



**ANIMAL LEGAL
DEFENSE FUND** EST
1979

Compendium of U.S. Animal Protection Laws

Washington



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This chapter contains Washington’s general animal protection and related statutes with an effective date on or before September 1, 2023. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories with the relevant part of each statute italicized.

Washington may employ similar provisions within other non-animal-specific criminal and civil statutes, may have other more specific statutes in addition to those included, and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.

ANIMAL PROTECTION LAWS OF WASHINGTON

Washington Laws

SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS

1. Definition of "Animal"	"[A]ny nonhuman mammal, bird, reptile, or amphibian" WASH. REV. CODE § 16.52.011(2)(b) "[E]very creature, either alive or dead, other than a human being" WASH. REV. CODE § 16.52.205(9)(a)
2. General Cruelty	Willfully kills or injures a pet animal WASH. REV. CODE § 9.08.070 <i>Gross misdemeanor, and mandatory \$500 fine</i> Definitions WASH. REV. CODE § 16.52.011 Transporting animals in unsafe manner WASH. REV. CODE § 16.52.080 <i>Misdemeanor</i> Ear Cutting WASH. REV. CODE § 16.52.095 <i>Misdemeanor</i> Exemption: veterinary practice Poisoning animals WASH. REV. CODE § 16.52.190 <i>Gross misdemeanor</i> Exemption: Pest Control Animal cruelty in the first degree WASH. REV. CODE § 16.52.205 <i>Class C felony</i> Animal cruelty in the second degree WASH. REV. CODE § 16.52.207 <i>Gross misdemeanor</i> Unlawful use of hook WASH. REV. CODE § 16.52.305 <i>Gross misdemeanor</i>

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	Dog breeder operations, required conditions WASH. REV. CODE § 16.52.310 <i>Gross misdemeanor</i> Leave or confine any animal in unattended motor vehicle WASH. REV. CODE § 16.52.340 Class 2 civil infraction Unlawful tethering WASH. REV. CODE § 16.52.350 <i>First offense: Correction warning</i> <i>Second offense: class 2 civil infraction</i> <i>Third or subsequent offense: class 1 civil infraction</i> Exemptions: Veterinary care, exhibition, camping, other Exemptions Generally: Research animals, lawful hunting, slaughter, other WASH. REV. CODE § 16.52.180 Accepted farm animal husbandry practices, rodeo, other WASH. REV. CODE § 16.52.185 Euthanasia WASH. REV. CODE § 16.52.210
3. Animal Fighting	Various animal fighting activities WASH. REV. CODE § 16.52.117 <i>Class C felony</i> Intentional mutilation of an animal in furtherance of an animal fighting offense WASH. REV. CODE § 16.52.117(2)(b) <i>Class B felony</i> Exemptions: Accepted farmed animal husbandry practices, lawful hunting, training WASH. REV. CODE § 16.52.117(3) Abandonment of an animal who was used in animal fighting WASH. REV. CODE § 16.52.207(1)(b) <i>Gross misdemeanor</i>

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	Dogs or cats used as bait WASH. REV. CODE § 16.52.300 Exemption: Research animals
4. Sexual Assault	Sexual assault of an animal WASH. REV. CODE § 16.52.205(3),(4),(8) <i>Class C felony</i> Exemptions: Veterinary practices, accepted farm animal husbandry practices
5. Cruelty to Working Animals	Recklessly interfering with a guide dog or service animal WASH. REV. CODE § 9.91.170(1)(a) <i>1st offense: Misdemeanor</i> <i>Subsequent offense: Gross misdemeanor</i> Recklessly injuring, disabling, or causing the death of a guide dog or service animal WASH. REV. CODE § 9.91.170(3)) <i>Gross misdemeanor</i> Intentionally injuring, disabling, or killing a guide dog or service animal WASH. REV. CODE § 9.91.170(5) <i>Class C felony</i> Recklessly interfering with a search and rescue dog WASH. REV. CODE § 9.91.175(1)(a) <i>1st offense: Misdemeanor</i> <i>Subsequent offense: Gross misdemeanor</i> Recklessly injuring, disabling, or causing the death of a search and rescue dog WASH. REV. CODE § 9.91.175(2)(a) <i>Gross misdemeanor</i> Intentionally injuring, disabling, or killing an on-duty search and rescue dog WASH. REV. CODE § 9.91.175(3) <i>Class C felony</i>
6. Laws Specific to Farmed Animals	Definition of livestock WASH. REV. CODE § 16.52.011(j) Horse docking WASH. REV. CODE § 16.52.090 <i>Misdemeanor</i>

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	Killing or harming livestock belonging to another person WASH. REV. CODE § 16.52.320 <i>Class C felony</i> Ear Cutting WASH. REV. CODE § 16.52.095 <i>Misdemeanor</i> Exemption: veterinary practice Transporting nonambulatory livestock WASH. REV. CODE § 16.52.225 <i>Gross misdemeanor</i> Maliciously killing or causing substantial bodily livestock belonging to another WASH. REV. CODE § 16.52.320 <i>Class C felony</i>
7. Cruel Hunting, Trapping, and Fishing	Unlawful to fish with poison or explosives WASH. REV. CODE § 77.15.150 <i>Gross misdemeanor</i> Unlawful to destroy eggs or nests WASH. REV. CODE § 77.15.160 Definition of body-gripping trap WASH. REV. CODE § 77.15.192 Unlawful traps WASH. REV. CODE § 77.15.194 Unlawful poison WASH. REV. CODE § 77.15.196 Unlawful use of dogs WASH. REV. CODE § 77.15.240
REPORTING LAWS	
8. Cross Reporting	[None]
9. Veterinary Reporting	[None]

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10. “Ag-Gag” Laws	[None]
CIVIL AND CIVILIAN INTERVENTION	
11. Emergency Rescue and Relief	Veterinarians are immune from civil or criminal liability when using reasonable prudence in carrying out provisions of animal mistreatment statutes. <i>WASH. REV. CODE § 16.52.210</i>
12. Civil Enforcement	[None]
13. Domestic Violence and Protection Orders	Threatened harm to pets is included in the definition of “coercive control,” which is in turn included in the definition of “domestic violence” <i>Wash. Rev. Code. § 7.105.010(6),(9)</i> The court may grant petitioner exclusive custody/control of a pet and prohibit the respondent from interfering with the pet’s removal, or from knowingly coming/remaining near places where the pet is regularly found <i>Wash. Rev. Code. § 7.105.310(1)(n)</i>
CRIMINAL JUSTICE INTERVENTION	
14. Maximum Penalties and Statute of Limitations	Class B felony <i>10 years imprisonment and/or \$20,000 fine</i> <i>WASH. REV. CODE § 9A.20.021(1)(b)</i> Class C felony <i>5 years state prison and/or \$10,000 fine</i> <i>WASH. REV. CODE § 9A.20.021(1)(c)</i> Gross Misdemeanor <i>364 days in county jail and/or \$5,000 fine</i> <i>WASH. REV. CODE § 9.92.020</i> <i>WASH. REV. CODE § 9A.20.021(2)</i> Misdemeanor <i>60 days county jail and/or \$150 fine</i> <i>And costs of prosecution</i> <i>WASH. REV. CODE § 9A.20.021(3)</i> <i>WASH. REV. CODE § 16.52.165</i> All animal cruelty crimes: additional civil penalty of \$1,000 to be paid to county to prevent cruelty to animals. <i>WASH. REV. CODE § 16.52.200(6),(7)</i>

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	Statute of Limitations WASH. REV. CODE § 9A.04.080 <i>Misdemeanor: 1 year</i> <i>Gross misdemeanor: 2 years</i> <i>Felony: 3 years</i>
15. Law Enforcement Policies	Law enforcement agencies, animal care, and animal control agencies may enforce the animal cruelty provisions. WASH. REV. CODE § 16.52.015 Animal control and humane officers may issue citations, cause a law enforcement officer to make an arrest, carry nonfirearm protective devices for personal protection, and prepare affidavits to obtain search warrants. WASH. REV. CODE §§ 16.52.015, 16.52.020 Animal control officer appointment and training WASH. REV. CODE § 16.52.025
16. Seizure	With a warrant, law enforcement and animal control officers may seize cruelly treated animals or animals owned or possessed by someone in violation of a court order; and may proceed without a warrant if animal is in an immediate life-threatening condition. WASH. REV. CODE § 16.52.085(1) If any domestic animal is impounded or confined without necessary food and water for more than 36 consecutive hours, any person may enter and supply it with necessary food and water so long as it is confined. An investigating officer may remove the animals to protective custody to supply confined animals with food and water. WASH. REV. CODE § 16.52.100 Court may order seizure of animals as a condition of bond if there are reasonable grounds to believe that animal cruelty in the first degree has occurred. WASH. REV. CODE § 16.52.205(7) Seizure of dogs or cats used as bait WASH. REV. CODE § 16.52.300 Seizure of animals left unattended in a vehicle WASH. REV. CODE § 16.52.340

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17. Courtroom Animal Advocate Program	[None]
18. Restitution	Owner may be required to post a bond for costs of care of impounded animals. WASH. REV. CODE § 16.52.085(4) If convicted, defendant shall be liable for reasonable costs of care, investigation, and prosecution. WASH. REV. CODE § 16.52.200(6),(7) As part of the sentence, the court may order reimbursement of costs of care for impounded animals. WASH. REV. CODE § 16.52.205(6)(b) If a law enforcement officer authorizes removal of an animal for animal cruelty the person or entity receiving the animal and aiding in its care or restoration to health shall have a lien upon the animal for the cost of feeding, pasturing, and caring otherwise for the animal. WASH. REV. CODE § 60.56.025
19. Forfeiture and Possession Bans	If owner fails to post a bond for costs of care of seized animals, animals may be forfeited to impounding agency. WASH. REV. CODE § 16.52.085(4) If any seized animal dies as a result of the violation, or defendant has a prior conviction, all animals shall be forfeited on conviction; in other cases, forfeiture is at the discretion of the court but may be ordered if abuse was severe and reoccurrence likely. WASH. REV. CODE § 16.52.200(3) Upon conviction, the offender shall be prohibited from owning, caring for, or residing with, similar animals for a period of time ranging from two years to permanently, depending upon prior convictions and the severity of the offense. WASH. REV. CODE § 16.52.200(4) Procedure available for restoration of right to own or possess animals in select cases after a specific time period. WASH. REV. CODE § 16.52.200(5) First violation of such a prohibition will result in an \$1000 civil penalty, for a second violation a \$2500 penalty, and any subsequent violations are gross misdemeanors

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	WASH. REV. CODE § 16.52.200(8) Upon conviction, court may order offender not to harbor or own animals, or reside in any household where animals are present. WASH. REV. CODE § 16.52.205(5) Animals left with veterinarian or boarder deemed abandoned after 15 days, may be delivered to animal care or control agency or sold at auction WASH. REV. CODE §§ 16.54.010; 16.54.020; 16.54.030
20. Rehabilitative Sentencing	Upon conviction, court may order participation in counseling at the defendant's expense. WASH. REV. CODE §§ 16.52.200(9), 16.52.205(6)(a)

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1. DEFINITION OF “ANIMAL”

WASH. REV. CODE § 16.52.011. Definitions—Principles of liability.

- (1) Principles of liability as defined in chapter 9A.08 RCW apply to this chapter.
- (2) *The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.*
 - (a) “Abandons” means the knowing or reckless desertion of an animal by its owner, or by a person who has taken control, custody, or possession of an animal that was involved in animal fighting as described in RCW 16.52.117, or the causing of the animal to be deserted by its owner, in any place, without making provisions for the animal’s adequate care.
 - (b) “Animal” means any nonhuman mammal, bird, reptile, or amphibian.
 - (c) “Animal care and control agency” means any city or county animal control agency or authority authorized to enforce city or county municipal ordinances regulating the care, control, licensing, or treatment of animals within the city or county, and any corporation organized under RCW 16.52.020 that contracts with a city or county to enforce the city or county ordinances governing animal care and control.
 - (d) “Animal control officer” means any individual employed, contracted, or appointed pursuant to RCW 16.52.025 by an animal care and control agency or humane society to aid in the enforcement of ordinances or laws regulating the care and control of animals. For purposes of this chapter, the term “animal control officer” shall be interpreted to include “humane officer” as defined in (g) of this subsection and RCW 16.52.025.
 - (e) “Dog” means an animal of the species *Canis lupus familiaris*.
 - (f) “Euthanasia” means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death, or by a method that causes painless loss of consciousness, and death during the loss of consciousness.
 - (g) “Food” means food or feed appropriate to the species for which it is intended.
 - (h) “Humane officer” means any individual employed, contracted, or appointed by an animal care and control agency or humane society as authorized under RCW 16.52.025.
 - (i) “Law enforcement agency” means a general authority Washington law enforcement agency as defined in RCW 10.93.020.
 - (j) “Livestock” includes, but is not limited to, horses, mules, cattle, sheep, swine, goats, and bison.
 - (k) “Malice” has the same meaning as provided in RCW 9A.04.110, but applied to acts against animals.
 - (l) “Necessary food” means the provision at suitable intervals of wholesome foodstuff suitable for the animal’s age, species, and condition, and that is sufficient to provide a reasonable level of nutrition for the animal and is easily accessible to the animal or as directed by a veterinarian for medical reasons.
 - (m) “Necessary shelter” means a structure sufficient to protect a dog from wind, rain, snow, cold, heat, or sun that has bedding to permit a dog to remain dry and reasonably clean and maintain a normal body temperature

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- (n) "Necessary water" means water that is in sufficient quantity and of appropriate quality for the species for which it is intended and that is accessible to the animal or as directed by a veterinarian for medical reasons.
- (o) "Owner" means a person who has a right, claim, title, legal share, or right of possession to an animal or a person having lawful control, custody, or possession of an animal.
- (p) "Person" means individuals, corporations, partnerships, associations, or other legal entities, and agents of those entities.
- (q) "Substantial bodily harm" means substantial bodily harm as defined in RCW 9A.04.110.
- (r) "Tether" means: (i) To restrain an animal by tying or securing the animal to any object or structure; and (ii) a device including, but not limited to, a chain, rope, cable, cord, tie-out, pulley, or trolley system for restraining an animal.

WASH. REV. CODE § 16.52.205. Animal cruelty in the first degree.

- (1) A person is guilty of animal cruelty in the first degree when, except as authorized in law, he or she intentionally (a) inflicts substantial pain on, (b) causes physical injury to, or (c) kills an animal by a means causing undue suffering or while manifesting an extreme indifference to life, or forces a minor to inflict unnecessary pain, injury, or death on an animal.
- (2)
 - (a) A person is guilty of animal cruelty in the first degree when, except as authorized by law or as provided in (c) of this subsection, he or she, with criminal negligence, starves, dehydrates, or suffocates an animal, or exposes an animal to excessive heat or cold and as a result causes:
 - (i) Substantial and unjustifiable physical pain that extends for a period sufficient to cause considerable suffering; or
 - (ii) death.
 - (b) In determining whether an animal has experienced the condition described in (a)(i) of this subsection due to exposure to excessive heat or cold, the trier of fact shall consider any evidence as to:
 - (i) Whether the animal's particular species and breed is physiologically adaptable to the conditions to which the animal was exposed; and
 - (ii) the animal's age, health, medical conditions, and any other physical characteristics of the animal or factor that may affect its susceptibility to excessive heat or cold.
 - (c) A person is not guilty of animal cruelty in the first degree by means of exposing an animal to excessive heat or cold if the exposure is due to an unforeseen or unpreventable accident or event caused exclusively by an extraordinary force of nature.
- (3) A person is guilty of animal cruelty in the first degree when he or she:
 - (a) Knowingly engages in any sexual conduct or sexual contact with an animal;
 - (b) Knowingly causes, aids, or abets another person to engage in any sexual conduct or sexual contact with an animal;
 - (c) Knowingly permits any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her charge or control;

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- (d) Knowingly engages in, organizes, promotes, conducts, advertises, aids, abets, participates in as an observer, or performs any service in the furtherance of an act involving any sexual conduct or sexual contact with an animal for a commercial or recreational purpose; or
- (e) Knowingly photographs or films, for purposes of sexual gratification, a person engaged in a sexual act or sexual contact with an animal.
- (4) Animal cruelty in the first degree is a class C felony.
- (5) In addition to the penalty imposed in subsection (4) of this section, the court must order that the convicted person not own, care for, possess, or reside in any household where an animal is present, in accordance with RCW 16.52.200.
- (6) In addition to the penalties imposed in subsections (4) and (5) of this section, the court may ordered that the convicted person:
 - (a) Participate in appropriate counseling at the defendant's expense;
 - (b) Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of any animals taken to the animal shelter or humane society as a result of conduct proscribed in this section.
- (7) Nothing in this section prohibits accepted animal husbandry practices or prohibits a licensed veterinarian or certified veterinary technician from performing procedures on an animal that are accepted veterinary medical practices
- (8) If the court has reasonable grounds to believe that a violation of this section has occurred, the court may order the seizure of all animals involved in the alleged violation as a condition of bond of a person charged with a violation.
- (9) For purposes of this section:
 - (a) *"Animal" means every creature, either alive or dead, other than a human being.*
 - (b) *"Sexual conduct" means any touching by a person of, fondling by a person of, transfer of saliva by a person to, or use of a foreign object by a person on, the sex organs or anus of an animal, either directly or through clothing, or any transfer or transmission of semen by the person upon any part of the animal.*
 - (c) *"Sexual contact" means:*
 - (i) any contact, however slight, between the mouth, sex organ, or anus of a person and the sex organ or anus of an animal, or between the sex organ or anus of a person and the mouth of an animal; or
 - (ii) any intrusion, however slight, of any part of the body of the person or foreign object into the sex organ or anus of an animal.
 - (d) *"Photographs" or "films" means the making of a photograph, motion picture film, videotape, digital image, or any other recording, sale, or transmission of the image.*

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2. GENERAL CRUELTY

WASH. REV. CODE § 9.08.070. Pet animals—Taking, concealing, injuring, killing, etc.—Penalty.

