
ENGROSSED SUBSTITUTE HOUSE BILL 1149

State of Washington

69th Legislature

2025 Regular Session

By House Community Safety (originally sponsored by Representatives Hackney, Low, Ramel, Leavitt, Obras, Timmons, Peterson, Wylie, Pollet, Kloba, Farivar, Berg, Ormsby, Fosse, Hill, and Walen)

READ FIRST TIME 01/17/25.

1 AN ACT Relating to the prevention of cruelty to animals; amending
2 RCW 16.52.011, 16.52.085, 16.52.100, 16.52.117, 16.52.200, and
3 16.52.207; reenacting and amending RCW 9.94A.515; and prescribing
4 penalties.

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

6 **Sec. 1.** RCW 16.52.011 and 2020 c 158 s 2 are each amended to
7 read 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
13 animal by its owner, or by a person who has taken control, custody,
14 or possession of an animal that was involved in animal fighting as
15 described in RCW 16.52.117, or the causing of the animal to be
16 deserted by its owner, in any place, without making provisions for
17 the animal's adequate care.

18 (b) "Animal" means any nonhuman mammal, bird, reptile, or
19 amphibian.

20 (c) "Animal care and control agency" means any city or county
21 animal control agency or authority authorized to enforce city or

1 county municipal ordinances regulating the care, control, licensing,
2 or treatment of animals within the city or county, and any
3 corporation organized under RCW 16.52.020 that contracts with a city
4 or county to enforce the city or county ordinances governing animal
5 care and control.

6 (d) "Animal control officer" means any individual employed,
7 contracted, or appointed pursuant to RCW 16.52.025 by an animal care
8 and control agency or humane society to aid in the enforcement of
9 ordinances or laws regulating the care and control of animals. For
10 purposes of this chapter, the term "animal control officer" shall be
11 interpreted to include "humane officer" as defined in (h) of this
12 subsection and RCW 16.52.025.

13 (e) "Dog" means an animal of the species *Canis lupus familiaris*.

14 (f) "Euthanasia" means the humane destruction of an animal
15 accomplished by a method that involves instantaneous unconsciousness
16 and immediate death, or by a method that causes painless loss of
17 consciousness, and death during the loss of consciousness.

18 (g) "Food" means food or feed appropriate to the species for
19 which it is intended.

20 (h) "Humane officer" means any individual employed, contracted,
21 or appointed by an animal care and control agency or humane society
22 as authorized under RCW 16.52.025.

23 (i) "Law enforcement agency" means a general authority Washington
24 law enforcement agency as defined in RCW 10.93.020.

25 (j) "Livestock" includes, but is not limited to, horses, mules,
26 cattle, sheep, swine, goats, and bison.

27 (k) "Malice" has the same meaning as provided in RCW 9A.04.110,
28 but applied to acts against animals.

29 (l) "Necessary food" means the provision (~~at suitable intervals~~
30 ~~of wholesome foodstuff suitable for the animal's age, species, and~~
31 ~~condition, and that is sufficient to provide a reasonable level of~~
32 ~~nutrition for the animal and is easily accessible to the animal or as~~
33 ~~directed by a veterinarian for medical reasons.~~

34 ~~(m))~~ of species-appropriate food that is easily accessible to
35 the animal and of sufficient quantity and quality to sustain the
36 animal in good health and allow for normal growth or maintenance of
37 healthy body weight, provided at suitable intervals for the species,
38 age, and condition of the animal, but at least once daily unless
39 daily feeding is not suitable for the species, and placed so as to

1 minimize contamination by excrement and pests, or as directed by a
2 veterinarian for medical reasons.

3 (m) "Necessary medical attention" means veterinary care as deemed
4 necessary by a reasonably prudent person to prevent or relieve in a
5 timely manner distress from injury, neglect, or physical infirmity.

6 (n) "Necessary sanitation" means that both indoor areas and
7 outdoor enclosures are kept reasonably clean and free from excess
8 waste, garbage, noxious odors, or other contaminants, objects, or
9 other animals that could cause harm to the animal's health and well-
10 being.

11 (o) "Necessary shelter" means a structure sufficient to protect
12 ((a—dog)) an animal from wind, rain, snow, cold, heat, or sun that
13 has bedding to permit ((a—dog)) an animal to remain dry and
14 reasonably clean and maintain a normal body temperature.

15 (p) "Necessary space" means continuous access to an area with the
16 following:

17 (i) Adequate space for exercise necessary for the physical health
18 and well-being of the animal based on the animal's species, age, or
19 physical condition;

20 (ii) Temperature and ventilation suitable to the health and well-
21 being of the animal based on the animal's species, age, or physical
22 condition; and

23 (iii) Regular diurnal lighting cycles of either natural or
24 artificial light.

25 ((-n)) (q) "Necessary water" means ((water that is in sufficient
26 quantity and of appropriate quality for the species for which it is
27 intended and that is accessible to the animal)) the provision of open
28 or adequate access to potable water of a drinkable temperature that
29 is easily accessible to the animal, in sufficient quantity to satisfy
30 the animal's needs and placed so as to minimize contamination of the
31 water by excrement and pests, or as directed by a veterinarian for
32 medical reasons.

33 ((-o)) (r) "Owner" means a person who has a right, claim, title,
34 legal share, or right of possession to an animal or a person having
35 ((lawful)) control, custody, or possession of an animal.

36 ((-p)) (s) "Person" means individuals, corporations,
37 partnerships, associations, or other legal entities, and agents of
38 those entities.

39 ((-q)) (t) "Substantial bodily harm" means substantial bodily
40 harm as defined in RCW 9A.04.110.

1 (~~(r)~~) (u) "Tether" means: (i) To restrain an animal by tying or
2 securing the animal to any object or structure; and (ii) a device
3 including, but not limited to, a chain, rope, cable, cord, tie-out,
4 pulley, or trolley system for restraining an animal.

