

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5227**

60th Legislature  
2007 Regular Session

Passed by the Senate April 17, 2007  
YEAS 47 NAYS 1

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**President of the Senate**

Passed by the House April 9, 2007  
YEAS 98 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5227** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5227**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2007 Regular Session

**State of Washington                      60th Legislature                      2007 Regular Session**

**By** Senate Committee on Judiciary (originally sponsored by Senators Tom, Kline, Carrell, Rasmussen, Stevens, Shin, Roach, McAuliffe, Weinstein, Jacobsen, Kohl-Welles and Kilmer)

READ FIRST TIME 02/07/07.

1            AN ACT Relating to animal abandonment; amending RCW 16.52.207 and  
2 16.52.011; and prescribing penalties.

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

4            **Sec. 1.** RCW 16.52.207 and 2005 c 481 s 2 are each amended to read  
5 as follows:

6            (1) A person is guilty of animal cruelty in the second degree if,  
7 under circumstances not amounting to first degree animal cruelty, the  
8 person knowingly, recklessly, or with criminal negligence inflicts  
9 unnecessary suffering or pain upon an animal.

10           (2) An owner of an animal is guilty of animal cruelty in the second  
11 degree if, under circumstances not amounting to first degree animal  
12 cruelty, the owner knowingly, recklessly, or with criminal negligence:

13           (a) Fails to provide the animal with necessary shelter, rest,  
14 sanitation, space, or medical attention and the animal suffers  
15 unnecessary or unjustifiable physical pain as a result of the failure;  
16 ((or))

17           (b) Under circumstances not amounting to animal cruelty in the  
18 second degree under (c) of this subsection, abandons the animal; or

1 (c) Abandons the animal and (i) as a result of being abandoned, the  
2 animal suffers bodily harm; or (ii) abandoning the animal creates an  
3 imminent and substantial risk that the animal will suffer substantial  
4 bodily harm.

5 (3)(a) Animal cruelty in the second degree under subsection (1),  
6 (2)(a), or (2)(b) of this section is a misdemeanor.

7 (b) Animal cruelty in the second degree under subsection (2)(c) of  
8 this section is a gross misdemeanor.

9 (4) In any prosecution of animal cruelty in the second degree under  
10 subsection (1) or (2)(a) of this section, it shall be an affirmative  
11 defense, if established by the defendant by a preponderance of the  
12 evidence, that the defendant's failure was due to economic distress  
13 beyond the defendant's control.

14 **Sec. 2.** RCW 16.52.011 and 1994 c 261 s 2 are each amended to read  
15 as follows:

16 (1) Principles of liability as defined in chapter 9A.08 RCW apply  
17 to this chapter.

18 (2) Unless the context clearly requires otherwise, the definitions  
19 in this section apply throughout this chapter.

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

23 (b) "Animal" means any nonhuman mammal, bird, reptile, or  
24 amphibian.

25 (~~(b)~~) (c) "Animal care and control agency" means any city or  
26 county animal control agency or authority authorized to enforce city or  
27 county municipal ordinances regulating the care, control, licensing, or  
28 treatment of animals within the city or county, and any corporation  
29 organized under RCW 16.52.020 that contracts with a city or county to  
30 enforce the city or county ordinances governing animal care and  
31 control.

32 (~~(e)~~) (d) "Animal control officer" means any individual employed,  
33 contracted, or appointed pursuant to RCW 16.52.025 by an animal care  
34 and control agency or humane society to aid in the enforcement of  
35 ordinances or laws regulating the care and control of animals. For  
36 purposes of this chapter, the term "animal control officer" shall be

1 interpreted to include "humane officer" as defined in ~~((e))~~ (f) of  
2 this subsection and RCW 16.52.025.

3 ~~((d))~~ (e) "Euthanasia" means the humane destruction of an animal  
4 accomplished by a method that involves instantaneous unconsciousness  
5 and immediate death, or by a method that causes painless loss of  
6 consciousness, and death during the loss of consciousness.

7 ~~((e))~~ (f) "Humane officer" means any individual employed,  
8 contracted, or appointed by an animal care and control agency or humane  
9 society as authorized under RCW 16.52.025.

10 ~~((f))~~ (g) "Law enforcement agency" means a general authority  
11 Washington law enforcement agency as defined in RCW 10.93.020.

12 ~~((g))~~ (h) "Necessary food" means the provision at suitable  
13 intervals of wholesome foodstuff suitable for the animal's age and  
14 species and sufficient to provide a reasonable level of nutrition for  
15 the animal.

16 ~~((h))~~ (i) "Owner" means a person who has a right, claim, title,  
17 legal share, or right of possession to an animal or a person having  
18 lawful control, custody, or possession of an animal.

19 ~~((i))~~ (j) "Person" means individuals, corporations, partnerships,  
20 associations, or other legal entities, and agents of those entities.

21 ~~((j))~~ (k) "Substantial bodily harm" means substantial bodily harm  
22 as defined in RCW 9A.04.110.

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