- (1) *Any person who, with intent to deprive or defraud the owner thereof, does any of the following shall be guilty of a gross misdemeanor punishable according to chapter 9A.20 RCW and, for adult offenders, a mandatory fine of not less than five hundred dollars per pet animal shall be imposed, except as provided by subsection (2) of this section:*
 - (a) Takes, leads away, confines, secretes or converts any pet animal, except in cases in which the value of the pet animal exceeds seven hundred fifty dollars;
 - (b) Conceals the identity of any pet animal or its owner by obscuring, altering, or removing from the pet animal any collar, tag, license, tattoo, or other identifying device or mark;
 - (c) *Willfully or recklessly kills or injures any pet animal, unless excused by law.*
- (2) *Nothing in this section shall prohibit a person from also being convicted of separate offenses under RCW 9A.56.030, 9A.56.040, or 9A.56.050 for theft, under RCW 9A.56.150, 9A.56.160, or 9A.56.170 for possession of stolen property, or under chapter 16.52 RCW for animal cruelty.*

WASH. REV. CODE § 16.52.011. Definitions—Principles of liability.

- (1) *Principles of liability as defined in chapter 9A.08 RCW apply to this chapter.*
- (2) *The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.*
 - (a) *“Abandons” means the knowing or reckless desertion of an animal by its owner, or by a person who has taken control, custody, or possession of an animal that was involved in animal fighting as described in RCW 16.52.117, or the causing of the animal to be deserted by its owner, in any place, without making provisions for the animal’s adequate care.*
 - (b) *“Animal” means any nonhuman mammal, bird, reptile, or amphibian.*
 - (c) *“Animal care and control agency” means any city or county animal control agency or authority authorized to enforce city or county municipal ordinances regulating the care, control, licensing, or treatment of animals within the city or county, and any corporation organized under RCW 16.52.020 that contracts with a city or county to enforce the city or county ordinances governing animal care and control.*
 - (d) *“Animal control officer” means any individual employed, contracted, or appointed pursuant to RCW 16.52.025 by an animal care and control agency or humane society to aid in the enforcement of ordinances or laws regulating the care and control of animals. For purposes of this chapter, the term “animal control officer” shall be interpreted to include “humane officer” as defined in (g) of this subsection and RCW 16.52.025.*
 - (e) *“Dog” means an animal of the species Canis lupus familiaris.*
 - (f) *“Euthanasia” means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death, or by a method that causes painless loss of consciousness, and death during the loss of consciousness.*

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- (g) *"Food" means food or feed appropriate to the species for which it is intended.*
- (h) *"Humane officer" means any individual employed, contracted, or appointed by an animal care and control agency or humane society as authorized under RCW 16.52.025.*
- (i) *"Law enforcement agency" means a general authority Washington law enforcement agency as defined in RCW 10.93.020.*
- (j) *"Livestock" includes, but is not limited to, horses, mules, cattle, sheep, swine, goats, and bison.*
- (k) *"Malice" has the same meaning as provided in RCW 9A.04.110, but applied to acts against animals.*
- (l) *"Necessary food" means the provision at suitable intervals of wholesome foodstuff suitable for the animal's age, species, and condition, and that is sufficient to provide a reasonable level of nutrition for the animal and is easily accessible to the animal or as directed by a veterinarian for medical reasons.*
- (m) *"Necessary shelter" means a structure sufficient to protect a dog from wind, rain, snow, cold, heat, or sun that has bedding to permit a dog to remain dry and reasonably clean and maintain a normal body temperature.*
- (n) *"Necessary water" means water that is in sufficient quantity and of appropriate quality for the species for which it is intended and that is accessible to the animal or as directed by a veterinarian for medical reasons.*
- (o) *"Owner" means a person who has a right, claim, title, legal share, or right of possession to an animal or a person having lawful control, custody, or possession of an animal.*
- (p) *"Person" means individuals, corporations, partnerships, associations, or other legal entities, and agents of those entities.*
- (q) *"Substantial bodily harm" means substantial bodily harm as defined in RCW 9A.04.110.*
- (r) *"Tether" means: (i) To restrain an animal by tying or securing the animal to any object or structure; and (ii) a device including, but not limited to, a chain, rope, cable, cord, tie-out, pulley, or trolley system for restraining an animal*

WASH. REV. CODE § 16.52.080. Transporting or confining in unsafe manner—Penalty.

Any person who willfully transports or confines or causes to be transported or confined any domestic animal or animals in a manner, posture or confinement that will jeopardize the safety of the animal or the public shall be guilty of a misdemeanor. And whenever any such person shall be taken into custody or be subject to arrest pursuant to a valid warrant therefor by any officer or authorized person, such officer or person may take charge of the animal or animals; and any necessary expense thereof shall be a lien thereon to be paid before the animal or animals may be recovered; and if the expense is not paid, it may be recovered from the owner of the animal or the person guilty.

WASH. REV. CODE § 16.52.095. Cutting ears – Misdemeanor.

- (1) Except as provided in subsection (2) of this section, *it is a misdemeanor:*

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- (a) For any person to cut off more than one-half of the ear or ears of any domestic animal such as an ox, cow, bull, calf, sheep, goat, or hog; or
- (b) For any person to:
 - (i) Devocalize a dog;
 - (ii) Crop or cut off any part of the ear of a dog; or
 - (iii) Crop or cut off any part of the tail of a dog that is seven days old or older, or has opened its eyes, whichever occurs sooner.
- (2) This section does not apply if the person performing the procedure is a licensed veterinarian utilizing accepted veterinary surgical protocols that may include local anesthesia, general anesthesia, or perioperative pain management.

WASH. REV. CODE § 16.52.180. Limitations on application of chapter.

No part of this chapter shall be deemed to interfere with any of the laws of this state known as the “game laws,” nor be deemed to interfere with the right to destroy any venomous reptile or any known as dangerous to life, limb or property, or to interfere with the right to kill animals to be used for food or with any properly conducted scientific experiments or investigations, which experiments or investigations shall be performed only under the authority of the faculty of some regularly incorporated college or university of the state of Washington or a research facility registered with the United States department of agriculture and regulated by 7 U.S.C. Sec. 2131 et seq.

WASH. REV. CODE § 16.52.185. Exclusions from chapter.

Nothing in this chapter applies to accepted husbandry practices used in the commercial raising or slaughtering of livestock or poultry, or products thereof or to the use of animals in the normal and usual course of rodeo events or to the customary use or exhibiting of animals in normal and usual events at fairs as defined in RCW 15.76.120.

WASH. REV. CODE § 16.52.190. Poisoning animals—Penalty.

- (1) *Except as provided in subsections (2) and (3) of this section, a person is guilty of the crime of poisoning animals if the person intentionally or knowingly poisons an animal under circumstances which do not constitute animal cruelty in the first degree.*
- (2) *Subsection (1) of this section shall not apply to euthanizing by poison an animal in a lawful and humane manner by the animal’s owner, or by a duly authorized servant or agent of the owner, or by a person acting pursuant to instructions from a duly constituted public authority.*
- (3) *Subsection (1) of this section shall not apply to the reasonable use of rodent or pest poison, insecticides, fungicides, or slug bait for their intended purposes. As used in this section, the term “rodent” includes but is not limited to Columbia ground squirrels, other ground squirrels, rats, mice, gophers, rabbits, and any other rodent designated as injurious to the agricultural interests of the state*

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as provided in chapter 17.16 RCW. The term “pest” as used in this section includes any pest as defined in RCW 17.21.020.

(4) *A person violating this section is guilty of a gross misdemeanor.*

WASH. REV. CODE § 16.52.205. Animal cruelty in the first degree.

- (1) *A person is guilty of animal cruelty in the first degree when, except as authorized in law, he or she intentionally (a) inflicts substantial pain on, (b) causes physical injury to, or (c) kills an animal by a means causing undue suffering or while manifesting an extreme indifference to life, or forces a minor to inflict unnecessary pain, injury, or death on an animal.*
- (2)
 - (a) *A person is guilty of animal cruelty in the first degree when, except as authorized by law or as provided in (c) of this subsection, he or she, with criminal negligence, starves, dehydrates, or suffocates an animal, or exposes an animal to excessive heat or cold and as a result causes:*
 - (i) *Substantial and unjustifiable physical pain that extends for a period sufficient to cause considerable suffering; or*
 - (ii) *Death.*
 - (b) *In determining whether an animal has experienced the condition described in (a)(i) of this subsection due to exposure to excessive heat or cold, the trier of fact shall consider any evidence as to:*
 - (i) *Whether the animal's particular species and breed is physiologically adaptable to the conditions to which the animal was exposed; and*
 - (ii) *The animal's age, health, medical conditions, and any other physical characteristics of the animal or factor that may affect its susceptibility to excessive heat or cold.*
 - (c) *A person is not guilty of animal cruelty in the first degree by means of exposing an animal to excessive heat or cold if the exposure is due to an unforeseen or unpreventable accident or event caused exclusively by an extraordinary force of nature.*
- (3) *A person is guilty of animal cruelty in the first degree when he or she:*
 - (a) *Knowingly engages in any sexual conduct or sexual contact with an animal;*
 - (b) *Knowingly causes, aids, or abets another person to engage in any sexual conduct or sexual contact with an animal;*
 - (c) *Knowingly permits any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her charge or control;*
 - (d) *Knowingly engages in, organizes, promotes, conducts, advertises, aids, abets, participates in as an observer, or performs any service in the furtherance of an act involving any sexual conduct or sexual contact with an animal for a commercial or recreational purpose; or*
 - (e) *Knowingly photographs or films, for purposes of sexual gratification, a person engaged in a sexual act or sexual contact with an animal.*
- (4) *Animal cruelty in the first degree is a class C felony.*
- (5) *In addition to the penalty imposed in subsection (4) of this section, the court must order that the convicted person not own, care for, possess, or reside in any household where an animal is present in accordance with RCW 16.52.200.*

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- (6) In addition to the penalties imposed in subsections (4) and (5) of this section, the court may order that the convicted person
 - (a) Participate in appropriate counseling at the defendant's expense;
 - (b) Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of any animals taken to the animal shelter or humane society as a result of conduct proscribed in this section.
- (7) Nothing in this section prohibits accepted animal husbandry practices or prohibits a licensed veterinarian or certified veterinary technician from performing procedures on an animal that are accepted veterinary medical practices.
- (8) If the court has reasonable grounds to believe that a violation of this section has occurred, the court may order the seizure of all animals involved in the alleged violation as a condition of bond of a person charged with a violation.
- (9) For purposes of this section:
 - (a) "Animal" means every creature, either alive or dead, other than a human being.
 - (b) "Sexual conduct" means any touching by a person of, fondling by a person of, transfer of saliva by a person to, or use of a foreign object by a person on, the sex organs or anus of an animal, either directly or through clothing, or any transfer or transmission of semen by the person upon any part of the animal.
 - (c) "Sexual contact" means:
 - (i) Any contact, however slight, between the mouth, sex organ, or anus of a person and the sex organ or anus of an animal, or between the sex organ or anus of a person and the mouth of an animal; or
 - (ii) Any intrusion, however slight, of any part of the body of the person or foreign object into the sex organ or anus of an animal.
 - (d) "Photographs" or "films" means the making of a photograph, motion picture film, videotape, digital image, or any other recording, sale, or transmission of the image.

WASH. REV. CODE § 16.52.207. Animal cruelty in the second degree.

- (1) *A person is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty:*
 - (a) *The person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal; or*
 - (b) *The person takes control, custody, or possession of an animal that was involved in animal fighting as described in RCW 16.52.117 and knowingly, recklessly, or with criminal negligence abandons the animal.*
- (2) *An owner of an animal is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the owner knowingly, recklessly, or with criminal negligence:*
 - (a) *Fails to provide the animal with necessary shelter, rest, sanitation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure;*
 - (b) *Abandons the animal.*
- (3) *Animal cruelty in the second degree is a gross misdemeanor.*

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WASH. REV. CODE § 16.52.210. Destruction of animal by law enforcement officer— Immunity from liability.

This chapter shall not limit the right of a law enforcement officer to destroy an animal that has been seriously injured and would otherwise continue to suffer. Such action shall be undertaken with reasonable prudence and, whenever possible, in consultation with a licensed veterinarian and the owner of the animal.

Law enforcement officers and licensed veterinarians shall be immune from civil and criminal liability for actions taken under this chapter if reasonable prudence is exercised in carrying out the provisions of this chapter.

WASH. REV. CODE § 16.52.305. Unlawful use of hook—Gross misdemeanor.

- (1) A person is guilty of the unlawful use of a hook if the person utilizes, or attempts to use, a hook with the intent to pierce the flesh or mouth of a bird or mammal.*
- (2) Unlawful use of a hook is a gross misdemeanor.*

WASH. REV. CODE § 16.52.310. Dog breeding--Limit on the number of dogs--Required conditions--Penalty--Definitions

- (1) A person may not own, possess, control, or otherwise have charge or custody of more than 50 dogs with intact sexual organs over the age of six months at any time.*
- (2) Any person who owns, possesses, controls, or otherwise has charge or custody of more than 10 dogs with intact sexual organs over the age of six months and keeps the dogs in an enclosure for the majority of the day must at a minimum:*
 - (a) Provide space to allow each dog to turn about freely, to stand, sit, and lie down. The dog must be able to lie down while fully extended without the dog's head, tail, legs, face, or feet touching any side of an enclosure and without touching any other dog in the enclosure when all dogs are lying down simultaneously. The interior height of the enclosure must be at least six inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position. Each enclosure must be at least three times the length and width of the longest dog in the enclosure, from tip of nose to base of tail and shoulder blade to shoulder blade.*
 - (b) Provide each dog that is over the age of four months with a minimum of one exercise period during each day for a total of not less than one hour of exercise during such day. Such exercise must include either leash walking or giving the dog access to an enclosure at least four times the size of the minimum allowable enclosure specified in (a) of this subsection allowing the dog free mobility for the entire exercise period, but may not include use of a cat mill, jenny mill, slat mill, or similar device, unless prescribed by a doctor of veterinary medicine. The exercise requirements in this subsection do not apply to a dog certified by a doctor of veterinary medicine as being medically precluded from exercise.*
 - (c) Maintain adequate housing facilities and primary enclosures that meet the following*

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requirements at a minimum:

- (i) *Housing facilities and primary enclosures must be kept in a sanitary condition. Housing facilities where dogs are kept must be sufficiently ventilated at all times to minimize odors, drafts, ammonia levels, and to prevent moisture condensation. Housing facilities must have a means of fire suppression, such as functioning fire extinguishers, on the premises and must have sufficient lighting to allow for observation of the dogs at any time of day or night;*
- (ii) *Housing facilities must enable all dogs to remain dry and clean;*
- (iii) *Housing facilities must provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs;*
- (iv) *Housing facilities must provide sufficient shade to shelter all the dogs housed in the primary enclosure at one time;*
- (v) *A primary enclosure must have floors that are constructed in a manner that protects the dogs' feet and legs from injury;*
- (vi) *Primary enclosures must be placed no higher than forty-two inches above the floor and may not be placed over or stacked on top of another cage or primary enclosure;*
- (vii) *Feces, hair, dirt, debris, and food waste must be removed from primary enclosures at least daily or more often if necessary to prevent accumulation and to reduce disease hazards, insects, pests, and odors; and*
- (viii) *All dogs in the same enclosure at the same time must be compatible, as determined by observation. Animals with a vicious or aggressive disposition must never be placed in an enclosure with another animal, except for breeding purposes. Breeding females in heat may not be in the same enclosure at the same time with sexually mature males, except for breeding purposes. Breeding females and their litters may not be in the same enclosure at the same time with other adult dogs. Puppies under twelve weeks may not be in the same enclosure at the same time with other adult dogs, other than the dam or foster dam unless under immediate supervision.*
- (e) *Provide dogs with easy and convenient access to adequate amounts of clean food and water. Food and water receptacles must be regularly cleaned and sanitized. All enclosures must contain potable water that is not frozen, is substantially free from debris, and is readily accessible to all dogs in the enclosure at all times.*
- (f) *Provide veterinary care without delay when necessary. A dog may not be bred if a veterinarian determines that the animal is unfit for breeding purposes. Only dogs between the ages of twelve months and eight years of age may be used for breeding. Animals requiring euthanasia must be euthanized only by a licensed veterinarian.*
- (3) *A person who violates subsection (1) or (2) of this section is guilty of a gross misdemeanor.*
- (4) *This section does not apply to the following:*
 - (a) *A publicly operated animal control facility or animal shelter;*
 - (b) *A private, charitable not-for-profit humane society or animal adoption organization;*
 - (c) *A veterinary facility;*
 - (d) *A retail pet store;*
 - (e) *A research institution;*
 - (f) *A boarding facility; or*

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(g) A grooming facility.

