



THE WASHINGTON FEDERATION

OF ANIMAL CARE AND CONTROL AGENCIES

Prevention of Animal Cruelty: SB 5501

Purpose of the bill: Since the 1900's, the [Washington Federation of Animal Care and Control Agencies](#) has actively worked on legislation that protects animals and provides professional animal care and control agencies with the tools to create more humane communities. Many of the current laws that protect animals were developed and supported by the Federation.

The purpose of this bill is to clarify and “clean-up” some of the language within the state laws that prevent animal cruelty. The bill will also support animal control officers and prosecutors working to stop animal cruelty and the negative impacts it has upon communities.

Section 1. Prohibit Unsafe Confinement of Animals in Vehicles and Other Enclosed Spaces and Authorize Removal of Animals for Their Safety

Animal control officers and other law enforcement personnel may be called upon to remove animals from vehicles and other enclosed spaces when the animals' health or lives are at risk from extreme temperatures; lack of ventilation; or over an extended period, lack of water. This section specifies the conditions under which officers may remove animals; limits officers' liability for property damage when damage results from authorized removal of animals; and creates a Class 2 Civil Infraction penalty for unsafely confining animals.

Section 2. Refine Definitions

Minor revisions to definitions are made to improve clarity; and the definition of “malice” is added since the term is used in Sections 5 and 7 of this bill.

Section 3. Clarify and Improve Animal Fighting Statute

This section clarifies and cleans up existing language, and strengthens our ability to keep children safe by making it a crime to cause a minor to participate in animal fighting activities.

The current Washington law regarding “Animal Fighting” applies only to cockfighting and dog fighting. However, organized animal fights here and in other parts of the US involve other species (for instance, between wildlife or livestock and dogs). Section 3 revises the animal fighting statute such that it applies to organized fights between “animals,” rather than being restricted to dog fights and cockfights only.



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Section 5. Amend Felony Crime of Harming or Killing Livestock Belonging to Others

RCW 16.52.320 creates a felony for killing or causing substantial bodily harm, with malice, to livestock belonging to others. This section simply removes the definition of “malice” since the definition has been added in Section 2 of the bill (RCW 16.52.011).

Section 6. Amend the Penalty Regarding Theft, Concealing, Injuring, or Killing Pet Animals

Ch. 9.08 RCW addresses the illegal theft, sale, receipt, or transfer of pet animals. RCW 9.08.070 defines penalties for taking and concealing animals, and includes a penalty for willfully or recklessly killing or injuring a pet animal.

This section of the bill revises RCW 9.08.070 to include a technical correction in section (1) (a). In 2009, SB 6167 changed the thresholds for misdemeanor and felony theft, bumping the threshold for the misdemeanor from \$250 to \$750. Updating RCW 9.08.070 will help preserve mandatory fines when the value of animals is between \$250 and \$750.

This section of the bill also amends RCW 9.08.070 to state that animal cruelty charges under Chapter 16.52 RCW may also apply.

Section 7. Amend First Degree Animal Cruelty Provision

RCW 16.52.205 (1) applies when intentional acts, not otherwise authorized by law, harm or kill an animal in a manner that causes undue suffering. However, proving “undue suffering” may be difficult when an animal dies quickly or instantly.

To address this concern, Section 7 amends RCW 16.52.205 (1) to include intentional acts that cause substantial pain, physical injury, or kill an animal by a means that causes undue suffering, that are taken with malice, or that manifest an extreme indifference to life. The concept of “extreme indifference to life” is an element drawn from existing state homicide law (RCW 9A.32.030 and .055).

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