5 **Sec. 2.** RCW 16.52.085 and 2023 c 246 s 2 are each amended to
6 read as follows:

7 (1) For the purposes of this section:

8 (a) "Minimum care" means care sufficient to preserve the physical
9 and mental health and well-being of an animal and includes, but is
10 not limited to, the following requirements:

11 (i) Food of sufficient nutrition, quantity, and quality to allow
12 for normal growth or maintenance of healthy body weight;

13 (ii) Open or adequate access to potable water of a drinkable
14 temperature in sufficient quantity to satisfy the animal's needs;

15 (iii) Shelter sufficient to protect the animal from wind, rain,
16 snow, sun, or other environmental or weather conditions based on the
17 animal's species, age, or physical condition;

18 (iv) Veterinary or other care as may be deemed necessary by a
19 reasonably prudent person to prevent or relieve in a timely manner
20 distress from injury, neglect, or physical infirmity; and

21 (v) Continuous access to an area:

22 (A) With adequate space for exercise necessary for the physical
23 and mental health and well-being of the animal. Inadequate space may
24 be indicated by evidence of debility, stress, or abnormal behavior
25 patterns;

26 (B) With temperature and ventilation suitable for the health and
27 well-being of the animal based on the animal's species, age, or
28 physical condition;

29 (C) With regular diurnal lighting cycles of either natural or
30 artificial light; and

31 (D) Kept reasonably clean and free from excess waste, garbage,
32 noxious odors, or other contaminants, objects, or other animals that
33 could cause harm to the animal's health and well-being.

34 (b) "Physical infirmity" includes, but is not limited to,
35 starvation, dehydration, hypothermia, hyperthermia, muscle atrophy,
36 restriction of blood flow to a limb or organ, mange or other skin
37 disease, or parasitic infestation.

38 (c) "Physical injury" includes, but is not limited to,
39 substantial physical pain, fractures, cuts, burns, punctures,

1 bruises, or other wounds or illnesses produced by violence or by a
2 thermal or chemical agent.

3 (d) "Serious physical injury or infirmity" means physical injury
4 or physical infirmity that creates a substantial risk of death or
5 that causes protracted disfigurement, protracted impairment of
6 health, or protracted loss or impairment of the function of a limb or
7 bodily organ.

8 (2) (a) If a law enforcement officer or animal control officer has
9 probable cause to believe that an owner of a domestic animal has
10 violated this chapter or a person owns, cares for, or resides with an
11 animal in violation of RCW 16.52.200 or (~~an order issued under RCW~~
12 ~~16.52.205 or 16.52.207~~) a pretrial order by a court, the officer,
13 after obtaining a warrant, may enter the premises where the animal is
14 located and seize the animal.

15 (b) If a law enforcement officer or an animal control officer has
16 probable cause to believe an animal is in imminent danger or is
17 suffering serious physical injury or infirmity, or needs immediate
18 medical attention, the officer may enter onto private property
19 without a warrant to:

20 (i) Render emergency aid to the animal; or

21 (ii) Seize the animal without a warrant. Any animal seized
22 without a warrant shall immediately be brought to a veterinarian
23 licensed in the state of Washington to provide medical attention and
24 to assess the health of the animal.

25 (c) A law enforcement officer or an animal control officer is not
26 liable for any damages for entry onto private property without a
27 warrant under this section, provided that the officer does not use
28 any more force than is reasonably necessary to enter upon the
29 property and remove the animal.

30 (3) (a) An animal seized under this section may be placed into the
31 custody of an animal care and control agency, into foster care that
32 is not associated in any way with the owner, or with a nonprofit
33 humane society, nonprofit animal sanctuary, or nonprofit rescue
34 organization. In determining what is a suitable placement, the
35 officer shall consider the animal's needs, including its size,
36 medical needs, and behavioral characteristics. Any person or
37 custodial agency receiving an animal seized under this section shall
38 provide the animal with minimum care.

39 (b) If a seized animal is placed into foster care or with a
40 nonprofit animal sanctuary or rescue organization, the seizing agency

1 shall retain constructive custody of the animal, shall have the duty
2 to ensure the animal receives minimum care, and may draw from the
3 bond under subsection (5) of this section and distribute the funds to
4 the foster home, authorized humane society, sanctuary, or rescue
5 organization that is authorized to care for the animal.

6 (4) The owner from whom the animal was seized shall be provided
7 with notice of the right to petition for immediate return of the
8 animal and shall be afforded an opportunity to petition for such a
9 civil hearing before the animal is deemed abandoned and forfeited.
10 Any owner whose animal is seized by a law enforcement officer or
11 animal control officer under this section shall, within 72 hours
12 following the seizure, be given written notice of the circumstances
13 of the removal and notice of legal remedies available to the owner.
14 The notice shall be given by posting at the place of seizure, by
15 delivery to the last known or suspected owner in person or a person
16 residing at the place of seizure, or by registered mail to the last
17 known or suspected owner. Such notice shall include:

18 (a) The name, business address, and telephone number of the law
19 enforcement agency or animal care and control agency responsible for
20 seizing the animal;

21 (b) A description of the seized animal;

22 (c) The authority and purpose for the seizure, including the
23 time, place, and circumstances under which the animal was seized;

24 (d) A statement that the owner is responsible for the cost of
25 care for an animal who was lawfully seized, and that the owner will
26 be required to post a bond with the clerk of the district court of
27 the county from which the animal was seized to defray the cost of
28 minimum care pursuant to subsection (5) of this section within 14
29 calendar days of the seizure or the animal will be deemed abandoned
30 and forfeited; and

31 (e) A statement that the owner has a right to petition the
32 district court for a civil hearing for immediate return of the animal
33 and that in order to receive a hearing, the owner or owner's agent
34 must request the civil hearing by signing and returning to the court
35 an enclosed petition within 14 calendar days after the date of
36 seizure. The enclosed petition must be in substantially the same form
37 as set forth in subsection (13) of this section.

38 (5)(a) When an animal is seized pursuant to this section, the
39 owner shall post a bond with the district court in an amount
40 sufficient to provide minimum care for each animal seized for 30

1 days, including the day on which the animal was taken into custody,
2 regardless of whether the animal is the subject of a criminal charge.
3 Such bond shall be filed with the clerk of the district court of the
4 county from which the animal was seized within 14 calendar days after
5 the day the animal is seized.

6 (b) (i) If an owner fails to post a bond by 5:00 p.m. on the 14th
7 calendar day after the day the animal was seized as required under
8 this section, the animal is deemed abandoned and the owner's interest
9 in the animal is forfeited to the custodial agency by operation of
10 law in accordance with the notice provided in subsection (4) of this
11 section.