(5) For the purposes of this section, the following definitions apply, unless the context clearly requires otherwise:

(a) “Dog” means any member of *Canis lupus familiaris*; and

(b) “Retail pet store” means a commercial establishment that engages in a for-profit business of selling at retail cats, dogs, or other animals to be kept as household pets and is regulated by the United States department of agriculture.

WASH. REV. CODE § 16.52.340. Leave or confine any animal in unattended motor vehicle or enclosed space — Class 2 civil infraction — Officers' authority to reasonably remove animal.

- (1) *It is a class 2 civil infraction under RCW 7.80.120 to leave or confine any animal unattended in a motor vehicle or enclosed space if the animal could be harmed or killed by exposure to excessive heat, cold, lack of ventilation, or lack of necessary water.*
- (2) To protect the health and safety of an animal, an animal control officer or law enforcement officer who reasonably believes that an animal is suffering or is likely to suffer harm from exposure to excessive heat, cold, lack of ventilation, or lack of necessary water is authorized to enter a vehicle or enclosed space to remove an animal by any means reasonable under the circumstances if no other person is present in the immediate area who has access to the vehicle or enclosed space and who will immediately remove the animal. An animal control officer, law enforcement officer, or the department or agency employing such an officer is not liable for any damage to property resulting from actions taken under this section.
- (3) Nothing in this section prevents the person who has confined the animal in the vehicle or enclosed space from being convicted of separate offenses for animal cruelty under RCW 16.52.205 or 16.52.207.

WASH. REV. CODE § 16.52.350. Dog tethering—Penalties.

- (1) *Any dog that is restrained outside by a tether must only be restrained for a period of time that is not reckless and in compliance with this section.*
 - (a) *The dog shall not be tethered in a manner that results, or could reasonably result, in the dog becoming frequently entangled on the restraint or another object.*
 - (b) *If there are multiple dogs tethered, each dog must be on a separate tether and not secured to the same fixed point.*
 - (c) *The tether must allow the dog to sit, lie down, and stand comfortably without the restraint becoming taut and allow the dog a range of movement.*
 - (d) *A dog shall not be tethered if it is ill, suffering from a debilitating disease, injured, in distress, in the advanced stages of pregnancy, or under six months of age.*
 - (e) *A tethered dog must have access to clean water and necessary shelter that is safe and protective while tethered. The shelter and water vessel must be constructed or attached in such a way that the dog cannot knock over the shelter or water vessel.*

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- (f) *A dog shall not be tethered in a manner that results in the dog being left in unsafe or unsanitary conditions or that forces the dog to stand, sit, or lie down in its own excrement or urine.*
- (g) *A dog shall not be tethered by means of a choke, pinch, slip, halter, or prong-type collar, or by any means other than with a properly fitted buckle-type collar or harness that provides enough room between the collar or harness and the dog's throat to allow normal breathing and swallowing.*
- (h) *The weight of the tether shall not unreasonably inhibit the free movement of the dog within the area allowed by the length of the tether.*
- (i) *The dog shall not be tethered in a manner that causes the dog injury or pain.*
- (2) The provisions of subsection (1)(a) through (d) of this section do not apply to a dog that is:
 - (c) Tethered while it is receiving medical care or treatment under the supervision of a licensed veterinarian or is being groomed;
 - (d) Participating temporarily in an exhibition, show, contest, or other event in which the skill, breeding, or stamina of the dog is judged or examined;
 - (e) Being kept temporarily at a camping or recreation area;
 - (f) Being cared for temporarily after having been picked up as a stray or as part of a rescue operation;
 - (g) Being transported in a motor vehicle or temporarily restrained or tied after being unloaded from a motor vehicle;
 - (h) Being trained or used by a federal, state, or local law enforcement agency or military or national guard unit; or
 - (i) In the physical presence of the person who owns, keeps, or controls the dog.
- (6) *Each incident involving a violation of this section is a separate offense. A person who violates this section is subject to the following penalties:*
 - (a) *A first offense shall result in a correction warning being issued requiring the offense to be corrected by the person who owns, keeps, or controls the dog within seven days after the date of the warning being issued in lieu of an infraction unless the offense poses an imminent risk to the health or safety of the dog or the dog has been injured as a result of the offense.*
 - (b) *A second offense is a class 2 civil infraction under RCW 7.80.120(1)(b).*
 - (c) *A third or subsequent offense is a class 1 civil infraction under RCW 7.80.120(1)(a).*

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3. ANIMAL FIGHTING

WASH. REV. CODE § 16.52.117. Animal fighting—Prohibited behavior—Class C felony—Exceptions.

- (1) *A person commits the crime of animal fighting if the person knowingly does any of the following or causes a minor to do any of the following:*
 - (a) *Owns, possesses, keeps, breeds, trains, buys, sells, or advertises or offers for sale any animal with the intent that the animal shall be engaged in an exhibition of fighting with another animal;*
 - (b) *Promotes, organizes, conducts, participates in, is a spectator of, advertises, prepares, or performs any service in the furtherance of, an exhibition of animal fighting, transports spectators to an animal fight, or provides or serves as a stakeholder for any money wagered on an animal fight;*
 - (c) *Keeps or uses any place for the purpose of animal fighting, or manages or accepts payment of admission to any place kept or used for the purpose of animal fighting;*
 - (d) *Suffers or permits any place over which the person has possession or control to be occupied, kept, or used for the purpose of an exhibition of animal fighting; or*
 - (e) *Steals, takes, leads away, possesses, confines, sells, transfers, or receives an animal with the intent of using the animal for animal fighting, or for training or baiting for the purpose of animal fighting; or*
 - (f) *Owns, possesses, buys, sells, transfers, or manufactures animal fighting paraphernalia for the purpose of engaging in, promoting, or facilitating animal fighting, or for baiting a live animal for the purpose of animal fighting.*
- (2)
 - (a) *Except as provided in (b) of this subsection, a person who violates this section is guilty of a class C felony punishable under RCW 9A.20.021.*
 - (b) *A person who intentionally mutilates an animal in furtherance of an animal fighting offense as described in subsection (1) of this section is guilty of a class B felony punishable under RCW 9A.20.021.*
- (3) *Nothing in this section prohibits the following:*
 - (a) *The use of dogs in the management of livestock, as defined by chapter 16.57 RCW, by the owner of the livestock or the owner's employees or agents or other persons in lawful custody of the livestock;*
 - (b) *The use of dogs in hunting as permitted by law; or*
 - (c) *The training of animals or the use of equipment in the training of animals for any purpose not prohibited by law.*
- (4) *For the purposes of this section, "animal fighting paraphernalia" includes equipment, products, implements, or materials of any kind that are used, intended for use, or designed for use in the training, preparation, conditioning, or furtherance of animal fighting, and includes, but is not limited to: Cat mills; fighting pits; springpoles; unprescribed veterinary medicine; treatment supplies; and gaffs, slashers, heels, and any other sharp implement designed to be attached in place of the natural spur of a cock or game fowl.*

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WASH. REV. CODE § 16.52.207. Animal cruelty in the second degree.

- (1) A person is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty:
 - (a) the person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal; or
 - (b) *The person takes control, custody, or possession of an animal that was involved in animal fighting as described in RCW 16.52.117 and knowingly, recklessly, or with criminal negligence abandons the animal.*
- (2) An owner of an animal is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the owner knowingly, recklessly, or with criminal negligence:
 - (a) Fails to provide the animal with necessary shelter, rest, sanitation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; or
 - (b) Abandons the animal.
- (3) Animal cruelty in the second degree is a gross misdemeanor.

WASH. REV. CODE § 16.52.300. Dogs or cats used as bait--Seizure—Limitation.

- (1) *If any person commits the crime of animal cruelty in the first or second degree by using or trapping to use domestic dogs or cats as bait, prey, or targets for the purpose of training dogs or other animals to track, fight, or hunt, law enforcement officers or animal control officers shall seize and hold the animals being trained. The seized animals shall be disposed of by the court pursuant to the provisions of RCW 16.52.200(3).*
- (2) This section shall not in any way interfere with or impair the operation of any provision of Title 28B RCW, relating to higher education or biomedical research.

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4. SEXUAL ASSAULT

WASH. REV. CODE § 16.52.205. Animal cruelty in the first degree.

- (1) A person is guilty of animal cruelty in the first degree when, except as authorized in law, he or she intentionally (a) inflicts substantial pain on, (b) causes physical injury to, or (c) kills an animal by a means causing undue suffering or while manifesting an extreme indifference to life, or forces a minor to inflict unnecessary pain, injury, or death on an animal.
- (2)
 - (a) A person is guilty of animal cruelty in the first degree when, except as authorized by law or as provided by (c) in this subsection, he or she, with criminal negligence, starves, dehydrates, or suffocates an animal, or exposes an animal to excessive heat or cold and as a result causes:
 - (i) Substantial and unjustifiable physical pain that extends for a period sufficient to cause considerable suffering; or
 - (ii) Death.
 - (b) In determining whether an animal has experienced the condition described in (a)(i) of this subsection due to exposure to excessive heat or cold, the trier of fact shall consider any evidence as to:
 - (i) Whether the animal's particular species and breed is physiologically adaptable to the conditions to which the animal was exposed; and
 - (ii) The animal's age, health, medical conditions, and any other physical characteristics of the animal or factor that may affect its susceptibility to excessive heat or cold.
 - (c) A person is not guilty of animal cruelty in the first degree by means of exposing an animal to excessive heat or cold if the exposure is due to an unforeseen or unpreventable accident or event caused exclusively by an extraordinary force of nature.
- (3) *A person is guilty of animal cruelty in the first degree when he or she:*
 - (a) *Knowingly engages in any sexual conduct or sexual contact with an animal;*
 - (b) *Knowingly causes, aids, or abets another person to engage in any sexual conduct or sexual contact with an animal;*
 - (c) *Knowingly permits any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her charge or control;*
 - (d) *Knowingly engages in, organizes, promotes, conducts, advertises, aids, abets, participates in as an observer, or performs any service in the furtherance of an act involving any sexual conduct or sexual contact with an animal for a commercial or recreational purpose; or*
 - (e) *Knowingly photographs or films, for purposes of sexual gratification, a person engaged in a sexual act or sexual contact with an animal.*
- (4) *Animal cruelty in the first degree is a class C felony.*
- (5) In addition to the penalty imposed in subsection (4) of this section, the court must order that the convicted person not own, care for, possess, or reside in any household where an animal is present, in accordance with RCW 16.52.200.
- (6) In addition to the penalties imposed in subsections (4) and (5) of this section, the court may order that the convicted person:

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- (a) Participate in appropriate counseling at the defendant's expense;
- (b) Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of any animals taken to the animal shelter or humane society as a result of conduct proscribed in this section.
- (7) Nothing in this section prohibits accepted animal husbandry practices or prohibits a licensed veterinarian or certified veterinary technician from performing procedures on an animal that are accepted veterinary medical practices.
- (8) If the court has reasonable grounds to believe that a violation of this section has occurred, the court may order the seizure of all animals involved in the alleged violation as a condition of bond of a person charged with a violation.
- (9) *For purposes of this section:*
 - (a) *"Animal" means every creature, either alive or dead, other than a human being.*
 - (b) *"Sexual conduct" means any touching by a person of, fondling by a person of, transfer of saliva by a person to, or use of a foreign object by a person on, the sex organs or anus of an animal, either directly or through clothing, or any transfer or transmission of semen by the person upon any part of the animal.*
 - (c) *"Sexual contact" means:*
 - (i) *Any contact, however slight, between the mouth, sex organ, or anus of a person and the sex organ or anus of an animal, or between the sex organ or anus of a person and the mouth of an animal; or*
 - (ii) *Any intrusion, however slight, of any part of the body of the person or foreign object into the sex organ or anus of an animal.*
 - (d) *"Photographs" or "films" means the making of a photograph, motion picture film, videotape, digital image, or any other recording, sale, or transmission of the image.*

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5. CRUELTY TO WORKING ANIMALS

WASH. REV. CODE § 9.91.170. Interfering with dog guide or service animal.

- (1)
 - (a) *Any person who has received notice that his or her behavior is interfering with the use of a dog guide or service animal who continues with reckless disregard to interfere with the use of a dog guide or service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the dog guide or service animal user or his or her dog guide or service animal is guilty of a misdemeanor, except as provided in (b) of this subsection.*
 - (b) *A second or subsequent violation of this subsection is a gross misdemeanor.*
- (2)
 - (a) Any person who, with reckless disregard, allows his or her dog to interfere with the use of a dog guide or service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the dog guide or service animal user or his or her dog guide or service animal is guilty of a misdemeanor, except as provided in (b) of this subsection.
 - (b) A second or subsequent violation of this subsection is a gross misdemeanor.
- (3) *Any person who, with reckless disregard, injures, disables, or causes the death of a dog guide or service animal is guilty of a gross misdemeanor.*
- (4) Any person who, with reckless disregard, allows his or her dog to injure, disable, or cause the death of a dog guide or service animal is guilty of a gross misdemeanor.
- (5) *Any person who intentionally injures, disables, or causes the death of a dog guide or service animal is guilty of a class C felony punishable according to chapter 9A.20 RCW.*
- (6) Any person who wrongfully obtains or exerts unauthorized control over a dog guide or service animal with the intent to deprive the dog guide or service animal user of his or her dog guide or service animal is guilty of theft in the first degree, RCW 9A.56.030.
- (7)
 - (a) In any case in which the defendant is convicted of a violation of this section, he or she shall also be ordered to make full restitution for all damages, including incidental and consequential expenses incurred by the dog guide or service animal user and the dog guide or service animal which arise out of or are related to the criminal offense.
 - (b) Restitution for a conviction under this section shall include, but is not limited to:
 - (i) The value of the replacement of an incapacitated or deceased dog guide or service animal, the training of a replacement dog guide or service animal, or retraining of the affected dog guide or service animal and all related veterinary and care expenses; and
 - (ii) Medical expenses of the dog guide or service animal user, training of the dog guide or service animal user, and compensation for wages or earned income lost by the dog guide or service animal user.
- (8) Nothing in this section shall affect any civil remedies available for violation of this section.
- (9) For purposes of this section, the following definitions apply:
 - (a) “Dog guide” means a dog that is trained or in training for the purpose of guiding blind persons or a dog trained or in training for the purpose of assisting hearing impaired persons.

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- (b) “Service animal” means an animal that is trained or in training for the purposes of assisting or accommodating a disabled person's sensory, mental, or physical disability.
- (c) “Notice” means a verbal or otherwise communicated warning prescribing the behavior of another person and a request that the person stop their behavior.
- (d) “Value” means the value to the dog guide or service animal user and does not refer to cost or fair market value.

WASH. REV. CODE § 9.91.175. Interfering with search and rescue dog.

