

# Prevention of Animal Cruelty Bill in the 2011 Washington State Legislature: SSB 5065

SSB 5065 passed the legislature and became effective on July 22, 2011. The bill addressed certain gaps, inconsistencies, and weaknesses in our state's animal cruelty law, Chapter 16.52 RCW.

## *Problems with the Law before Passage of SSB 5065:*

### **1. It was easy to be a repeat offender.**

Because of a gap in the law, some people who are convicted of animal cruelty were allowed to own or reside with any number of similar animals *immediately* after their conviction. That put more animals at risk of being harmed, and created an additional burden on animal control officers and the legal system to monitor and deal with repeat offenders.

**2.** A person convicted of animal cruelty could be banned from owning similar animals. However, he or she had few incentives to comply with the ban because there were no civil or criminal penalties under the law for violating the ban.

### **3. The law had inconsistent penalties for animal cruelty.**

Animal cruelty in the second degree can be charged when a person inflicts unnecessary pain and suffering on an animal; deprives an animal of necessary shelter, rest, sanitation, space, or medical attention that results in unnecessary pain and suffering; or abandons an animal leaving it to fend for itself. The law treated most of these crimes as simple misdemeanors while only animal abandonment was treated as a gross misdemeanor. Second degree animal cruelty is serious in all forms and needed to be punishable uniformly as a gross misdemeanor.<sup>1</sup>

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<sup>1</sup>Misdemeanors are punishable by up to 90 days in jail, up to a \$1,000 fine, or both. Gross misdemeanors are punishable by up to 364 days in jail, up to a \$5,000 fine, or both.

**SSB 5065 made  
FOUR key  
improvements to  
Chapter 16.52 RCW  
to fill the gaps,  
eliminate  
inconsistencies, and  
make compliance  
and enforcement  
easier for everyone.**

## **Improvement ONE**

**Before Passage of SSB 5065:** The law prohibited certain people convicted of animal cruelty from owning “similar” animals for a defined period of time. However the law defined “similar” animals as those in the same genus. That definition was too narrow to be protective of animals that common sense tells us are sufficiently similar, such as cats and dogs (both household pets). **What SSB 5065 Did to Improve the Law:** “Similar animals” are now defined as animals in the same biological order (for mammals) or in the same biological class (non-mammals).

## **Improvement TWO**

**Before Passage of SSB 5065:** The law prohibited a person convicted of animal cruelty from owning or caring for similar animals for a specified period, but ONLY if he or she had animals seized AND the court ordered those animals forfeited. **What SSB 5065 Did to Improve the Law:** Expands prohibition such that a person convicted of animal cruelty may not own or reside with similar animals for the specified period of time. Applies to persons convicted of animal cruelty, not just persons whose animals were subject to forfeiture.

## **Improvement THREE**

**Before Passage of SSB 5065:** Imposed no penalty for persons who were prohibited from owning similar animals and subsequently violate that prohibition. **What SSB 5065 Did to Improve the Law:** Imposes penalties for violating a prohibition on owning or residing with similar animals.

## **Improvement FOUR**

**Before Passage of SSB 5065:** Most forms of second degree animal cruelty carried a misdemeanor penalty, while one form of second degree animal cruelty carried a gross misdemeanor penalty. **What SSB 5065 Did to Improve the Law:** Standardizes the punishment for second degree animal cruelty at the level of gross misdemeanor.