12 (ii) A petition required by subsection (4) (e) of this section may
13 be filed in the district court of the county from which an animal was
14 seized concerning any animal seized pursuant to this section. Copies
15 of the petition must be served on the law enforcement agency or
16 animal care and control agency responsible for seizing the animal and
17 the prosecuting attorney.

18 (iii) An owner's failure to file a written petition by 5:00 p.m.
19 on the 14th calendar day after the day the animal was seized shall
20 constitute a waiver of the right to file a petition under this
21 subsection and the animal is deemed abandoned and the owner's
22 interest in the animal is forfeited to the custodial agency by
23 operation of law unless a bond has been posted pursuant to this
24 subsection (5). The court may extend the 14-day period to file a
25 written petition by an additional 14 calendar days if the petitioner
26 did not have actual notice of the seizure and the court finds, on the
27 record and in writing, that there are exceptional and compelling
28 circumstances justifying the extension.

29 (c) (i) Upon receipt of a petition pursuant to (b) of this
30 subsection, the court shall set a civil hearing on the petition. The
31 hearing shall be conducted within 30 calendar days after the filing
32 of the petition.

33 (ii) At the hearing requested by the owner, the rules of civil
34 procedure shall apply and the respondent shall have the burden of
35 establishing probable cause to believe that the seized animal was
36 subjected to a violation of this chapter. The owner shall have an
37 opportunity to be heard before the court makes its final finding. If
38 the court finds that probable cause exists, the court shall order the
39 owner to post a bond as required by this subsection (5) within 72
40 hours of the hearing, and if the owner fails to do so, the seized

1 animal is deemed abandoned and the owner's interest in the animal is
2 forfeited to the custodial agency by operation of law. If the
3 respondent does not meet its burden of proof, the court may order the
4 animal returned to the owner at no cost to the owner, subject to
5 conditions set by the court. If the court orders the return of an
6 animal to the owner, the court may also order:

7 (A) Reasonable attorney fees for the owner; and

8 (B) A full refund of the bond posted pursuant to this subsection
9 (5) by the owner for the care of the animal.

10 (d) (i) If a bond has been posted in accordance with this
11 subsection (5), subsequent court proceedings shall be given court
12 calendar priority so long as the animal remains in the custody of the
13 custodial agency and the custodial agency may draw from the bond the
14 actual reasonable costs incurred by the agency in providing minimum
15 care to the animal from the date of seizure to the date of final
16 disposition of the animal in the criminal action.

17 (ii) At the end of the time for which expenses are covered by the
18 bond, if the owner seeks to prevent disposition of the animal by the
19 custodial agency, the owner shall post a new bond with the court
20 within 72 hours following the prior bond's expiration. If an owner
21 fails to post or renew a bond as required under this subsection (5),
22 the animal is deemed abandoned and the owner's interest in the animal
23 is forfeited to the custodial agency by operation of law.

24 (e) For the purposes of this subsection (5), "animal" includes
25 all unborn offspring of the seized animal and all offspring of the
26 seized animal born after the animal was seized.

27 (6) When an animal is seized from a person prohibited from
28 owning, caring for, possessing, or residing with animals under RCW
29 16.52.200 or an order issued pursuant to RCW 16.52.117, 16.52.205, or
30 16.52.207, the animal is immediately and permanently forfeited by
31 operation of law to the custodial agency and no court action is
32 necessary.

33 (7) If an animal is forfeited to a custodial agency according to
34 the provisions of this section, the agency to which the animal was
35 forfeited may place the animal with a new owner; provided that the
36 agency may not place the animal with family members or friends of the
37 former owner or with anyone who lives in the same household as the
38 former owner. At the time of placement, the agency must provide the
39 new owner with notice that it may constitute a crime for the former

1 owner to own, care for, possess, or reside with the animal at any
2 time in the future.

3 (8) A custodial agency may authorize a veterinarian or veterinary
4 technician licensed in the state of Washington or a certified
5 euthanasia technician certified in the state of Washington to
6 euthanize a seized animal for humane reasons at any time if the
7 animal is severely injured, sick, diseased, or suffering.

8 (9) Nothing in this chapter shall be construed to prevent the
9 voluntary, permanent relinquishment of any animal by its owner to a
10 law enforcement officer, animal control officer, or animal care and
11 control agency. Voluntary relinquishment has no effect on the
12 criminal charges that may be pursued by the appropriate authorities.

13 (10) Nothing in this chapter requires court action for taking
14 custody of, caring for, and properly disposing of stray, feral, at-
15 large, or abandoned animals, or wild animals not owned or kept as
16 pets or livestock, as lawfully performed by law enforcement agencies
17 or animal care and control agencies.

18 (11) Any authorized person caring for, treating, or attempting to
19 restore an animal to health under this chapter shall not be civilly
20 or criminally liable for such action.

21 (12) The provisions of this section are in addition to, and not
22 in lieu of, the provisions of RCW 16.52.200.

23 (13) A petition for a civil hearing for the immediate return of a
24 seized animal shall be in a form substantially similar to the
25 following:
26

"IN THE COURT
OF THE STATE OF WASHINGTON IN AND FOR
THE COUNTY OF
....., No.
Petitioner,
vs. PETITION FOR
....., RETURN OF SEIZED
Respondent ANIMALS

35 PARTIES/JURISDICTION

36 (a) (i) That Petitioner is, and at all relevant times herein was,
37 a resident of (county of residence) County, Washington.

1 (ii) That Respondent is, and at all relevant times herein was, an
2 agent, contractor, or political subdivision of the City/County
3 of (city or county of seizing agency), State of Washington.

4 (iii) That Petitioner's animal/animals were seized by Respondent
5 in (county where animals were seized) County, Washington.

6 (iv) That this Court has jurisdiction over the subject matter and
7 the parties hereto.

8 FACTS

9 (b) (i) That upon seizure of (number and type of animals)
10 such animals were placed in the care and custody of the Respondent
11 on (date of seizure).

12 (ii) That on or about (date on notice) the Respondent
13 issued a seizure, bond, and forfeiture notice under RCW 16.52.085, a
14 true and correct copy of said notice and accompanying attachments is
15 attached hereto and incorporated herein as Exhibit A (attach a copy
16 of the notice of seizure to this petition).