- (1)
 - (a)
 - (i) *Any person who has received notice that his or her behavior is interfering with the use of an on-duty search and rescue dog who continues with reckless disregard to interfere with the use of an on-duty search and rescue dog by obstructing, intimidating, or otherwise jeopardizing the safety of the search and rescue dog user or his or her search and rescue dog is guilty of a misdemeanor punishable according to chapter 9A.20 RCW, except when (a)(ii) of this subsection applies.*
 - (ii) *A second or subsequent violation of (a)(i) of this subsection is a gross misdemeanor punishable according to chapter 9A.20 RCW.*
 - (b)
 - (i) *Any person who, with reckless disregard, allows his or her dog to interfere with the use of an on-duty search and rescue dog by obstructing, intimidating, or otherwise jeopardizing the safety of the search and rescue dog user or his or her search and rescue dog is guilty of a misdemeanor punishable according to chapter 9A.20 RCW, except when (b)(ii) of this subsection applies.*
 - (ii) *A second or subsequent violation of (b)(i) of this subsection is a gross misdemeanor punishable according to chapter 9A.20 RCW.*
- (2)
 - (a) *Any person who, with reckless disregard, injures, disables, or causes the death of an on-duty search and rescue dog is guilty of a gross misdemeanor punishable according to chapter 9A.20 RCW.*
 - (b) *Any person who, with reckless disregard, allows his or her dog to injure, disable, or cause the death of an on-duty search and rescue dog is guilty of a gross misdemeanor punishable according to chapter 9A.20 RCW.*
- (3) *Any person who intentionally injures, disables, or causes the death of an on-duty search and rescue dog is guilty of a class C felony.*
- (4) *Any person who wrongfully obtains or exerts unauthorized control over an on-duty search and rescue dog with the intent to deprive the dog user of his or her search and rescue dog is guilty of theft in the first degree under RCW 9A.56.030.*
- (5)
 - (a) *In any case in which the defendant is convicted of a violation of this section, he or she shall also be ordered to make full restitution for all damages, including incidental and consequential*

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expenses incurred by the search and rescue dog user and the dog that arise out of, or are related to, the criminal offense.

(b) Restitution for a conviction under this section shall include, but is not limited to:

- (i) The value of the replacement of an incapacitated or deceased dog, the training of a replacement search and rescue dog, or retraining of the affected dog and all related veterinary and care expenses; and
- (ii) Medical expenses of the search and rescue dog user, training of the dog user, and compensation for any wages or earned income lost by the search and rescue dog user as a result of a violation of subsection (1), (2), (3), or (4) of this section.

(6) Nothing in this section affects any civil remedies available for violation of this section.

(7) For purposes of this section, “search and rescue dog” means a dog that is trained for the purpose of search and rescue of persons lost or missing.

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6. LAWS SPECIFIC TO FARMED ANIMALS

Editor's Note: *This section does **not** contain all state or territorial laws regarding farmed animals. This section contains only criminal statutes with the primary purpose of preventing individual farmed animals from suffering unnecessary pain or suffering.*

WASH. REV. CODE § 16.52.011. Definitions—Principles of liability.

- (1) Principles of liability as defined in chapter 9A.08 RCW apply to this chapter.
- (2) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.
 - (a) "Abandons" means the knowing or reckless desertion of an animal by its owner, or by a person who has taken control, custody, or possession of an animal that was involved in animal fighting as described in RCW 16.52.117, or the causing of the animal to be deserted by its owner, in any place, without making provisions for the animal's adequate care.
 - (b) "Animal" means any nonhuman mammal, bird, reptile, or amphibian.
 - (c) "Animal care and control agency" means any city or county animal control agency or authority authorized to enforce city or county municipal ordinances regulating the care, control, licensing, or treatment of animals within the city or county, and any corporation organized under RCW 16.52.020 that contracts with a city or county to enforce the city or county ordinances governing animal care and control.
 - (d) "Animal control officer" means any individual employed, contracted, or appointed pursuant to RCW 16.52.025 by an animal care and control agency or humane society to aid in the enforcement of ordinances or laws regulating the care and control of animals. For purposes of this chapter, the term "animal control officer" shall be interpreted to include "humane officer" as defined in (g) of this subsection and RCW 16.52.025.
 - (e) "Dog" means an animal of the species *Canis lupus familiaris*.
 - (f) "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death, or by a method that causes painless loss of consciousness, and death during the loss of consciousness.
 - (g) "Food" means food or feed appropriate to the species for which it is intended.
 - (h) "Humane officer" means any individual employed, contracted, or appointed by an animal care and control agency or humane society as authorized under RCW 16.52.025.
 - (i) "Law enforcement agency" means a general authority Washington law enforcement agency as defined in RCW 10.93.020.
 - (j) "Livestock" includes, but is not limited to, horses, mules, cattle, sheep, swine, goats, and bison.
 - (k) "Malice" has the same meaning as provided in RCW 9A.04.110, but applied to acts against animals.
 - (l) "Necessary food" means the provision at suitable intervals of wholesome foodstuff suitable for the animal's age, species, and condition, and that is sufficient to provide a reasonable level of

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nutrition for the animal and is easily accessible to the animal or as directed by a veterinarian for medical reasons.

- (m) "Necessary shelter" means a structure sufficient to protect a dog from wind, rain, snow, cold, heat, or sun that has bedding to permit a dog to remain dry and reasonably clean and maintain a normal body temperature.
- (n) "Necessary water" means water that is in sufficient quantity and of appropriate quality for the species for which it is intended and that is accessible to the animal or as directed by a veterinarian for medical reasons.
- (o) "Owner" means a person who has a right, claim, title, legal share, or right of possession to an animal or a person having lawful control, custody, or possession of an animal.
- (p) "Person" means individuals, corporations, partnerships, associations, or other legal entities, and agents of those entities.
- (q) "Substantial bodily harm" means substantial bodily harm as defined in RCW 9A.04.110.
- (r) "Tether" means: (i) To restrain an animal by tying or securing the animal to any object or structure; and (ii) a device including, but not limited to, a chain, rope, cable, cord, tie-out, pulley, or trolley system for restraining an animal

WASH. REV. CODE § 16.52.090. Docking horses – Misdemeanor.

Every person who shall cut or cause to be cut, or assist in cutting the solid part of the tail of any horse in the operation known as "docking," or in any other operation for the purpose of shortening the tail or changing the carriage thereof, shall be guilty of a misdemeanor.

WASH. REV. CODE § 16.52.095. Cutting ears – Misdemeanor.

- (1) *Except as provided in subsection (2) of this section, it is a misdemeanor:*
 - (a) *For any person to cut off more than one-half of the ear or ears of any domestic animal such as an ox, cow, bull, calf, sheep, goat, or hog; or*
 - (b) *For any person to:*
 - (i) Devocalize a dog;
 - (ii) Crop or cut off any part of the ear of a dog; or
 - (iii) Crop or cut off any part of the tail of a dog that is seven days old or older, or has opened its eyes, whichever occurs sooner.
- (2) This section does not apply if the person performing the procedure is a licensed veterinarian utilizing accepted veterinary surgical protocols that may include local anesthesia, general anesthesia, or perioperative pain management.

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WASH. REV. CODE § 16.52.225. Nonambulatory livestock--Transporting or accepting delivery--Gross misdemeanor--Definition

- (1) *Unless otherwise cited for a civil infraction by the department of agriculture under RCW 16.36.116(2), a person is guilty of a gross misdemeanor punishable as provided in RCW 9A.20.021 if he or she knowingly transports or accepts delivery of live nonambulatory livestock to, from, or between any livestock market, feedlot, slaughtering facility, or similar facility that trades in livestock. The transport or acceptance of each nonambulatory livestock animal is considered a separate and distinct violation.*
- (2) Nonambulatory livestock must be humanely euthanized before transport to, from, or between locations listed in subsection (1) of this section.
- (3) Livestock that was ambulatory prior to transport to a feedlot and becomes nonambulatory because of an injury sustained during transport may be unloaded and placed in a separate pen for rehabilitation at the feedlot.
- (4) *For the purposes of this section, “nonambulatory livestock” means cattle, sheep, swine, goats, horses, mules, or other equine that cannot rise from a recumbent position or cannot walk, including but not limited to those with broken appendages, severed tendons or ligaments, nerve paralysis, a fractured vertebral column, or metabolic conditions.*

WASH. REV. CODE § 16.52.320. Maliciously killing or causing substantial bodily livestock belonging to another – Penalty.

- (1) *It is unlawful for a person to, with malice, kill or cause substantial bodily harm to livestock belonging to another person.*
- (2) *A violation of this section constitutes a class C felony.*

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7. CRUEL HUNTING, TRAPPING, AND FISHING

Editor's Note: *This section does **not** contain all state or territorial laws regarding hunting, trapping, and fishing. This section contains only criminal statutes with the primary purpose of preventing individual wild animals from suffering unnecessary pain or suffering.*

WASH. REV. CODE § 77.15.150. Poison or explosives--Unlawful use—Penalty

- (1) *A person is guilty of unlawful use of poison or explosives if:*
 - (a) *The person lays out, sets out, or uses a drug, poison, or other deleterious substance that kills, injures, harms, or endangers fish, shellfish, or wildlife, except if the person is using the substance in compliance with federal and state laws and label instructions; or*
 - (b) *The person lays out, sets out, or uses an explosive that kills, injures, harms, or endangers fish, shellfish, or wildlife, except if authorized by law or permit of the director.*
- (2) *Unlawful use of poison or explosives is a gross misdemeanor.*

WASH. REV. CODE § 77.15.160. Infractions--Penalties

The following acts are infractions and may be cited and civil penalties imposed as provided under chapter 7.84 RCW, to include detentions for a reasonable period and investigations as provided in RCW 7.84.030. The civil provisions of this section are cumulative and nonexclusive and do not affect any criminal prosecution or investigatory authority over criminal offenses:

- (1) Fishing and shellfishing infractions:
 - (a) Barbed hooks: Fishing for personal use with barbed hooks in violation of any department rule.
 - (b) Catch recording: Failing to immediately record a catch of fish or shellfish on a catch record card as required by RCW 77.32.430 or department rule.
 - (c) Catch reporting: Failing to return a catch record card to the department as required by department rule.
 - (d) Recreational fishing: Fishing for fish or shellfish and the person:
 - (i) Fails to have in the person's possession the license or the catch record card required by chapter 77.32 RCW for such an activity; or
 - (ii) Violates any department rule regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of fishing for fish or shellfish and the violation involves:
 - (A) Salmon or steelhead;
 - (B) Sturgeon;
 - (C) Game fish;
 - (D) Food fish;
 - (E) Shellfish;

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- (F) Unclassified fish or shellfish;
 - (G) Waste of food fish, game fish or shellfish. This subsection (1)(d)(ii) does not apply to use of a net to take fish under RCW 77.15.580 or unlawful recreational fishing in the first degree under RCW 77.15.370.
- (b) Seaweed: Taking, possessing, or harvesting less than two times the daily possession limit of seaweed:
 - (i) While the person is not in possession of the license required by chapter 77.32 RCW; or
 - (ii) In violation of any rule of the department or the department of natural resources regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of taking, possessing, or harvesting of seaweed.
- (2) Hunting infractions:
 - (a) A person engages in an activity defined by chapter 77.32 RCW while not having in the person's possession or having failed to purchase the hunting license or tag required by that chapter, not including big game.
 - (b) *Eggs or nests: Maliciously, and without permit authorization, destroying, taking, or harming the eggs or active nests of a wild bird not classified as endangered or protected. For purposes of this subsection, "active nests" means nests that contain eggs or fledglings.*
 - (c) Hunting for wildlife not classified as big game and the person violates any department rule regarding seasons, closed areas, closed times, or any other rule defining the method or manner of hunting or taking wildlife and the violation involves:
 - (i) Unclassified wildlife;
 - (ii) Small game;
 - (iii) Furbearers;
 - (iv) Game birds;
 - (v) Wild birds;
 - (vi) Wild animals;
 - (vii) Waste of small game.
- (3) Trapping, taxidermy, fur dealing, and wildlife meat cutting infractions:
 - (a) Recordkeeping and reporting: If a person is a taxidermist, fur dealer, or wildlife meat cutter who is processing, holding, or storing wildlife for commercial purposes, failing to:
 - (i) Maintain records as required by department rule; or
 - (ii) Report information from these records as required by department rule.
 - (b) Trapper's report: Failing to report trapping activity as required by department rule.
- (4) Limited fish seller infraction: Failure of a holder of a limited fish seller endorsement to satisfy the food safety requirements to consumers under RCW 77.65.510(2).
- (5)
 - (a) Invasive species management infractions:
 - (b) Out-of-state certification: Entering Washington in possession of an aquatic conveyance that does not meet certificate of inspection requirements as provided under RCW 77.135.100;
 - (i) Clean and drain requirements: Possessing an aquatic conveyance that does not meet clean and drain requirements under RCW 77.135.110;

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- (ii) Clean and drain orders: Possessing an aquatic conveyance and failing to obey a clean and drain order under RCW 77.135.110 or 77.135.120; and
 - (iii) Aquatic invasive species prevention permit requirements: Failing to possess a valid aquatic invasive species prevention permit as required under RCW 77.135.210, 77.135.220, or 77.135.230.
- (c) Unless the context clearly requires otherwise, the definitions in both RCW 77.08.010 and 77.135.010 apply throughout this subsection (5).
- (6) Other infractions:
 - (a) Contests: Unlawfully conducting, holding, or sponsoring a hunting contest, a fishing contest involving game fish, or a competitive field trial using live wildlife.
 - (b) Other rules: Violating any other department rule that is designated by rule as an infraction.
 - (c) Posting signs: Posting signs preventing hunting or fishing on any land not owned or leased by the person doing the posting, or without the permission of the person who owns, leases, or controls the land posted.
 - (d) Department permits: Except as provided in RCW 77.15.750, using a department permit issued by the department, and the person:
 - (i) Violates any terms or conditions of the permit;
 - (ii) Violates any department rule applicable to the issuance or use of permits; or
 - (iii) Violates any commercial use or activity permits, noncommercial use or activity permits, or parking permits.
 - (e) This subsection does not apply to discover pass, vehicle access pass, or day-use permit requirements or penalties pursuant to RCW 79A.80.080.

WASH. REV. CODE § 77.15.192. Definitions

The definitions in this section apply throughout RCW 77.15.194 through 77.15.198.

- (1) “Animal” means any nonhuman vertebrate.
- (2) “Body-gripping trap ” means a trap that grips an animal's body or body part. Body-gripping trap includes, but is not limited to, steel-jawed leghold traps, padded-jaw leghold traps, Conibear traps, neck snares, and nonstrangling foot snares. Cage and box traps, suitcase-type live beaver traps, and common rat and mouse traps are not considered body-gripping traps.
- (3) “Person” means a human being and, where appropriate, a public or private corporation, an unincorporated association, a partnership, a government, or a governmental instrumentality.
- (4) “Raw fur” means a pelt that has not been processed for purposes of retail sale.
- (5) “Animal problem” means any animal that threatens or damages timber or private property or threatens or injures livestock or any other domestic animal.

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WASH. REV. CODE § 77.15.194. Unlawful traps—Penalty

- (1) *It is unlawful to use or authorize the use of any steel-jawed leghold trap, neck snare, or other body-gripping trap to capture any mammal for recreation or commerce in fur.*
- (2) *It is unlawful to knowingly buy, sell, barter, or otherwise exchange, or offer to buy, sell, barter, or otherwise exchange the raw fur of a mammal or a mammal that has been trapped in this state with a steel-jawed leghold trap or any other body-gripping trap, whether or not pursuant to permit.*
- (3) *It is unlawful to use or authorize the use of any steel-jawed leghold trap or any other body-gripping trap to capture any animal, except as provided in subsections (4) through (6) of this section.*
- (4) *Nothing in this section prohibits the use of a Conibear trap in water, a padded leghold trap, or a nonstrangling type foot snare with a special permit granted by the director under (a) through (d) of this subsection. Issuance of the special permits shall be governed by rules adopted by the department and in accordance with the requirements of this section. Every person granted a special permit to use a trap or device listed in this subsection shall check the trap or device at least every twenty-four hours.*
 - (a) Nothing in this section prohibits the director, in consultation with the department of social and health services or the United States department of health and human services from granting a permit to use traps listed in this subsection for the purpose of protecting people from threats to their health and safety.
 - (b) Nothing in this section prohibits the director from granting a special permit to use traps listed in this subsection to a person who applies for such a permit in writing, and who establishes that there exists on a property an animal problem that has not been and cannot be reasonably abated by the use of nonlethal control tools, including but not limited to guard animals, electric fencing, or box and cage traps, or if such nonlethal means cannot be reasonably applied. Upon making a finding in writing that the animal problem has not been and cannot be reasonably abated by nonlethal control tools or if the tools cannot be reasonably applied, the director may authorize the use, setting, placing, or maintenance of the traps for a period not to exceed thirty days.
 - (c) Nothing in this section prohibits the director from granting a special permit to department employees or agents to use traps listed in this subsection where the use of the traps is the only practical means of protecting threatened or endangered species as designated under RCW 77.08.010.
 - (d) Nothing in this section prohibits the director from issuing a permit to use traps listed in this subsection, excluding Conibear traps, for the conduct of legitimate wildlife research.
- (5) Nothing in this section prohibits the United States fish and wildlife service, its employees or agents, from using a trap listed in subsection (4) of this section where the fish and wildlife service determines, in consultation with the director, that the use of such traps is necessary to protect species listed as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.).
- (6)
 - (f) An airport operator that uses a padded foot, leghold, or any other body-gripping trap for the protection of human and aviation security to secure an animal is exempt from the provisions of subsection (3) of this section if: (i) Once every three years, the airport operator obtains a special

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permit from the director for this purpose; and (ii) once each year, the airport operator submits a report to the director detailing the previous year's activities regulated under subsection (3) of this section.

