a class C felony.

Killing or harming livestock.

It is unlawful for a person to, with malice, kill or cause substantial bodily harm to livestock belonging to another person. A violation constitutes a class C felony.

Killing or stealing a pet animal.

Any person who kills or obscures the identity of a pet animal, or who steals a pet animal worth up to \$250, is subject to a mandatory fine of \$500 per animal. This conduct also constitutes a gross misdemeanor.

Enforcement of Animal Cruelty Laws.

Law enforcement agencies and local animal care and control agencies may enforce the animal cruelty law. A law enforcement officer or animal control officer may, with a warrant, remove an animal to a suitable place for care if the officer has probable cause to believe the owner has violated the animal cruelty laws and there is no responsible person available who can assume the animal's care. The officer may remove an animal without a warrant if the animal is in an immediate life-threatening situation.

Summary of Bill:

An owner may be issued a civil infraction for failure to provide care, which is the failure to provide necessary food, water, shelter, ventilation, rest, sanitation, space, or medical care, as

those terms are defined, in a manner that does not amount to animal cruelty in the first or second degree. Upon probable cause to believe a violation has occurred, a law enforcement or animal control officer may issue a Class 2 infraction carrying a fine of up to \$125, plus statutory assessments. The owner may contest the infraction by explaining mitigating circumstances surrounding the infraction. Exceptions are given in cases involving lawful animal husbandry practices used in commercial livestock operations, and for the care of animals engaged in formal training, outdoor activities, or competitions.

It is unlawful to leave or confine any animal unattended in a motor vehicle or enclosed space in a manner that places the animal in a life or health-threatening situation due to exposure to extreme temperatures or inadequate ventilation. Animal control officers, law enforcement officers, and fire and rescue workers may enter the vehicle or enclosed space and remove the animal upon probable cause to believe a violation has occurred, and will not be held liable for the entry. Violation is a Class 2 infraction carrying a fine of up to \$125, plus statutory assessments. If the animal suffers physical pain, injury, or death from the confinement, the person may be subject to prosecution under the animal cruelty statutes.

Several changes are made to the animal cruelty in the second degree statute. Causing injury to an animal with criminal negligence is added to the list of prohibited conduct, as is causing injury though knowing, reckless, or criminally negligent failure to provide food or water. The economic duress defense is eliminated.

Numerous other changes are made to the animal cruelty statutes:

- Organized fighting involving any species, rather than just dogs and male chickens, is prohibited, as is directing a child to engage in animal fighting activities.
- It is unlawful to, with malice, kill or cause substantial bodily harm to any kind of animal owned by another person, and is no longer limited to livestock.
- The value limit on a pet animal, the theft of which is subject to a mandatory \$500 fine, is raised to \$750, which is the monetary threshold for theft in the third degree. A person in violation of the statute may also be prosecuted for animal cruelty.
- A number of technical changes are made throughout the animal cruelty chapter.

Appropriation: None.

Fiscal Note: Available.

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