17 (iii) That pursuant to such notice, Petitioner herein files this
18 petition for the immediate return of all such seized animals pursuant
19 to RCW 16.52.085.

20 PRAYER

21 (c) Petitioner prays that this Court grant said petition and
22 order the immediate return of Petitioner's aforementioned animals to
23 Petitioner's care and custody.

24
25 DATED the . . . day of,

26
27 By:

28 Petitioner (Signature)

29 **Sec. 3.** RCW 16.52.100 and 1994 c 261 s 10 are each amended to
30 read as follows:

31 (1) If any domestic animal is impounded or confined without
32 necessary food and water for more than (~~thirty-six~~) 24 consecutive
33 hours, any person may, from time to time, as is necessary, enter into
34 and open any pound or place of confinement in which any domestic
35 animal is confined, and supply it with necessary food and water so
36 long as it is confined. The person shall not be liable to action for
37 the entry, and may collect from the animal's owner the reasonable
38 cost of the food and water. The animal shall be subject to attachment

1 for the costs and shall not be exempt from levy and sale upon
2 execution issued upon a judgment.

3 (2) An investigating officer may enter into and upon a property,
4 building, dwelling, or vehicle to provide a confined animal necessary
5 food and water prior to the animal being without necessary food or
6 water for 24 consecutive hours if the officer has probable cause to
7 believe the animal's health or life is in imminent danger. If an
8 investigating officer finds it extremely difficult to supply confined
9 animals with food and water, the officer may remove the animals to
10 protective custody for that purpose.

11 (3) Nothing in this section shall be construed as requiring an
12 investigating officer to wait for an animal to be confined or
13 impounded without necessary food or water for 24 consecutive hours
14 before making a determination that the animal has been abandoned.

15 **Sec. 4.** RCW 16.52.117 and 2019 c 174 s 1 are each amended to
16 read as follows:

17 (1) A person commits the crime of animal fighting if the person
18 knowingly does any of the following ~~((or)),~~ causes a minor to do any
19 of the following, or aids or abets any of the following:

20 (a) Owns, possesses, keeps, breeds, trains, buys, sells, or
21 advertises or offers for sale any animal with the intent that the
22 animal shall be engaged in an exhibition of fighting with another
23 animal;

24 (b) Promotes, organizes, conducts, participates in, is a
25 spectator of, advertises, prepares, or performs any service in the
26 furtherance of, an exhibition of animal fighting, transports
27 spectators to an animal fight, or provides or serves as a stakeholder
28 for any money wagered on an animal fight;

29 (c) Keeps or uses any place for the purpose of animal fighting,
30 or manages or accepts payment of admission to any place kept or used
31 for the purpose of animal fighting;

32 (d) Suffers or permits any place over which the person has
33 possession or control to be occupied, kept, or used for the purpose
34 of an exhibition of animal fighting;

35 (e) Steals, takes, leads away, possesses, confines, sells,
36 transfers, or receives an animal with the intent of using the animal
37 for animal fighting, or for training or baiting for the purpose of
38 animal fighting; or

1 (f) Owns, possesses, buys, sells, transfers, or manufactures
2 animal fighting paraphernalia for the purpose of engaging in,
3 promoting, or facilitating animal fighting, or for baiting a live
4 animal for the purpose of animal fighting.

5 (2) (a) Except as provided in (b) of this subsection, a person who
6 violates this section is guilty of a class C felony punishable under
7 RCW 9A.20.021;

8 (b) A person who intentionally mutilates an animal in furtherance
9 of an animal fighting offense as described in subsection (1) of this
10 section is guilty of a class ((B)) C felony punishable under RCW
11 9A.20.021.

12 (3) Nothing in this section prohibits the following:

13 (a) The use of dogs in the management of livestock, as defined by
14 chapter 16.57 RCW, by the owner of the livestock or the owner's
15 employees or agents or other persons in lawful custody of the
16 livestock;

17 (b) The use of dogs in hunting as permitted by law; or

18 (c) The training of animals or the use of equipment in the
19 training of animals for any purpose not prohibited by law.

20 (4) For the purposes of this section, "animal fighting
21 paraphernalia" includes equipment, products, implements, or materials
22 of any kind that are used, intended for use, or designed for use in
23 the training, preparation, conditioning, or furtherance of animal
24 fighting, and includes, but is not limited to: Cat mills; fighting
25 pits; springpoles; unprescribed veterinary medicine; treatment
26 supplies; and gaffs, slashers, heels, and any other sharp implement
27 designed to be attached in place of the natural spur of a cock or
28 game fowl.

29 **Sec. 5.** RCW 16.52.200 and 2020 c 158 s 5 are each amended to
30 read as follows:

31 (1) The sentence imposed for a misdemeanor or gross misdemeanor
32 violation of this chapter may be deferred or suspended in accordance
33 with RCW 3.66.067 and 3.66.068, however the probationary period shall
34 be two years.

35 (2) In case of multiple misdemeanor or gross misdemeanor
36 convictions, the sentences shall be consecutive, however the
37 probationary period shall remain two years.

38 (3) In addition to the penalties imposed by the court, the court
39 shall order the forfeiture of all animals held by law enforcement or

1 animal care and control authorities under the provisions of this
2 chapter if any one of the animals involved dies as a result of a
3 violation of this chapter or if the defendant has a prior conviction
4 under this chapter. In other cases the court may enter an order
5 requiring the owner to forfeit the animal if the court deems the
6 animal's treatment to have been severe and likely to reoccur.

7 (4) Any person convicted of animal cruelty or animal fighting
8 shall be prohibited from owning, caring for, possessing, or residing
9 with any animals for a period of time as follows:

10 (a) Two years for a first conviction of animal cruelty in the
11 second degree under RCW 16.52.207;

12 (b) Permanently for a first conviction of animal cruelty in the
13 first degree under RCW 16.52.205 or for a first conviction of animal
14 fighting under RCW 16.52.117;

15 (c) Permanently for a second or subsequent conviction of animal
16 cruelty, except as provided in subsection (5) of this section.