(g) Nothing under this subsection (6) authorizes an airport operator to sell the raw fur of a mammal or otherwise violate the provisions of subsection (2) of this section.

(h) For the purposes of this subsection, "airport operator" has the same meaning as defined in RCW 14.08.015.

(7) A person violating this section is guilty of a gross misdemeanor.

WASH. REV. CODE § 77.15.196. Unlawful poison--Penalty

(1) *It is unlawful to poison or attempt to poison any animal using sodium fluoroacetate, also known as compound 1080, or sodium cyanide.*

(2) *A person violating this section is guilty of a gross misdemeanor.*

WASH. REV. CODE § 77.15.240. Unlawful use of dogs--Penalty--Authority to take or destroy a dog--Certain hazing activities permitted

(1)

(a) *A person is guilty of unlawful use of dogs if the person:*

(i) *Negligently fails to prevent a dog under the person's control from pursuing, harassing, attacking, or killing deer, elk, moose, caribou, mountain sheep, or animals classified as endangered under this title; or*

(ii) *Uses the dog to hunt deer or elk.*

(b) For the purposes of this subsection, a dog is "under a person's control" if the dog is owned or possessed by, or in the custody of, a person.

(2) *Unlawful use of dogs is a misdemeanor.*

(3)

(a) Based on a reasonable belief that a dog is pursuing, harassing, attacking, or killing a deer, elk, moose, caribou, mountain sheep, or animals classified as protected or endangered under this title, fish and wildlife officers and ex officio fish and wildlife officers may:

(i) Lawfully take a dog into custody; or

(ii) If necessary to avoid repeated harassment, injury, or death of wildlife under this section, destroy the dog.

(b) Fish and wildlife officers and ex officio fish and wildlife officers who destroy a dog pursuant to this section are immune from civil or criminal liability arising from their actions.

(4)

(a) This section does not apply to a person using a dog to conduct a department-approved and controlled hazing activity, as long as the person prevents or minimizes physical contact between the dog and the wildlife, and the hazing is being done only for the purposes of wildlife control

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and the prevention of damage to commercial crops.

- (b) For the purposes of this subsection, “hazing” means the act of chasing or herding wildlife in an effort to move them from one location to another.

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8. CROSS REPORTING

[None]

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9. VETERINARY REPORTING

[None]

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10. "AG-GAG" LAWS

[None]

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11. EMERGENCY RESCUE AND RELIEF

WASH. REV. CODE § 16.52.210. Destruction of animal by law enforcement officer — Immunity from liability.

This chapter shall not limit the right of a law enforcement officer to destroy an animal that has been seriously injured and would otherwise continue to suffer. Such action shall be undertaken with reasonable prudence and, whenever possible, in consultation with a licensed veterinarian and the owner of the animal.

Law enforcement officers and licensed veterinarians shall be immune from civil and criminal liability for actions taken under this chapter if reasonable prudence is exercised in carrying out the provisions of this chapter.

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12. CIVIL ENFORCEMENT

[None]

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13. DOMESTIC VIOLENCE AND PROTECTION ORDERS

WASH. REV. CODE § 7.105.010. Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) “Abandonment” means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable adult without the means or ability to obtain necessary food, clothing, shelter, or health care.
- (2) “Abuse,” for the purposes of a vulnerable adult protection order, means intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. “Abuse” includes sexual abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraint against a vulnerable adult, which have the following meanings:
 - (a) “Improper use of restraint” means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline, or in a manner that: (i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is not medically authorized; or (iii) otherwise constitutes abuse under this section.
 - (b) “Mental abuse” means an intentional, willful, or reckless verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. “Mental abuse” may include ridiculing, yelling, swearing, or withholding or tampering with prescribed medications or their dosage.
 - (c) “Personal exploitation” means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.
 - (d) “Physical abuse” means the intentional, willful, or reckless action of inflicting bodily injury or physical mistreatment. “Physical abuse” includes, but is not limited to, striking with or without an object, slapping, pinching, strangulation, suffocation, kicking, shoving, or prodding.
 - (e) “Sexual abuse” means any form of nonconsensual sexual conduct including, but not limited to, unwanted or inappropriate touching, rape, molestation, indecent liberties, sexual coercion, sexually explicit photographing or recording, voyeurism, indecent exposure, and sexual harassment. “Sexual abuse” also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not the sexual conduct is consensual.
- (3) “Chemical restraint” means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.
- (4)

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(a) *“Coercive control” means a pattern of behavior that is used to cause another to suffer physical, emotional, or psychological harm, and in purpose or effect unreasonably interferes with a person's free will and personal liberty. In determining whether the interference is unreasonable, the court shall consider the context and impact of the pattern of behavior from the perspective of a similarly situated person. Examples of coercive control include, but are not limited to, engaging in any of the following:*

(i) *Intimidation or controlling or compelling conduct by:*

- (A) Damaging, destroying, or threatening to damage or destroy, or forcing the other party to relinquish, goods, property, or items of special value;
- (B) Using technology to threaten, humiliate, harass, stalk, intimidate, exert undue influence over, or abuse the other party, including by engaging in cyberstalking, monitoring, surveillance, impersonation, manipulation of electronic media, or distribution of or threats to distribute actual or fabricated intimate images;
- (C) Carrying, exhibiting, displaying, drawing, or threatening to use, any firearm or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate the other party or that warrants alarm by the other party for their safety or the safety of other persons;
- (D) Driving recklessly with the other party or minor children in the vehicle;
- (E) *Communicating, directly or indirectly, the intent to:*
 - (I) *Harm the other party's children, family members, friends, or pets, including by use of physical forms of violence;*
 - (II) *Harm the other party's career;*
 - (III) *Attempt suicide or other acts of self-harm; or*
 - (IV) *Contact local or federal agencies based on actual or suspected immigration status;*
- (F) Exerting control over the other party's identity documents;
- (G) Making, or threatening to make, private information public, including the other party's sexual orientation or gender identity, medical or behavioral health information, or other confidential information that jeopardizes safety; or
- (H) Engaging in sexual or reproductive coercion;

- (ii) Causing dependence, confinement, or isolation of the other party from friends, relatives, or other sources of support, including schooling and employment, or subjecting the other party to physical confinement or restraint;
- (iii) Depriving the other party of basic necessities or committing other forms of financial exploitation;
- (iv) Controlling, exerting undue influence over, interfering with, regulating, or monitoring the other party's movements, communications, daily behavior, finances, economic resources, or employment, including but not limited to interference with or attempting to limit access to services for children of the other party, such as health care, medication, child care, or school-based extracurricular activities;
- (v) Engaging in vexatious litigation or abusive litigation as defined in RCW 26.51.020 against the other party to harass, coerce, or control the other party, to diminish or exhaust the

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- other party's financial resources, or to compromise the other party's employment or housing; or
- (vi) Engaging in psychological aggression, including inflicting fear, humiliating, degrading, or punishing the other party.
- (b) "Coercive control" does not include protective actions taken by a party in good faith for the legitimate and lawful purpose of protecting themselves or children from the risk of harm posed by the other party.
- (2) "Consent" in the context of sexual acts means that at the time of sexual contact, there are actual words or conduct indicating freely given agreement to that sexual contact. Consent must be ongoing and may be revoked at any time. Conduct short of voluntary agreement does not constitute consent as a matter of law. Consent cannot be freely given when a person does not have capacity due to disability, intoxication, or age. Consent cannot be freely given when the other party has authority or control over the care or custody of a person incarcerated or detained.
- (3)
- (a) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. "Course of conduct" includes any form of communication, contact, or conduct, including the sending of an electronic communication, but does not include constitutionally protected free speech. Constitutionally protected activity is not included within the meaning of "course of conduct."
- (b) In determining whether the course of conduct serves any legitimate or lawful purpose, a court should consider whether:
- (i) Any current contact between the parties was initiated by the respondent only or was initiated by both parties;
 - (ii) The respondent has been given clear notice that all further contact with the petitioner is unwanted;
 - (iii) The respondent's course of conduct appears designed to alarm, annoy, or harass the petitioner;
 - (iv) The respondent is acting pursuant to any statutory authority including, but not limited to, acts which are reasonably necessary to:
 - (A) Protect property or liberty interests;
 - (B) Enforce the law; or
 - (C) Meet specific statutory duties or requirements;
 - (v) The respondent's course of conduct has the purpose or effect of unreasonably interfering with the petitioner's privacy or the purpose or effect of creating an intimidating, hostile, or offensive living environment for the petitioner; or
 - (vi) Contact by the respondent with the petitioner or the petitioner's family has been limited in any manner by any previous court order.
- (4) "Court clerk" means court administrators in courts of limited jurisdiction and elected court clerks.
- (5) "Dating relationship" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.
- (6) "*Domestic violence*" means:

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- (a) *Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one intimate partner by another intimate partner; or*
 - (b) *Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one family or household member by another family or household member.*
- (7) “Electronic monitoring” has the same meaning as in RCW 9.94A.030.
- (8) “Essential personal effects” means those items necessary for a person's immediate health, welfare, and livelihood. “Essential personal effects” includes, but is not limited to, clothing, cribs, bedding, medications, personal hygiene items, cellular phones and other electronic devices, and documents, including immigration, health care, financial, travel, and identity documents.
- (9) “Facility” means a residence licensed or required to be licensed under chapter 18.20 RCW, assisted living facilities; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed or certified by the department of social and health services.
- (10) “Family or household members” means: (a) Persons related by blood, marriage, domestic partnership, or adoption; (b) persons who currently or formerly resided together; (c) persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren, or a parent's intimate partner and children; and (d) a person who is acting or has acted as a legal guardian.
- (11) “Financial exploitation” means the illegal or improper use of, control over, or withholding of, the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. “Financial exploitation” includes, but is not limited to:
 - (a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, government benefits, health insurance benefits, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;
 - (b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship or conservatorship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or
 - (c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of the vulnerable adult's property, income, resources, or trust funds.
- (12) “Firearm” means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. “Firearm” does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes. “Firearm” also includes parts that can be assembled to make a firearm.
- (13) “Full hearing” means a hearing where the court determines whether to issue a full protection order.

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- (14) "Full protection order" means a protection order that is issued by the court after notice to the respondent and where the parties had the opportunity for a full hearing by the court. "Full protection order" includes a protection order entered by the court by agreement of the parties to resolve the petition for a protection order without a full hearing.
- (15) "Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any employee, agent, officer, director, or independent contractor thereof.
- (16) "Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of a vulnerable adult, that the person has a good faith belief that the court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect his or her own interests.
- (17) "Intimate partner" means: (a) Spouses or domestic partners; (b) former spouses or former domestic partners; (c) persons who have a child in common regardless of whether they have been married or have lived together at any time, unless the child is conceived through sexual assault; or (d) persons who have or have had a dating relationship where both persons are at least 13 years of age or older.
- (18)
 - (a) "Isolate" or "isolation" means to restrict a person's ability to communicate, visit, interact, or otherwise associate with persons of his or her choosing. Isolation may be evidenced by acts including, but not limited to:
 - (i) Acts that prevent a person from sending, making, or receiving his or her personal mail, electronic communications, or telephone calls; or
 - (ii) Acts that prevent or obstruct a person from meeting with others, such as telling a prospective visitor or caller that the person is not present or does not wish contact, where the statement is contrary to the express wishes of the person.
 - (b) The term "isolate" or "isolation" may not be construed in a manner that prevents a guardian or limited guardian from performing his or her fiduciary obligations under *chapter 11.92 RCW or prevents a hospital or facility from providing treatment consistent with the standard of care for delivery of health services.
- (19) "Judicial day" means days of the week other than Saturdays, Sundays, or legal holidays.
- (20) "Mechanical restraint" means any device attached or adjacent to a vulnerable adult's body that the vulnerable adult cannot easily remove that restricts freedom of movement or normal access to the vulnerable adult's body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are (a) medically authorized, as required, and (b) used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.
- (21) "Minor" means a person who is under 18 years of age.
- (22) "Neglect" means: (a) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain the physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety including, but not limited to, conduct prohibited under RCW 9A.42.100.
- (23) "Nonconsensual" means a lack of freely given consent.

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- (24) “Nonphysical contact” includes, but is not limited to, written notes, mail, telephone calls, email, text messages, contact through social media applications, contact through other technologies, or contact through third parties.
- (25) “Petitioner” means any named petitioner or any other person identified in the petition on whose behalf the petition is brought.
- (26) “Physical restraint” means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. “Physical restraint” does not include (a) briefly holding, without undue force, a vulnerable adult in order to calm or comfort him or her, or (b) holding a vulnerable adult's hand to safely escort him or her from one area to another.
- (27) “Possession” means having an item in one's custody or control. Possession may be either actual or constructive. Actual possession occurs when the item is in the actual physical custody of the person charged with possession. Constructive possession occurs when there is no actual physical possession, but there is dominion and control over the item.
- (28) “Respondent” means the person who is identified as the respondent in a petition filed under this chapter.
- (29) “Sexual conduct” means any of the following:
 - (a) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing;
 - (b) Any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent;
 - (c) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent;
 - (d) Any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others;
 - (e) Any intentional or knowing touching of the clothed or unclothed body of a child under the age of 16, if done for the purpose of sexual gratification or arousal of the respondent or others; or
 - (f) Any coerced or forced touching or fondling by a child under the age of 16, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others.
- (30) *“Sexual penetration” means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.*
- (31) “Stalking” means any of the following:
 - (a) Any act of stalking as defined under RCW 9A.46.110;
 - (b) Any act of cyber harassment as defined under RCW 9A.90.120; or
 - (c) Any course of conduct involving repeated or continuing contacts, attempts to contact, monitoring, tracking, surveillance, keeping under observation, disrupting activities in a harassing manner, or following of another person that:
 - (i) Would cause a reasonable person to feel intimidated, frightened, under duress, significantly disrupted, or threatened and that actually causes such a feeling;
 - (ii) Serves no lawful purpose; and

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- (iii) The respondent knows, or reasonably should know, threatens, frightens, or intimidates the person, even if the respondent did not intend to intimidate, frighten, or threaten the person.
- (32) “Temporary protection order” means a protection order that is issued before the court has decided whether to issue a full protection order. “Temporary protection order” includes ex parte temporary protection orders, as well as temporary protection orders that are reissued by the court pending the completion of a full hearing to decide whether to issue a full protection order. An “ex parte temporary protection order” means a temporary protection order that is issued without prior notice to the respondent.
- (33) “Unlawful harassment” means:
 - (a) A knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner; or
 - (b) A single act of violence or threat of violence directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose, which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner. A single threat of violence must include: (i) A malicious and intentional threat as described in RCW 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.
- (34) “Vulnerable adult” includes a person:
 - (a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or
 - (b) Subject to a guardianship under RCW 11.130.265 or adult subject to conservatorship under RCW 11.130.360; or
 - (c) Who has a developmental disability as defined under RCW 71A.10.020; or
 - (d) Admitted to any facility; or
 - (e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or
 - (f) Receiving services from a person under contract with the department of social and health services to provide services in the home under chapter 74.09 or 74.39A RCW; or
 - (g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

Wash. Rev. Code. § 7.105.310. Relief for temporary and full protection orders—Other than for extreme risk protection orders.

- (1) *In issuing any type of protection order, other than an ex parte temporary antiharassment protection order as limited by subsection (2) of this section, and other than an extreme risk protection order, the court shall have broad discretion to grant such relief as the court deems proper, including an order that provides relief as follows:*

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- a. *Restrain the respondent from committing any of the following acts against the petitioner and other persons protected by the order: Domestic violence; nonconsensual sexual conduct or nonconsensual sexual penetration; sexual abuse; stalking; acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult; and unlawful harassment;*
- b. Restrain the respondent from making any attempts to have contact, including nonphysical contact, with the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household, either directly, indirectly, or through third parties regardless of whether those third parties know of the order;
- c. Exclude the respondent from the residence that the parties share;
- d. Exclude the respondent from the residence, workplace, or school of the petitioner; or from the day care or school of a minor child;
- e. Restrain the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, day care, workplace, the protected party's person, and the protected party's vehicle. The specified distance shall presumptively be at least 1,000 feet, unless the court for good cause finds that a shorter specified distance is appropriate;
- f. If the parties have children in common, make residential provisions with regard to their minor children on the same basis as is provided in chapter 26.09 RCW. However, parenting plans as specified in chapter 26.09 RCW must not be required under this chapter. The court may not delay or defer relief under this chapter on the grounds that the parties could seek a parenting plan or modification to a parenting plan in a different action. A protection order must not be denied on the grounds that the parties have an existing parenting plan in effect. A protection order may suspend the respondent's contact with the parties' children under an existing parenting plan, subject to further orders in a family law proceeding;
- g. Order the respondent to participate in a state-certified domestic violence perpetrator treatment program approved under RCW 43.20A.735 or a state-certified sex offender treatment program approved under RCW 18.155.070;
- h. Order the respondent to obtain a mental health or chemical dependency evaluation. If the court determines that a mental health evaluation is necessary, the court shall clearly document the reason for this determination and provide a specific question or questions to be answered by the mental health professional. The court shall consider the ability of the respondent to pay for an evaluation. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;
- i. In cases where the petitioner and the respondent are students who attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger, emotional distress, or educational disruption to the petitioner, and the financial difficulty and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the respondent not attend the public or private elementary, middle, or high school attended by the petitioner. If a minor respondent is prohibited attendance at the minor's assigned public school, the school district must provide the student comparable educational services in another setting. In such a case, the district shall provide transportation at no cost to the respondent if the respondent's parent or legal guardian

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is unable to pay for transportation. The district shall put in place any needed supports to ensure successful transition to the new school environment. The court shall send notice of the restriction on attending the same school as the petitioner to the public or private school the respondent will attend and to the school the petitioner attends;

- j. Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense, and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees or limited license legal technician fees when such fees are incurred by a person licensed and practicing in accordance with state supreme court admission and practice rule 28, the limited practice rule for limited license legal technicians. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;
- k. Restrain the respondent from harassing, following, monitoring, keeping under physical or electronic surveillance, cyber harassment as defined in RCW 9A.90.120, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;
- l. Other than for respondents who are minors, require the respondent to submit to electronic monitoring. The order must specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;
- m. Consider the provisions of RCW 9.41.800, and order the respondent to surrender, and prohibit the respondent from accessing, having in his or her custody or control, possessing, purchasing, attempting to purchase or receive, or receiving, all firearms, dangerous weapons, and any concealed pistol license, as required in RCW 9.41.800;
- n. *Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent, and may prohibit the respondent from interfering with the petitioner's efforts to obtain the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found;*
- o. Order use of a vehicle;
- p. Enter an order restricting the respondent from engaging in abusive litigation as set forth in chapter 26.51 RCW or in frivolous filings against the petitioner, making harassing or libelous communications about the petitioner to third parties, or making false reports to investigative agencies. A petitioner may request this relief in the petition or by separate motion. A petitioner may request this relief by separate motion at any time within five years of the date the protection order is entered even if the order has since expired. A stand-alone motion for an

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order restricting abusive litigation may be brought by a party who meets the requirements of chapter 26.51 RCW regardless of whether the party has previously sought a protection order under this chapter, provided the motion is made within five years of the date the order that made a finding of domestic violence was entered. In cases where a finding of domestic violence was entered pursuant to an order under chapter 26.09, *26.26, or 26.26A RCW, a motion for an order restricting abusive litigation may be brought under the family law case or as a stand-alone action filed under this chapter, when it is not reasonable or practical to file under the family law case;

- q. Restrain the respondent from committing acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult;
- r. Require an accounting by the respondent of the disposition of the vulnerable adult's income or other resources;
- s. Restrain the transfer of either the respondent's or vulnerable adult's property, or both, for a specified period not exceeding 90 days;
- t. Order financial relief and restrain the transfer of jointly owned assets;
- u. Restrain the respondent from possessing or distributing intimate images, as defined in RCW 9A.86.010, depicting the petitioner including, but not limited to, requiring the respondent to: Take down and delete all intimate images and recordings of the petitioner in the respondent's possession or control; and cease any and all disclosure of those intimate images. The court may also inform the respondent that it would be appropriate to ask third parties in possession or control of the intimate images of this protection order to take down and delete the intimate images so that the order may not inadvertently be violated; or
- v. Order other relief as it deems necessary for the protection of the petitioner and other family or household members who are minors or vulnerable adults for whom the petitioner has sought protection, including orders or directives to a law enforcement officer, as allowed under this chapter.

- (2) In an antiharassment protection order proceeding, the court may grant the relief specified in subsection (1)(c), (f), and (t) of this section only as part of a full antiharassment protection order.
- (3) The court in granting a temporary antiharassment protection order or a civil antiharassment protection order shall not prohibit the respondent from exercising constitutionally protected free speech. Nothing in this section prohibits the petitioner from utilizing other civil or criminal remedies to restrain conduct or communications not otherwise constitutionally protected.
- (4) The court shall not take any of the following actions in issuing a protection order.
 - (a) The court may not order the petitioner to obtain services including, but not limited to, drug testing, victim support services, a mental health assessment, or a psychological evaluation.
 - (b) The court shall not issue a full protection order to any party except upon notice to the respondent and the opportunity for a hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with this chapter. Except as provided in RCW 7.105.210, the court shall not issue a temporary protection order to any party unless the party has filed a petition or counter-petition for a protection order seeking relief in accordance with this chapter.

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- (c) Under no circumstances shall the court deny the petitioner the type of protection order sought in the petition on the grounds that the court finds that a different type of protection order would have a less severe impact on the respondent.
- (5) The order shall specify the date the order expires, if any. For permanent orders, the court shall set the date to expire 99 years from the issuance date. The order shall also state whether the court issued the protection order following personal service, service by electronic means, service by mail, or service by publication, and whether the court has approved service by mail or publication of an order issued under this section.

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14. MAXIMUM PENALTIES AND STATUTE OF LIMITATIONS

WASH. REV. CODE § 9.92.020. Punishment of gross misdemeanor when not fixed by statute.

Every person convicted of a gross misdemeanor for which no punishment is prescribed in any statute in force at the time of conviction and sentence, shall be punished by imprisonment in the county jail for a maximum term fixed by the court of up to three hundred sixty-four days, or by a fine in an amount fixed by the court of not more than five thousand dollars, or by both such imprisonment and fine.

WASH. REV. CODE § 9A.04.080. Limitations of actions.

(1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

- (i) Murder;
- (ii) Homicide by abuse;
- (iii) Arson if a death results;
- (iv) Vehicular homicide;
- (v) Vehicular assault if a death results;
- (vi) Hit-and-run injury-accident if a death results (RCW 46.52.020(4)).
- (vii) Rape in the first degree (RCW 9A.44.040) if the victim is under the age of sixteen;
- (viii) Rape in the second degree (RCW 9A.44.050) if the victim is under the age of sixteen;
- (ix) Rape of a child in the first degree (RCW 9A.44.073);
- (x) Rape of a child in the second degree (RCW 9A.44.076);
- (xi) Rape of a child in the third degree (RCW 9A.44.079);
- (xii) Sexual misconduct with a minor in the first degree (RCW 9A.44.093);
- (xiii) Custodial sexual misconduct in the first degree (RCW 9A.44.160);
- (xiv) Child molestation in the first degree (RCW 9A.44.083);
- (xv) Child molestation in the second degree (RCW 9A.44.086);
- (xvi) Child molestation in the third degree (RCW 9A.44.089); and
- (xvii) Sexual exploitation of a minor (RCW 9.68A.040).

(b) Except as provided in (a) of this subsection, the following offenses may not be prosecuted more than twenty years after its commission:

- (i) Rape in the first degree (RCW 9A.44.040);
- (ii) Rape in the second degree (RCW 9A.44.050); or
- (iii) Indecent liberties (RCW 9A.44.100).

(c) The following offenses may not be prosecuted more than ten years after its commission:

- (i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;
- (ii) Arson if no death results;
- (iii) Rape in the third degree (RCW 9A.44.060)

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- (iv) Attempted murder; or
 - (v) Trafficking under RCW 9A.40.100.
- (d) A violation of any offense listed in this subsection (1)(d) may be prosecuted up to ten years after its commission or, if committed against a victim under the age of eighteen, up to the victim's thirtieth birthday, whichever is later:
 - (i) RCW 9.68A.100 (commercial sexual abuse of a minor);
 - (ii) RCW 9.68A.101 (promoting commercial sexual abuse of a minor);
 - (iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse of a minor); or
 - (iv) RCW 9A. 64.020 (incest).
- (e) A violation of RCW 9A.36.170 may be prosecuted up to 10 years after its commission, or if committed against a victim under the age of 18, up to the victim's 28th birthday, whichever is later.
- (f) The following offenses may not be prosecuted more than six years after its commission or its discovery, whichever occurs later:
 - (i) Violations of RCW 9A.82.060 or 9A.82.080;
 - (ii) Any felony violation of chapter 9A.83 RCW;
 - (iii) Any felony violation of chapter 9.35 RCW;
 - (iv) Theft in the first or second degree under chapter 9A.56 RCW when accomplished by color or aid of deception;
 - (v) Theft from a vulnerable adult under RCW 9A.56.400; or
 - (vi) Trafficking in stolen property in the first or second degree under chapter 9A.82 RCW in which the stolen property is a motor vehicle or major component part of a motor vehicle as defined in RCW 46.80.010, or
 - (vii) Violations of rcw 82.32.290(2)(a)(iii) or (4).
- (g) The following offenses may not be prosecuted more than five years after its commission: Any class C felony under chapter 74.09, *82.36, or 82.38 RCW.
- (h) Bigamy may not be prosecuted more than three years after the time specified in RCW 9A.64.010.
- (i) A violation of RCW 9A.56.030 may not be prosecuted more than three years after the discovery of the offense when the victim is a tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).
- (j) *No other felony may be prosecuted more than three years after its commission; except that in a prosecution under RCW 9A.44.115, if the person who was viewed, photographed, or filmed did not realize at the time that he or she was being viewed, photographed, or filmed, the prosecution must be commenced within two years of the time the person who was viewed or in the photograph or film first learns that he or she was viewed, photographed, or filmed.*
- (k) *No gross misdemeanor, except as provided under (e) of this subsection, may be prosecuted more than two years after its commission.*
- (l) *No misdemeanor may be prosecuted more than one year after its commission.*
- (2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.
- (3) In any prosecution for a sex offense as defined in RCW 9.94A.030, the periods of limitation prescribed in subsection (1) of this section run from the date of commission or four years from the date on which

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the identity of the suspect is conclusively established by deoxyribonucleic acid testing or by photograph as defined in RCW 9.68A.011, whichever is later.

- (4) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside.

WASH. REV. CODE § 9A.20.021. Maximum sentences for crimes committed July 1, 1984, and after.

- (1) *Felony. Unless a different maximum sentence for a classified felony is specifically established by a statute of this state, no person convicted of a classified felony shall be punished by confinement or fine exceeding the following:*
- (a) *For a class A felony, by confinement in a state correctional institution for a term of life imprisonment, or by a fine in an amount fixed by the court of fifty thousand dollars, or by both such confinement and fine;*
 - (b) *For a class B felony, by confinement in a state correctional institution for a term of ten years, or by a fine in an amount fixed by the court of twenty thousand dollars, or by both such confinement and fine;*
 - (c) *For a class C felony, by confinement in a state correctional institution for five years, or by a fine in an amount fixed by the court of ten thousand dollars, or by both such confinement and fine.*
- (2) *Gross misdemeanor. Every person convicted of a gross misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of up to three hundred sixty-four days, or by a fine in an amount fixed by the court of not more than five thousand dollars, or by both such imprisonment and fine.*
- (3) *Misdemeanor. Every person convicted of a misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars, or by both such imprisonment and fine.*
- (4) This section applies to only those crimes committed on or after July 1, 1984.
- (5) The fines in this section apply to adult offenders only.

WASH. REV. CODE § 16.52.200. Sentences—Forfeiture of animals—Liability for costs—Civil penalty—Education, counseling.

- (1) *The sentence imposed for a misdemeanor or gross misdemeanor violation of this chapter may be deferred or suspended in accordance with RCW 3.66.067 and 3.66.068, however the probationary period shall be two years.*
- (2) *In case of multiple misdemeanor or gross misdemeanor convictions, the sentences shall be consecutive, however the probationary period shall remain two years.*

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- (3) In addition to the penalties imposed by the court, the court shall order the forfeiture of all animals held by law enforcement or animal care and control authorities under the provisions of this chapter if any one of the animals involved dies as a result of a violation of this chapter or if the defendant has a prior conviction under this chapter. In other cases the court may enter an order requiring the owner to forfeit the animal if the court deems the animal's treatment to have been severe and likely to reoccur.
- (4) Any person convicted of animal cruelty shall be prohibited from owning, caring for, possessing, or residing with any animals for a period of time as follows:
 - (a) Two years for a first conviction of animal cruelty in the second degree under RCW 16.52.207;
 - (b) Permanently for a first conviction of animal cruelty in the first degree under RCW 16.52.205;
 - (c) Permanently for a second or subsequent conviction of animal cruelty, except as provided in subsection (5) of this section.
- (5) If a person has no more than two convictions of animal cruelty and each conviction is for animal cruelty in the second degree, the person may petition the sentencing court in which the most recent animal cruelty conviction occurred, for a restoration of the right to own, care for, possess, or reside with animals five years after the date of the second conviction. In determining whether to grant the petition, the court shall consider, but not be limited to, the following:
 - (a) The person's prior animal cruelty in the second degree convictions;
 - (b) The type of harm or violence inflicted upon the animals;
 - (c) Whether the person has completed the conditions imposed by the court as a result of the underlying convictions;
 - (d) Whether the person complied with the prohibition on owning, caring for, possessing or residing with animals; and
 - (e) Any other matters the court finds reasonable and material to consider in determining whether the person is likely to abuse another animal.

The court may delay its decision on forfeiture under subsection (3) of this section until the end of the probationary period.
- (6) *In addition to fines and court costs, the defendant, only if convicted or in agreement, shall be liable for reasonable costs incurred pursuant to this chapter by law enforcement agencies, animal care and control agencies, or authorized private or public entities involved with the care of the animals. Reasonable costs include expenses of the investigation, and the animal's care, euthanization, or adoption.*
- (7) *If convicted, the defendant shall also pay a civil penalty of one thousand dollars to the county to prevent cruelty to animals. These funds shall be used to prosecute offenses under this chapter and to care for forfeited animals pending trial.*
- (8) If a person violates the prohibition on owning, caring for, possessing, or residing with animals under subsection (4) of this section, that person:
 - (a) Shall pay a civil penalty of one thousand dollars for the first violation;
 - (b) Shall pay a civil penalty of two thousand five hundred dollars for the second violation; and
 - (c) Is guilty of a gross misdemeanor for the third and each subsequent violation.
- (9) As a condition of the sentence imposed under this chapter or RCW 9.08.070 through 9.08.078, the court may also order the defendant to participate in an available animal cruelty prevention or education program or obtain available psychological counseling to treat mental health problems

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contributing to the violation's commission. The defendant shall bear the costs of the program or treatment.

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

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15. LAW ENFORCEMENT POLICIES

WASH. REV. CODE § 16.52.015. Enforcement—Law enforcement agencies and animal care and control agencies.