17 (5) If a person has no more than two convictions of animal
18 cruelty and each conviction is for animal cruelty in the second
19 degree, the person may petition the sentencing court in which the
20 most recent animal cruelty conviction occurred, for a restoration of
21 the right to own, care for, possess, or reside with animals five
22 years after the date of the second conviction. In determining whether
23 to grant the petition, the court shall consider, but not be limited
24 to, the following:

25 (a) The person's prior animal cruelty in the second degree
26 convictions;

27 (b) The type of harm or violence inflicted upon the animals;

28 (c) Whether the person has completed the conditions imposed by
29 the court as a result of the underlying convictions;

30 (d) Whether the person complied with the prohibition on owning,
31 caring for, possessing, or residing with animals; and

32 (e) Any other matters the court finds reasonable and material to
33 consider in determining whether the person is likely to abuse another
34 animal.

35 The court may delay its decision on forfeiture under subsection
36 (3) of this section until the end of the probationary period.

37 (6) In addition to fines and court costs, the defendant, only if
38 convicted or in agreement, shall be liable for reasonable costs
39 incurred pursuant to this chapter by law enforcement agencies, animal
40 care and control agencies, or authorized private or public entities

1 involved with the care of the animals. Reasonable costs include
2 expenses of the investigation, and the animal's care, euthanization,
3 or adoption.

4 (7) If convicted, the defendant shall also pay a civil penalty of
5 (~~one thousand dollars~~) \$1,000 to the county to prevent cruelty to
6 animals. These funds shall be used to prosecute offenses under this
7 chapter and to care for forfeited animals pending trial.

8 (8) If a person violates the prohibition on owning, caring for,
9 possessing, or residing with animals under subsection (4) of this
10 section, that person:

11 (a) (~~Shall pay a civil penalty of one thousand dollars~~) Is
12 guilty of a misdemeanor for the first violation;

13 (b) (~~Shall pay a civil penalty of two thousand five hundred~~
14 ~~dollars~~) Is guilty of a gross misdemeanor for the second violation;
15 and

16 (c) Is guilty of a (~~gross misdemeanor~~) class C felony for the
17 third and each subsequent violation.

18 (9) As a condition of the sentence imposed under this chapter or
19 RCW 9.08.070 through 9.08.078, the court may also order the defendant
20 to participate in an available animal cruelty prevention or education
21 program or obtain available psychological counseling to treat mental
22 health problems contributing to the violation's commission. The
23 defendant shall bear the costs of the program or treatment.

24 (10) Nothing in this section limits the authority of a law
25 enforcement officer, animal control officer, custodial agency, or
26 court to remove, adopt, euthanize, or require forfeiture of an animal
27 under RCW 16.52.085.

28 **Sec. 6.** RCW 16.52.207 and 2020 c 158 s 7 are each amended to
29 read as follows:

30 (1) A person is guilty of animal cruelty in the second degree if,
31 under circumstances not amounting to first degree animal cruelty:

32 (a) The person knowingly, recklessly, or with criminal negligence
33 inflicts unnecessary suffering or pain upon an animal; (~~or~~)

34 (b) The person takes control, custody, or possession of an animal
35 that was involved in animal fighting as described in RCW 16.52.117
36 and knowingly, recklessly, or with criminal negligence abandons the
37 animal; or

38 (c) The person willfully instigates, engages in, or in any way
39 furtheres any act of animal cruelty to any animal.

1 (2) (~~An owner of an animal~~) A person is guilty of animal
2 cruelty in the second degree if, under circumstances not amounting to
3 first degree animal cruelty, the (~~owner~~) person knowingly,
4 recklessly, or with criminal negligence:

5 (a) Fails to provide the animal with necessary food, water,
6 shelter, rest, sanitation, space, or medical attention and the animal
7 suffers unnecessary or unjustifiable physical pain as a result of the
8 failure; or

9 (b) Abandons the animal.

10 (3) Animal cruelty in the second degree is a gross misdemeanor.

11 (4) Nothing in this section prohibits accepted animal husbandry
12 practices or prohibits a licensed veterinarian or certified
13 veterinary technician from performing procedures on an animal that
14 are accepted veterinary medical practices.

15 **Sec. 7.** RCW 9.94A.515 and 2024 c 301 s 29 and 2024 c 55 s 1 are
16 each reenacted and amended to read as follows:

17 TABLE 2

18 CRIMES INCLUDED WITHIN EACH
19 SERIOUSNESS LEVEL

20	XVI	Aggravated Murder 1 (RCW 10.95.020)
21	XV	Homicide by abuse (RCW 9A.32.055)
22		Malicious explosion 1 (RCW
23		70.74.280(1))
24		Murder 1 (RCW 9A.32.030)
25	XIV	Murder 2 (RCW 9A.32.050)
26		Trafficking 1 (RCW 9A.40.100(1))
27	XIII	Malicious explosion 2 (RCW
28		70.74.280(2))
29		Malicious placement of an explosive 1
30		(RCW 70.74.270(1))
31	XII	Assault 1 (RCW 9A.36.011)
32		Assault of a Child 1 (RCW 9A.36.120)
33		Malicious placement of an imitation
34		device 1 (RCW 70.74.272(1)(a))

1 Promoting Commercial Sexual Abuse
2 of a Minor (RCW 9.68A.101)
3 Rape 1 (RCW 9A.44.040)
4 Rape of a Child 1 (RCW 9A.44.073)
5 Trafficking 2 (RCW 9A.40.100(3))
6 XI Manslaughter 1 (RCW 9A.32.060)
7 Rape 2 (RCW 9A.44.050)
8 Rape of a Child 2 (RCW 9A.44.076)
9 Vehicular Homicide, by being under the
10 influence of intoxicating liquor or
11 any drug (RCW 46.61.520)
12 Vehicular Homicide, by the operation of
13 any vehicle in a reckless manner
14 (RCW 46.61.520)
15 X Child Molestation 1 (RCW 9A.44.083)
16 Criminal Mistreatment 1 (RCW
17 9A.42.020)
18 Indecent Liberties (with forcible
19 compulsion) (RCW
20 9A.44.100(1)(a))
21 Kidnapping 1 (RCW 9A.40.020)
22 Leading Organized Crime (RCW
23 9A.82.060(1)(a))
24 Malicious explosion 3 (RCW
25 70.74.280(3))
26 Sexually Violent Predator Escape (RCW
27 9A.76.115)
28 IX Abandonment of Dependent Person 1
29 (RCW 9A.42.060)
30 Assault of a Child 2 (RCW 9A.36.130)
31 Explosive devices prohibited (RCW
32 70.74.180)
33 Hit and Run—Death (RCW
34 46.52.020(4)(a))

1 Homicide by Watercraft, by being under
2 the influence of intoxicating liquor
3 or any drug (RCW 79A.60.050)
4 Inciting Criminal Profiteering (RCW
5 9A.82.060(1)(b))
6 Malicious placement of an explosive 2
7 (RCW 70.74.270(2))
8 Robbery 1 (RCW 9A.56.200)
9 Sexual Exploitation (RCW 9.68A.040)
10 VIII Arson 1 (RCW 9A.48.020)
11 Commercial Sexual Abuse of a Minor
12 (RCW 9.68A.100)
13 Homicide by Watercraft, by the
14 operation of any vessel in a reckless
15 manner (RCW 79A.60.050)
16 Manslaughter 2 (RCW 9A.32.070)
17 Promoting Prostitution 1 (RCW
18 9A.88.070)
19 Theft of Ammonia (RCW 69.55.010)
20 VII Air bag diagnostic systems (causing
21 bodily injury or death) (RCW
22 46.37.660(2)(b))
23 Air bag replacement requirements
24 (causing bodily injury or death)
25 (RCW 46.37.660(1)(b))
26 Burglary 1 (RCW 9A.52.020)
27 Child Molestation 2 (RCW 9A.44.086)
28 Civil Disorder Training (RCW
29 9A.48.120)
30 Custodial Sexual Misconduct 1 (RCW
31 9A.44.160)
32 Dealing in depictions of minor engaged
33 in sexually explicit conduct 1
34 (RCW 9.68A.050(1))
35 Drive-by Shooting (RCW 9A.36.045)

1 False Reporting 1 (RCW
2 9A.84.040(2)(a))
3 Homicide by Watercraft, by disregard
4 for the safety of others (RCW
5 79A.60.050)
6 Indecent Liberties (without forcible
7 compulsion) (RCW 9A.44.100(1)
8 (b) and (c))
9 Introducing Contraband 1 (RCW
10 9A.76.140)
11 Malicious placement of an explosive 3
12 (RCW 70.74.270(3))
13 Manufacture or import counterfeit,
14 nonfunctional, damaged, or
15 previously deployed air bag
16 (causing bodily injury or death)
17 (RCW 46.37.650(1)(b))
18 Negligently Causing Death By Use of a
19 Signal Preemption Device (RCW
20 46.37.675)
21 Sell, install, or reinstall counterfeit,
22 nonfunctional, damaged, or
23 previously deployed airbag (RCW
24 46.37.650(2)(b))
25 Sending, bringing into state depictions
26 of minor engaged in sexually
27 explicit conduct 1 (RCW
28 9.68A.060(1))
29 Unlawful Possession of a Firearm in the
30 first degree (RCW 9.41.040(1))
31 Use of a Machine Gun or Bump-fire
32 Stock in Commission of a Felony
33 (RCW 9.41.225)
34 Vehicular Homicide, by disregard for
35 the safety of others (RCW
36 46.61.520)

1 VI Bail Jumping with Murder 1 (RCW
2 9A.76.170(3)(a))
3 Bribery (RCW 9A.68.010)
4 Incest 1 (RCW 9A.64.020(1))
5 Intimidating a Judge (RCW 9A.72.160)
6 Intimidating a Juror/Witness (RCW
7 9A.72.110, 9A.72.130)
8 Malicious placement of an imitation
9 device 2 (RCW 70.74.272(1)(b))
10 Possession of Depictions of a Minor
11 Engaged in Sexually Explicit
12 Conduct 1 (RCW 9.68A.070(1))
13 Rape of a Child 3 (RCW 9A.44.079)
14 Theft of a Firearm (RCW 9A.56.300)
15 Theft from a Vulnerable Adult 1 (RCW
16 9A.56.400(1))
17 Unlawful Storage of Ammonia (RCW
18 69.55.020)
19 V Abandonment of Dependent Person 2
20 (RCW 9A.42.070)
21 Advancing money or property for
22 extortionate extension of credit
23 (RCW 9A.82.030)
24 Air bag diagnostic systems (RCW
25 46.37.660(2)(c))
26 Air bag replacement requirements
27 (RCW 46.37.660(1)(c))
28 Bail Jumping with class A Felony
29 (RCW 9A.76.170(3)(b))
30 Child Molestation 3 (RCW 9A.44.089)
31 Criminal Mistreatment 2 (RCW
32 9A.42.030)
33 Custodial Sexual Misconduct 2 (RCW
34 9A.44.170)

1 Dealing in Depictions of Minor
2 Engaged in Sexually Explicit
3 Conduct 2 (RCW 9.68A.050(2))
4 Domestic Violence Court Order
5 Violation (RCW 7.105.450,
6 10.99.040, 10.99.050, 26.09.300,
7 26.26B.050, or 26.52.070)
8 Extortion 1 (RCW 9A.56.120)
9 Extortionate Extension of Credit (RCW
10 9A.82.020)
11 Extortionate Means to Collect
12 Extensions of Credit (RCW
13 9A.82.040)
14 Incest 2 (RCW 9A.64.020(2))
15 Kidnapping 2 (RCW 9A.40.030)
16 Manufacture or import counterfeit,
17 nonfunctional, damaged, or
18 previously deployed air bag (RCW
19 46.37.650(1)(c))
20 Perjury 1 (RCW 9A.72.020)
21 Persistent prison misbehavior (RCW
22 9.94.070)
23 Possession of a Stolen Firearm (RCW
24 9A.56.310)
25 Rape 3 (RCW 9A.44.060)
26 Rendering Criminal Assistance 1 (RCW
27 9A.76.070)
28 Sell, install, or reinstall counterfeit,
29 nonfunctional, damaged, or
30 previously deployed airbag (RCW
31 46.37.650(2)(c))
32 Sending, Bringing into State Depictions
33 of Minor Engaged in Sexually
34 Explicit Conduct 2 (RCW
35 9.68A.060(2))