- (1) *Law enforcement agencies and animal care and control agencies may enforce the provisions of this chapter. Animal care and control agencies may enforce the provisions of this chapter in a county or city only if the county or city legislative authority has entered into a contract with the agency to enforce the provisions of this chapter.*
- (2) *Animal control officers enforcing this chapter shall comply with the same constitutional and statutory restrictions concerning the execution of police powers imposed on law enforcement officers who enforce this chapter and other criminal laws of the state of Washington.*
- (3) *Animal control officers have the following enforcement powers when enforcing this chapter:*
 - (a) *The power to issue civil penalties based on violations under section 1 of this act;*
 - (b) *The power to issue citations based on probable cause to offenders for civil infractions and misdemeanor and gross misdemeanor violations of this chapter or RCW 9.08.070 through 9.08.078 or 81.48.070;*
 - (c) *The power to cause a law enforcement officer to arrest and take into custody any person the animal control officer has probable cause to believe has committed or is committing a violation of this chapter or RCW 9.08.070 or 81.48.070. Animal control officers may make an oral complaint to a prosecuting attorney or a law enforcement officer to initiate arrest. The animal control officer causing the arrest shall file with the arresting agency a written complaint within 24 hours of the arrest, excluding Sundays and legal holidays, stating the alleged act or acts constituting a violation;*
 - (d) *The power to carry nonfirearm protective devices for personal protection;*
 - (e) *The power to prepare affidavits in support of search warrants and to execute search warrants when accompanied by law enforcement officers to investigate violations of this chapter or RCW 9.08.070 or 81.48.070, and to seize evidence of those violations.*
- (4) *Upon request of an animal control officer who has probable cause to believe that a person has violated this chapter or RCW 9.08.070 or 81.48.070, a law enforcement agency officer may arrest the alleged offender.*

WASH. REV. CODE § 16.52.020. Humane societies—Enforcement authority.

Any citizens of the state of Washington incorporated under the laws of this state as a humane society or as a society for the prevention of cruelty to animals may enforce the provisions of this chapter through its animal control officers subject to the limitations in RCW 16.52.015 and 16.52.025. The legislative authority in each county may grant exclusive authority to exercise the privileges and authority granted by this section to one or more qualified corporations for a period of up to three years based upon ability to fulfill the purposes of this chapter.

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WASH. REV. CODE § 16.52.025. Humane societies—Animal control officers.

Trustees of humane societies incorporated pursuant to RCW 16.52.020 may appoint society members to act as animal control officers. The trustee appointments shall be in writing. The appointment shall be effective in a particular county only if an appointee obtains written authorization from the superior court of the county in which the appointee seeks to enforce this chapter. To obtain judicial authorization, an appointee seeking judicial authorization on or after June 9, 1994, shall provide evidence satisfactory to the judge that the appointee has successfully completed training which has prepared the appointee to assume the powers granted to animal control officers pursuant to RCW 16.52.015. The trustees shall review appointments every three years and may revoke an appointment at any time by filing a certified revocation with the superior court that approved the appointment. Authorizations shall not exceed three years or trustee termination, whichever occurs first. To qualify for reappointment when a term expires on or after June 9, 1994, the officer shall obtain training or satisfy the court that the officer has sufficient experience to exercise the powers granted to animal control officers pursuant to RCW 16.52.015.

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16. SEIZURE

WASH. REV. CODE § 16.52.085. Removal of animals for feeding—Examination—Notice—Euthanasia.

(1) For the purposes of this section:

- (a) “Minimum care” means care sufficient to preserve the physical and mental health and well-being of an animal and includes, but is not limited to, the following requirements:
 - (i) Food of sufficient nutrition, quantity, and quality to allow for normal growth or maintenance of healthy body weight;
 - (ii) Open or adequate access to potable water of a drinkable temperature in sufficient quantity to satisfy the animal's needs;
 - (iii) Shelter sufficient to protect the animal from wind, rain, snow, sun, or other environmental or weather conditions based on the animal's species, age, or physical condition;
 - (iv) Veterinary or other care as may be deemed necessary by a reasonably prudent person to prevent or relieve in a timely manner distress from injury, neglect, or physical infirmity; and
 - (v) Continuous access to an area:
 - (A) With adequate space for exercise necessary for the physical and mental health and well-being of the animal. Inadequate space may be indicated by evidence of debility, stress, or abnormal behavior patterns;
 - (B) With temperature and ventilation suitable for the health and well-being of the animal based on the animal's species, age, or physical condition;
 - (C) With regular diurnal lighting cycles of either natural or artificial light; and
 - (D) Kept reasonably clean and free from excess waste, garbage, noxious odors, or other contaminants, objects, or other animals that could cause harm to the animal's health and well-being.
- (b) “Physical infirmity” includes, but is not limited to, starvation, dehydration, hypothermia, hyperthermia, muscle atrophy, restriction of blood flow to a limb or organ, mange or other skin disease, or parasitic infestation.
- (c) “Physical injury” includes, but is not limited to, substantial physical pain, fractures, cuts, burns, punctures, bruises, or other wounds or illnesses produced by violence or by a thermal or chemical agent.
- (d) “Serious physical injury or infirmity” means physical injury or physical infirmity that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of a limb or bodily organ.

(2)

- (a) *If a law enforcement officer or animal control officer has probable cause to believe that an owner of a domestic animal has violated this chapter or a person owns, cares for, or resides with an animal in violation of RCW 16.52.200 or an order issued under RCW 16.52.205 or 16.52.207,*

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the officer, after obtaining a warrant, may enter the premises where the animal is located and seize the animal.

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

 - (i) Render emergency aid to the animal; or*
 - (ii) Seize the animal without a warrant. Any animal seized without a warrant shall immediately be brought to a veterinarian licensed in the state of Washington to provide medical attention and to assess the health of the animal.**
- (c) A law enforcement officer or an animal control officer is not liable for any damages for entry onto private property without a warrant under this section, provided that the officer does not use any more force than is reasonably necessary to enter upon the property and remove the animal.*

(3)

- (a) An animal seized under this section may be placed into the custody of an animal care and control agency, into foster care that is not associated in any way with the owner, or with a nonprofit humane society, nonprofit animal sanctuary, or nonprofit rescue organization. In determining what is a suitable placement, the officer shall consider the animal's needs, including its size, medical needs, and behavioral characteristics. Any person or custodial agency receiving an animal seized under this section shall provide the animal with minimum care.*
- (b) If a seized animal is placed into foster care or with a nonprofit animal sanctuary or rescue organization, the seizing agency shall retain constructive custody of the animal, shall have the duty to ensure the animal receives minimum care, and may draw from the bond under subsection (5) of this section and distribute the funds to the foster home, authorized humane society, sanctuary, or rescue organization that is authorized to care for the animal.*
- (4) The owner from whom the animal was seized shall be provided with notice of the right to petition for immediate return of the animal and shall be afforded an opportunity to petition for such a civil hearing before the animal is deemed abandoned and forfeited. Any owner whose animal is seized by a law enforcement officer or animal control officer under this section shall, within 72 hours following the seizure, be given written notice of the circumstances of the removal and notice of legal remedies available to the owner. The notice shall be given by posting at the place of seizure, by delivery to the last known or suspected owner in person a person residing at the place of seizure, or by registered mail to the last known or suspected owner. Such notice shall include:

 - (a) The name, business address, and telephone number of the law enforcement agency or animal care and control agency responsible for seizing the animal;*
 - (b) A description of the seized animal;*
 - (c) The authority and purpose for the seizure, including the time, place, and circumstances under which the animal was seized;*
 - (d) A statement that the owner is responsible for the cost of care for an animal who was lawfully seized, and that the owner will be required to post a bond with the clerk of the district court of the county from which the animal was seized to defray the cost of minimum care pursuant to subsection (5) of this section within 14 calendar days of the seizure or the animal will be deemed abandoned and forfeited; and**

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

(5)

(a) When an animal is seized pursuant to this section, the owner shall post a bond with the district court in an amount sufficient to provide minimum care for each animal seized for 30 days, including the day on which the animal was taken into custody, regardless of whether the animal is the subject of a criminal charge. Such bond shall be filed with the clerk of the district court of the county from which the animal was seized within 14 calendar days after the day the animal is seized.

(b)

- (i) If an owner fails to post a bond by 5:00 p.m. on the 14th calendar day after the day the animal was seized as required under this section, the animal is deemed abandoned and the owner's interest in the animal is forfeited to the custodial agency by operation of law in accordance with the notice provided in subsection (4) of this section.
- (ii) A petition required by subsection (4)(e) of this section may be filed in the district court of the county from which an animal was seized concerning any animal seized pursuant to this section. Copies of the petition must be served on the law enforcement agency or animal care and control agency responsible for seizing the animal and the prosecuting attorney.
- (iii) An owner's failure to file a written petition by 5:00 p.m. on the 14th calendar day after the day the animal was seized shall constitute a waiver of the right to file a petition under this subsection and the animal is deemed abandoned and the owner's interest in the animal is forfeited to the custodial agency by operation of law unless a bond has been posted pursuant to this subsection (5). The court may extend the 14-day period to file a written petition by an additional 14 calendar days if the petitioner did not have actual notice of the seizure and the court finds, on the record and in writing, that there are exceptional and compelling circumstances justifying the extension.

(c)

- (i) Upon receipt of a petition pursuant to (b) of this subsection, the court shall set a civil hearing on the petition. The hearing shall be conducted within 30 calendar days after the filing of the petition.
- (ii) At the hearing requested by the owner, the rules of civil procedure shall apply and the respondent shall have the burden of establishing probable cause to believe that the seized animal was subjected to a violation of this chapter. The owner shall have an opportunity to be heard before the court makes its final finding. If the court finds that probable cause exists, the court shall order the owner to post a bond as required by this subsection (5) within 72 hours of the hearing, and if the owner fails to do so, the seized animal is deemed abandoned and the owner's interest in the animal is forfeited to the custodial agency by operation of law. If the respondent does not meet its burden of proof, the court may order the animal returned to the owner at no cost to the owner,

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subject to conditions set by the court. If the court orders the return of an animal to the owner, the court may also order:

- (A) Reasonable attorney fees for the owner; and
- (B) A full refund of the bond posted pursuant to this subsection (5) by the owner for the care of the animal.

(e)

- (i) If a bond has been posted in accordance with this subsection (5), subsequent court proceedings shall be given court calendar priority so long as the animal remains in the custody of the custodial agency and the custodial agency may draw from the bond the actual reasonable costs incurred by the agency in providing minimum care to the animal from the date of seizure to the date of final disposition of the animal in the criminal action.
- (ii) At the end of the time for which expenses are covered by the bond, if the owner seeks to prevent disposition of the animal by the custodial agency, the owner shall post a new bond with the court within 72 hours following the prior bond's expiration. If an owner fails to post or renew a bond as required under this subsection (5), the animal is deemed abandoned and the owner's interest in the animal is forfeited to the custodial agency by operation of law.

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

- (6) When an animal is seized from a person prohibited from owning, caring for, possessing, or residing with animals under RCW 16.52.200 or an order issued pursuant to RCW 16.52.205 or 16.52.207, the animal is immediately and permanently forfeited by operation of law to the custodial agency and no court action is necessary.
- (7) If an animal is forfeited to a custodial agency according to the provisions of this section, the agency to which the animal was forfeited may place the animal with a new owner; provided that the agency may not place the animal with family members or friends of the former owner or with anyone who lives in the same household as the former owner. At the time of placement, the agency must provide the new owner with notice that it may constitute a crime for the former owner to own, care for, possess, or reside with the animal at any time in the future.
- (8) A custodial agency may authorize a veterinarian or veterinary technician licensed in the state of Washington or a certified euthanasia technician certified in the state of Washington to euthanize a seized animal for humane reasons at any time if the animal is severely injured, sick, diseased, or suffering.
- (9) Nothing in this chapter shall be construed to prevent the voluntary, permanent relinquishment of any animal by its owner to a law enforcement officer, animal control officer, or animal care and control agency. Voluntary relinquishment has no effect on the criminal charges that may be pursued by the appropriate authorities.
- (10) Nothing in this chapter requires court action for taking custody of, caring for, and properly disposing of stray, feral, at-large, or abandoned animals, or wild animals not owned or kept as pets or livestock, as lawfully performed by law enforcement agencies or animal care and control agencies.
- (11) Any authorized person caring for, treating, or attempting to restore an animal to health under this chapter shall not be civilly or criminally liable for such action.

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

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

“IN THE COURT
OF THE STATE OF WASHINGTON IN AND FOR
THE COUNTY OF

No.....

,
Petitioner,
vs.

PETITION FOR
RETURN OF SEIZED

,
Respondent

ANIMALS

PARTIES/JURISDICTION

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

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

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

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

FACTS

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

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

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

PRAYER

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

DATED the ... day of, ...

By:

Petitioner (Signature)

WASH. REV. CODE § 16.52.100. Confinement without food and water—Intervention by others.

If any domestic animal is impounded or confined without necessary food and water for more than thirty-six consecutive hours, any person may, from time to time, as is necessary, enter into and open any pound or place of confinement in which any domestic animal is confined, and supply it with necessary food and water so long

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as it is confined. The person shall not be liable to action for the entry, and may collect from the animal's owner the reasonable cost of the food and water. The animal shall be subject to attachment for the costs and shall not be exempt from levy and sale upon execution issued upon a judgment. If an investigating officer finds it extremely difficult to supply confined animals with food and water, the officer may remove the animals to protective custody for that purpose.

WASH. REV. CODE § 16.52.205. Animal cruelty in the first degree.

- (1) A person is guilty of animal cruelty in the first degree when, except as authorized in law, he or she intentionally (a) inflicts substantial pain on, (b) causes physical injury to, or (c) kills an animal by a means causing undue suffering or while manifesting an extreme indifference to life, or forces a minor to inflict unnecessary pain, injury, or death on an animal.
- (2)
 - (a) A person is guilty of animal cruelty in the first degree when, except as authorized by law or as provided in (c) of this subsection, he or she, with criminal negligence, starves, dehydrates, or suffocates an animal, or exposes an animals to excessive heat or cold and as a result causes:
 - (i) Substantial and unjustifiable physical pain that extends for a period sufficient to cause considerable suffering;
 - (ii) Death.
 - (b) In determining whether an animal has experienced the condition described in (a)(i) of this subsection due to exposure to excessive heat or cold, the trier of fact shall consider any evidence as to:
 - (i) Whether the animal's particular species and breed is physiologically adaptable to the conditions to which the animal was exposed;
 - (ii) The animal's age, health, medical conditions, and any other physical characteristics of the animal or factor that may affect its susceptibility to excessive heat or cold.
 - (c) A person is not guilty of animal cruelty in the first degree by means of exposing an animal to excessive heat or cold if the exposure is due to an unforeseen or unpreventable accident or event caused exclusively by an extraordinary force of nature.
- (3) A person is guilty of animal cruelty in the first degree when he or she:
 - (a) Knowingly engages in any sexual conduct or sexual contact with an animal;
 - (b) Knowingly causes, aids, or abets another person to engage in any sexual conduct or sexual contact with an animal;
 - (c) Knowingly permits any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her charge or control;
 - (d) Knowingly engages in, organizes, promotes, conducts, advertises, aids, abets, participates in as an observer, or performs any service in the furtherance of an act involving any sexual conduct or sexual contact with an animal for a commercial or recreational purpose; or
 - (e) Knowingly photographs or films, for purposes of sexual gratification, a person engaged in a sexual act or sexual contact with an animal.
- (4) Animal cruelty in the first degree is a class C felony.

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- (5) In addition to the penalty imposed in subsection (4) of this section, the court must order that the convicted person not own, care for, possess or reside in any household where an animal is present, in accordance with RCW 16.52.200.
- (6) In addition to the penalties imposed in subsections (4) and (5) of this section, the court may order that the convicted person:
 - (a) Participate in appropriate counseling at the defendant's expense;
 - (b) Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of any animals taken to the animal shelter or humane society as a result of conduct proscribed in this section.
- (7) Nothing in this section prohibits accepted animal husbandry practices or prohibits a licensed veterinarian or certified veterinary technician from performing procedures on an animals that are accepted veterinary medical practices.
- (8) *If the court has reasonable grounds to believe that a violation of this section has occurred, the court may order the seizure of all animals involved in the alleged violation as a condition of bond of a person charged with a violation.*
- (9) For purposes of this section:
 - (a) "Animal" means every creature, either alive or dead, other than a human being.
 - (b) "Sexual conduct" means any touching by a person of, fondling by a person of, transfer of saliva by a person to, or use of a foreign object by a person on, the sex organs or anus of an animal, either directly or through clothing, or any transfer or transmission of semen by the person upon any part of the animal.
 - (c) "Sexual contact" means:
 - (i) Any contact, however slight, between the mouth, sex organ, or anus of a person and the sex organ or anus of an animal, or between the sex organ or anus of a person and the mouth of an animal; or
 - (ii) Any intrusion, however slight, of any part of the body of the person or foreign object into the sex organ or anus of an animal.
 - (d) "Photographs" or "films" means the making of a photograph, motion picture film, videotape, digital image, or any other recording, sale, or transmission of the image.