1 Sexual Misconduct with a Minor 1
2 (RCW 9A.44.093)
3 Sexually Violating Human Remains
4 (RCW 9A.44.105)
5 Stalking (RCW 9A.46.110)
6 Taking Motor Vehicle Without
7 Permission 1 (RCW 9A.56.070)
8 IV Animal Fighting (with intentional
9 mutilation) (RCW 16.52.117(2)(b))
10 Arson 2 (RCW 9A.48.030)
11 Assault 2 (RCW 9A.36.021)
12 Assault 3 (of a Peace Officer with a
13 Projectile Stun Gun) (RCW
14 9A.36.031(1)(h))
15 Assault 4 (third domestic violence
16 offense) (RCW 9A.36.041(3))
17 Assault by Watercraft (RCW
18 79A.60.060)
19 Bribing a Witness/Bribe Received by
20 Witness (RCW 9A.72.090,
21 9A.72.100)
22 Cheating 1 (RCW 9A.46.1961)
23 Commercial Bribery (RCW 9A.68.060)
24 Counterfeiting (RCW 9.16.035(4))
25 Driving While Under the Influence
26 (RCW 46.61.502(6))
27 Endangerment with a Controlled
28 Substance (RCW 9A.42.100)
29 Escape 1 (RCW 9A.76.110)
30 Hate Crime (RCW 9A.36.080)
31 Hit and Run—Injury (RCW
32 46.52.020(4)(b))
33 Hit and Run with Vessel—Injury
34 Accident (RCW 79A.60.200(3))
35 Identity Theft 1 (RCW 9.35.020(2))

1 Indecent Exposure to Person Under Age
2 14 (subsequent sex offense) (RCW
3 9A.88.010)

4 Influencing Outcome of Sporting Event
5 (RCW 9A.82.070)

6 Physical Control of a Vehicle While
7 Under the Influence (RCW
8 46.61.504(6))

9 Possession of Depictions of a Minor
10 Engaged in Sexually Explicit
11 Conduct 2 (RCW 9.68A.070(2))

12 Residential Burglary (RCW 9A.52.025)

13 Robbery 2 (RCW 9A.56.210)

14 Theft of Livestock 1 (RCW 9A.56.080)

15 Threats to Bomb (RCW 9.61.160)

16 Trafficking in Catalytic Converters 1
17 (RCW 9A.82.190)

18 Trafficking in Stolen Property 1 (RCW
19 9A.82.050)

20 Unlawful factoring of a credit card or
21 payment card transaction (RCW
22 9A.56.290(4)(b))

23 Unlawful transaction of health coverage
24 as a health care service contractor
25 (RCW 48.44.016(3))

26 Unlawful transaction of health coverage
27 as a health maintenance
28 organization (RCW 48.46.033(3))

29 Unlawful transaction of insurance
30 business (RCW 48.15.023(3))

31 Unlicensed practice as an insurance
32 professional (RCW 48.17.063(2))

33 Use of Proceeds of Criminal
34 Profiteering (RCW 9A.82.080 (1)
35 and (2))

1 Vehicle Prowling 2 (third or subsequent
2 offense) (RCW 9A.52.100(3))
3 Vehicular Assault, by being under the
4 influence of intoxicating liquor or
5 any drug, or by the operation or
6 driving of a vehicle in a reckless
7 manner (RCW 46.61.522)
8 Viewing of Depictions of a Minor
9 Engaged in Sexually Explicit
10 Conduct 1 (RCW 9.68A.075(1))
11 III Animal Cruelty 1 (RCW 16.52.205)
12 Animal Fighting (without intentional
13 mutilation) (RCW 16.52.117(2)(a))
14 Assault 3 (Except Assault 3 of a Peace
15 Officer With a Projectile Stun Gun)
16 (RCW 9A.36.031 except subsection
17 (1)(h))
18 Assault of a Child 3 (RCW 9A.36.140)
19 Bail Jumping with class B or C Felony
20 (RCW 9A.76.170(3)(c))
21 Burglary 2 (RCW 9A.52.030)
22 Communication with a Minor for
23 Immoral Purposes (RCW
24 9.68A.090)
25 Criminal Gang Intimidation (RCW
26 9A.46.120)
27 Custodial Assault (RCW 9A.36.100)
28 Cyber Harassment (RCW
29 9A.90.120(2)(b))
30 Escape 2 (RCW 9A.76.120)
31 Extortion 2 (RCW 9A.56.130)
32 False Reporting 2 (RCW
33 9A.84.040(2)(b))
34 Harassment (RCW 9A.46.020)
35 Hazing (RCW 28B.10.901(2)(b))

1 Intimidating a Public Servant (RCW
2 9A.76.180)
3 Introducing Contraband 2 (RCW
4 9A.76.150)
5 Malicious Injury to Railroad Property
6 (RCW 81.60.070)
7 Manufacture of Untraceable Firearm
8 with Intent to Sell (RCW 9.41.190)
9 Manufacture or Assembly of an
10 Undetectable Firearm or
11 Untraceable Firearm (RCW
12 9.41.325)
13 Mortgage Fraud (RCW 19.144.080)
14 Negligently Causing Substantial Bodily
15 Harm By Use of a Signal
16 Preemption Device (RCW
17 46.37.674)
18 Organized Retail Theft 1 (RCW
19 9A.56.350(2))
20 Perjury 2 (RCW 9A.72.030)
21 Possession of Incendiary Device (RCW
22 9.40.120)
23 Possession of Machine Gun, Bump-Fire
24 Stock, Undetectable Firearm, or
25 Short-Barreled Shotgun or Rifle
26 (RCW 9.41.190)
27 Promoting Prostitution 2 (RCW
28 9A.88.080)
29 Retail Theft with Special Circumstances
30 1 (RCW 9A.56.360(2))
31 Securities Act violation (RCW
32 21.20.400)
33 Tampering with a Witness (RCW
34 9A.72.120)

1 Telephone Harassment (subsequent
2 conviction or threat of death)
3 (RCW 9.61.230(2))
4 Theft of Livestock 2 (RCW 9A.56.083)
5 Theft with the Intent to Resell 1 (RCW
6 9A.56.340(2))
7 Trafficking in Catalytic Converters 2
8 (RCW 9A.82.200)
9 Trafficking in Stolen Property 2 (RCW
10 9A.82.055)
11 Unlawful Hunting of Big Game 1
12 (RCW 77.15.410(3)(b))
13 Unlawful Imprisonment (RCW
14 9A.40.040)
15 Unlawful Misbranding of Fish or
16 Shellfish 1 (RCW 77.140.060(3))
17 Unlawful possession of firearm in the
18 second degree (RCW 9.41.040(2))
19 Unlawful Taking of Endangered Fish or
20 Wildlife 1 (RCW 77.15.120(3)(b))
21 Unlawful Trafficking in Fish, Shellfish,
22 or Wildlife 1 (RCW
23 77.15.260(3)(b))
24 Unlawful Use of a Nondesignated
25 Vessel (RCW 77.15.530(4))
26 Vehicular Assault, by the operation or
27 driving of a vehicle with disregard
28 for the safety of others (RCW
29 46.61.522)
30 II Commercial Fishing Without a License
31 1 (RCW 77.15.500(3)(b))
32 Computer Trespass 1 (RCW 9A.90.040)
33 Counterfeiting (RCW 9.16.035(3))
34 Electronic Data Service Interference
35 (RCW 9A.90.060)

1 Electronic Data Tampering 1 (RCW
2 9A.90.080)
3 Electronic Data Theft (RCW
4 9A.90.100)
5 Engaging in Fish Dealing Activity
6 Unlicensed 1 (RCW 77.15.620(3))
7 Escape from Community Custody
8 (RCW 72.09.310)
9 Failure to Register as a Sex Offender
10 (second or subsequent offense)
11 (RCW 9A.44.130 prior to June 10,
12 2010, and RCW 9A.44.132)
13 Health Care False Claims (RCW
14 48.80.030)
15 Identity Theft 2 (RCW 9.35.020(3))
16 Improperly Obtaining Financial
17 Information (RCW 9.35.010)
18 Malicious Mischief 1 (RCW 9A.48.070)
19 Organized Retail Theft 2 (RCW
20 9A.56.350(3))
21 Possession of Stolen Property 1 (RCW
22 9A.56.150)
23 Possession of a Stolen Vehicle (RCW
24 9A.56.068)
25 Possession, sale, or offering for sale of
26 seven or more unmarked catalytic
27 converters (RCW 9A.82.180(5))
28 Retail Theft with Special Circumstances
29 2 (RCW 9A.56.360(3))
30 Scrap Processing, Recycling, or
31 Supplying Without a License
32 (second or subsequent offense)
33 (RCW 19.290.100)
34 Theft 1 (RCW 9A.56.030)
35 Theft of a Motor Vehicle (RCW
36 9A.56.065)

1 Theft of Rental, Leased, Lease-
2 purchased, or Loaned Property
3 (valued at \$5,000 or more) (RCW
4 9A.56.096(5)(a))
5 Theft with the Intent to Resell 2 (RCW
6 9A.56.340(3))
7 Trafficking in Insurance Claims (RCW
8 48.30A.015)
9 Unlawful factoring of a credit card or
10 payment card transaction (RCW
11 9A.56.290(4)(a))
12 Unlawful Participation of Non-Indians
13 in Indian Fishery (RCW
14 77.15.570(2))
15 Unlawful Practice of Law (RCW
16 2.48.180)
17 Unlawful Purchase or Use of a License
18 (RCW 77.15.650(3)(b))
19 Unlawful Trafficking in Fish, Shellfish,
20 or Wildlife 2 (RCW
21 77.15.260(3)(a))
22 Unlicensed Practice of a Profession or
23 Business (RCW 18.130.190(7))
24 Voyeurism 1 (RCW 9A.44.115)
25 I Attempting to Elude a Pursuing Police
26 Vehicle (RCW 46.61.024)
27 False Verification for Welfare (RCW
28 74.08.055)
29 Forgery (RCW 9A.60.020)
30 Fraudulent Creation or Revocation of a
31 Mental Health Advance Directive
32 (RCW 9A.60.060)
33 Malicious Mischief 2 (RCW 9A.48.080)
34 Mineral Trespass (RCW 78.44.330)
35 Possession of Stolen Property 2 (RCW
36 9A.56.160)

1 Reckless Burning 1 (RCW 9A.48.040)
2 Spotlighting Big Game 1 (RCW
3 77.15.450(3)(b))
4 Suspension of Department Privileges 1
5 (RCW 77.15.670(3)(b))
6 Taking Motor Vehicle Without
7 Permission 2 (RCW 9A.56.075)
8 Theft 2 (RCW 9A.56.040)
9 Theft from a Vulnerable Adult 2 (RCW
10 9A.56.400(2))
11 Theft of Rental, Leased, Lease-
12 purchased, or Loaned Property
13 (valued at \$750 or more but less
14 than \$5,000) (RCW
15 9A.56.096(5)(b))
16 Transaction of insurance business
17 beyond the scope of licensure
18 (RCW 48.17.063)
19 Unlawful Fish and Shellfish Catch
20 Accounting (RCW 77.15.630(3)(b))
21 Unlawful Issuance of Checks or Drafts
22 (RCW 9A.56.060)
23 Unlawful Possession of Fictitious
24 Identification (RCW 9A.56.320)
25 Unlawful Possession of Instruments of
26 Financial Fraud (RCW 9A.56.320)
27 Unlawful Possession of Payment
28 Instruments (RCW 9A.56.320)
29 Unlawful Possession of a Personal
30 Identification Device (RCW
31 9A.56.320)
32 Unlawful Production of Payment
33 Instruments (RCW 9A.56.320)

1 Unlawful Releasing, Planting,
2 Possessing, or Placing Deleterious
3 Exotic Wildlife (RCW
4 77.15.250(2)(b))
5 Unlawful Trafficking in Food Stamps
6 (RCW 9.91.142)
7 Unlawful Use of Food Stamps (RCW
8 9.91.144)
9 Unlawful Use of Net to Take Fish 1
10 (RCW 77.15.580(3)(b))
11 Vehicle Prowl 1 (RCW 9A.52.095)
12 Violating Commercial Fishing Area or
13 Time 1 (RCW 77.15.550(3)(b))

--- **END** ---