WASH. REV. CODE § 16.52.300. Dogs or cats used as bait--Seizure—Limitation.

- (1) If any person commits the crime of animal cruelty in the first or second degree by using or trapping to use domestic dogs or cats as bait, prey, or targets for the purpose of training dogs or other animals to track, fight, or hunt, *law enforcement officers or animal control officers shall seize and hold the animals being trained.* The seized animals shall be disposed of by the court pursuant to the provisions of RCW 16.52.200(3).
- (2) This section shall not in any way interfere with or impair the operation of any provision of Title 28B RCW, relating to higher education or biomedical research.

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WASH. REV. CODE § 16.52.340. Leave or confine any animal in unattended motor vehicle or enclosed space — Class 2 civil infraction — Officers' authority to reasonably remove animal.

- (1) It is a class 2 civil infraction under RCW 7.80.120 to leave or confine any animal unattended in a motor vehicle or enclosed space if the animal could be harmed or killed by exposure to excessive heat, cold, lack of ventilation, or lack of necessary water.
- (2) *To protect the health and safety of an animal, an animal control officer or law enforcement officer who reasonably believes that an animal is suffering or is likely to suffer harm from exposure to excessive heat, cold, lack of ventilation, or lack of necessary water is authorized to enter a vehicle or enclosed space to remove an animal by any means reasonable under the circumstances if no other person is present in the immediate area who has access to the vehicle or enclosed space and who will immediately remove the animal. An animal control officer, law enforcement officer, or the department or agency employing such an officer is not liable for any damage to property resulting from actions taken under this section.*
- (3) Nothing in this section prevents the person who has confined the animal in the vehicle or enclosed space from being convicted of separate offenses for animal cruelty under RCW 16.52.205 or 16.52.207.

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17. COURTROOM ANIMAL ADVOCATE PROGRAM

[None]

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18. RESTITUTION

WASH. REV. CODE § 16.52.085. Removal of animals for feeding—Examination—Notice—Euthanasia.

(1) For the purposes of this section:

- (a) “Minimum care” means care sufficient to preserve the physical and mental health and well-being of an animal and includes, but is not limited to, the following requirements:
 - (i) Food of sufficient nutrition, quantity, and quality to allow for normal growth or maintenance of healthy body weight;
 - (ii) Open or adequate access to potable water of a drinkable temperature in sufficient quantity to satisfy the animal's needs;
 - (iii) Shelter sufficient to protect the animal from wind, rain, snow, sun, or other environmental or weather conditions based on the animal's species, age, or physical condition;
 - (iv) Veterinary or other care as may be deemed necessary by a reasonably prudent person to prevent or relieve in a timely manner distress from injury, neglect, or physical infirmity; and
 - (v) Continuous access to an area:
 - (A) With adequate space for exercise necessary for the physical and mental health and well-being of the animal. Inadequate space may be indicated by evidence of debility, stress, or abnormal behavior patterns;
 - (B) With temperature and ventilation suitable for the health and well-being of the animal based on the animal's species, age, or physical condition;
 - (C) With regular diurnal lighting cycles of either natural or artificial light; and
 - (D) Kept reasonably clean and free from excess waste, garbage, noxious odors, or other contaminants, objects, or other animals that could cause harm to the animal's health and well-being.
- (b) “Physical infirmity” includes, but is not limited to, starvation, dehydration, hypothermia, hyperthermia, muscle atrophy, restriction of blood flow to a limb or organ, mange or other skin disease, or parasitic infestation.
- (c) “Physical injury” includes, but is not limited to, substantial physical pain, fractures, cuts, burns, punctures, bruises, or other wounds or illnesses produced by violence or by a thermal or chemical agent.
- (d) “Serious physical injury or infirmity” means physical injury or physical infirmity that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of a limb or bodily organ.

(2)

- (a) If a law enforcement officer or animal control officer has probable cause to believe that an owner of a domestic animal has violated this chapter or a person owns, cares for, or resides with an animal in violation of RCW 16.52.200 or an order issued under RCW 16.52.205 or

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16.52.207, the officer, after obtaining a warrant, may enter the premises where the animal is located and seize the animal.

- (b) If a law enforcement officer or an animal control officer has probable cause to believe an animal is in imminent danger or is suffering serious physical injury or infirmity, or needs immediate medical attention, the officer may enter onto private property without a warrant to:
 - (i) Render emergency aid to the animal; or
 - (ii) Seize the animal without a warrant. Any animal seized without a warrant shall immediately be brought to a veterinarian licensed in the state of Washington to provide medical attention and to assess the health of the animal.
- (c) A law enforcement officer or an animal control officer is not liable for any damages for entry onto private property without a warrant under this section, provided that the officer does not use any more force than is reasonably necessary to enter upon the property and remove the animal.

(3)

- (a) An animal seized under this section may be placed into the custody of an animal care and control agency, into foster care that is not associated in any way with the owner, or with a nonprofit humane society, nonprofit animal sanctuary, or nonprofit rescue organization. In determining what is a suitable placement, the officer shall consider the animal's needs, including its size, medical needs, and behavioral characteristics. Any person or custodial agency receiving an animal seized under this section shall provide the animal with minimum care.
- (b) If a seized animal is placed into foster care or with a nonprofit animal sanctuary or rescue organization, the seizing agency shall retain constructive custody of the animal, shall have the duty to ensure the animal receives minimum care, and may draw from the bond under subsection (5) of this section and distribute the funds to the foster home, authorized humane society, sanctuary, or rescue organization that is authorized to care for the animal.

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

- (a) The name, business address, and telephone number of the law enforcement agency or animal care and control agency responsible for seizing the animal;
- (b) A description of the seized animal;
- (c) The authority and purpose for the seizure, including the time, place, and circumstances under which the animal was seized;
- (d) *A statement that the owner is responsible for the cost of care for an animal who was lawfully seized, and that the owner will be required to post a bond with the clerk of the district court of the county from which the animal was seized to defray the cost of minimum care pursuant to subsection (5) of this section within 14 calendar days of the seizure or the animal will be deemed abandoned and forfeited; and*

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

(5)

(a) *When an animal is seized pursuant to this section, the owner shall post a bond with the district court in an amount sufficient to provide minimum care for each animal seized for 30 days, including the day on which the animal was taken into custody, regardless of whether the animal is the subject of a criminal charge. Such bond shall be filed with the clerk of the district court of the county from which the animal was seized within 14 calendar days after the day the animal is seized.*

(b)

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

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

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

(c)

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

(ii) *At the hearing requested by the owner, the rules of civil procedure shall apply and the respondent shall have the burden of establishing probable cause to believe that the seized animal was subjected to a violation of this chapter. The owner shall have an opportunity to be heard before the court makes its final finding. If the court finds that probable cause exists, the court shall order the owner to post a bond as required by this subsection (5) within 72 hours of the hearing, and if the owner fails to do so, the seized animal is deemed abandoned and the owner's interest in the animal is forfeited to the custodial agency by operation of law. If the respondent does not meet its burden of proof, the court may order the animal returned to the owner at no cost to the owner, subject to conditions*

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set by the court. If the court orders the return of an animal to the owner, the court may also order:

- (A) Reasonable attorney fees for the owner; and*
- (B) A full refund of the bond posted pursuant to this subsection (5) by the owner for the care of the animal.*

(d)

- (i) If a bond has been posted in accordance with this subsection (5), subsequent court proceedings shall be given court calendar priority so long as the animal remains in the custody of the custodial agency and the custodial agency may draw from the bond the actual reasonable costs incurred by the agency in providing minimum care to the animal from the date of seizure to the date of final disposition of the animal in the criminal action.*
- (ii) At the end of the time for which expenses are covered by the bond, if the owner seeks to prevent disposition of the animal by the custodial agency, the owner shall post a new bond with the court within 72 hours following the prior bond's expiration. If an owner fails to post or renew a bond as required under this subsection (5), the animal is deemed abandoned and the owner's interest in the animal is forfeited to the custodial agency by operation of law.*

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

- (6) When an animal is seized from a person prohibited from owning, caring for, possessing, or residing with animals under RCW 16.52.200 or an order issued pursuant to RCW 16.52.205 or 16.52.207, the animal is immediately and permanently forfeited by operation of law to the custodial agency and no court action is necessary.
- (7) If an animal is forfeited to a custodial agency according to the provisions of this section, the agency to which the animal was forfeited may place the animal with a new owner; provided that the agency may not place the animal with family members or friends of the former owner or with anyone who lives in the same household as the former owner. At the time of placement, the agency must provide the new owner with notice that it may constitute a crime for the former owner to own, care for, possess, or reside with the animal at any time in the future.
- (8) A custodial agency may authorize a veterinarian or veterinary technician licensed in the state of Washington or a certified euthanasia technician certified in the state of Washington to euthanize a seized animal for humane reasons at any time if the animal is severely injured, sick, diseased, or suffering.
- (9) Nothing in this chapter shall be construed to prevent the voluntary, permanent relinquishment of any animal by its owner to a law enforcement officer, animal control officer, or animal care and control agency. Voluntary relinquishment has no effect on the criminal charges that may be pursued by the appropriate authorities.
- (10) Nothing in this chapter requires court action for taking custody of, caring for, and properly disposing of stray, feral, at-large, or abandoned animals, or wild animals not owned or kept as pets or livestock, as lawfully performed by law enforcement agencies or animal care and control agencies.
- (11) Any authorized person caring for, treating, or attempting to restore an animal to health under this chapter shall not be civilly or criminally liable for such action.

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

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

“IN THE COURT
OF THE STATE OF WASHINGTON IN AND FOR
THE COUNTY OF

No.....

,
Petitioner,
vs.

PETITION FOR
RETURN OF SEIZED

,
Respondent

ANIMALS

PARTIES/JURISDICTION

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

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

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

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

FACTS

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

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

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

PRAYER

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

DATED the ... day of, ...

By:

Petitioner (Signature)

WASH. REV. CODE § 16.52.200. Sentences—Forfeiture of animals—Liability for costs—Civil penalty—Education, counseling.

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

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- (2) In case of multiple misdemeanor or gross misdemeanor convictions, the sentences shall be consecutive, however the probationary period shall remain two years.
- (3) In addition to the penalties imposed by the court, the court shall order the forfeiture of all animals held by law enforcement or animal care and control authorities under the provisions of this chapter if any one of the animals involved dies as a result of a violation of this chapter or if the defendant has a prior conviction under this chapter. In other cases the court may enter an order requiring the owner to forfeit the animal if the court deems the animal's treatment to have been severe and likely to reoccur.
- (4) Any person convicted of animal cruelty shall be prohibited from owning, caring for, possessing, or residing with any animals for a period of time as follows:
 - (a) Two years for a first conviction of animal cruelty in the second degree under RCW 16.52.207;
 - (b) Permanently for a first conviction of animal cruelty in the first degree under RCW 16.52.205;
 - (c) Permanently for a second or subsequent conviction of animal cruelty, except as provided in subsection (5) of this section.
- (5) If a person has no more than two convictions of animal cruelty and each conviction is for animal cruelty in the second degree, the person may petition the sentencing court in which the most recent animal cruelty conviction occurred, for a restoration of the right to own, care for, possess, or reside with animals five years after the date of the second conviction. In determining whether to grant the petition, the court shall consider, but not be limited to, the following:
 - (a) The person's prior animal cruelty in the second degree convictions;
 - (b) The type of harm or violence inflicted upon the animals;
 - (c) Whether the person has completed the conditions imposed by the court as a result of the underlying convictions;
 - (d) Whether the person complied with the prohibition on owning, caring for, or residing with animals; and
 - (e) Any other matters the court finds reasonable and material to consider in determining whether the person is likely to abuse another animal.

The court may delay its decision on forfeiture under subsection (3) of this section until the end of the probationary period.
- (6) *In addition to fines and court costs, the defendant, only if convicted or in agreement, shall be liable for reasonable costs incurred pursuant to this chapter by law enforcement agencies, animal care and control agencies, or authorized private or public entities involved with the care of the animals. Reasonable costs include expenses of the investigation, and the animal's care, euthanization, or adoption.*
- (7) *If convicted, the defendant shall also pay a civil penalty of one thousand dollars to the county to prevent cruelty to animals. These funds shall be used to prosecute offenses under this chapter and to care for forfeited animals pending trial.*
- (8) If a person violates the prohibition on owning, caring for, possessing or residing with animals under subsection (4) of this section, that person:
 - (a) Shall pay a civil penalty of one thousand dollars for the first violation;
 - (b) Shall pay a civil penalty of two thousand five hundred dollars for the second violation; and
 - (c) Is guilty of a gross misdemeanor for the third and each subsequent violation.
- (9) As a condition of the sentence imposed under this chapter or RCW 9.08.070 through 9.08.078, the court may also order the defendant to participate in an available animal cruelty prevention or

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education program or obtain available psychological counseling to treat mental health problems contributing to the violation's commission. The defendant shall bear the costs of the program or treatment.

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

WASH. REV. CODE § 16.52.205. Animal cruelty in the first degree.

- (1) A person is guilty of animal cruelty in the first degree when, except as authorized in law, he or she intentionally (a) inflicts substantial pain on, (b) causes physical injury to, or (c) kills an animal by a means causing undue suffering or while manifesting an extreme indifference to life, or forces a minor to inflict unnecessary pain, injury, or death on an animal.
- (2)
 - (a) A person is guilty of animal cruelty in the first degree when, except as authorized by law or as provided in (c) of this subsection, he or she, with criminal negligence, starves, dehydrates, or suffocates an animal, or exposes an animal to excessive heat and cold and as a result causes:
 - (i) Substantial and unjustifiable physical pain that extends for a period sufficient to cause considerable suffering; or
 - (ii) Death.
 - (b) In determining whether an animal has experienced the condition described in (a)(i) of this subsection due to exposure to excessive heat or cold, the trier of fact shall consider any evidence as to:
 - (i) Whether the animal's particular species and breed is physiologically adaptable to the conditions to which the animal was exposed; and
 - (ii) The animal's age, health, medical conditions, and any other physical characteristics of the animal or factor that may affect its susceptibility to excessive heat or cold.
 - (c) A person is not guilty of animal cruelty in the first degree by means of exposing an animal to excessive heat or cold if the exposure is due to an unforeseen or unpreventable accident or event caused exclusively by an extraordinary force of nature.
- (3) A person is guilty of animal cruelty in the first degree when he or she:
 - (a) Knowingly engages in any sexual conduct or sexual contact with an animal;
 - (b) Knowingly causes, aids, or abets another person to engage in any sexual conduct or sexual contact with an animal;
 - (c) Knowingly permits any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her charge or control;
 - (d) Knowingly engages in, organizes, promotes, conducts, advertises, aids, abets, participates in as an observer, or performs any service in the furtherance of an act involving any sexual conduct or sexual contact with an animal for a commercial or recreational purpose; or
 - (e) Knowingly photographs or films, for purposes of sexual gratification, a person engaged in a sexual act or sexual contact with an animal.
- (4) Animal cruelty in the first degree is a class C felony.

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- (5) In addition to the penalty imposed in subsection (4) of this section, the court must order that the convicted person not own, care for, possess, or reside in any household where an animal is present.
- (6) *In addition to the penalties imposed in subsections (4) and (5) of this section, the court may order that the convicted person:*
 - (a) Participate in appropriate counseling at the defendant's expense;
 - (b) *Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of any animals taken to the animal shelter or humane society as a result of conduct proscribed in this section.*
- (7) Nothing in this section prohibits accepted animal husbandry practices or prohibits a licensed veterinarian or certified veterinary technician from performing procedures on an animal that are accepted veterinary medical practices.
- (8) If the court has reasonable grounds to believe that a violation of this section has occurred, the court may order the seizure of all animals involved in the alleged violation as a condition of bond of a person charged with a violation.
- (9) For purposes of this section:
 - (a) "Animal" means every creature, either alive or dead, other than a human being.
 - (b) "Sexual conduct" means any touching by a person of, fondling by a person of, transfer of saliva by a person to, or use of a foreign object by a person on the sex organs or anus of an animal, either directly or through clothing, or any transfer or transmission of semen by the person upon any part of the animal.
 - (c) "Sexual contact" means:
 - (i) Any contact, however slight, between the mouth, sex organ, or anus of a person and the sex organ or anus of an animal, or between the sex organ or anus of a person and the mouth of an animal; or
 - (ii) Any intrusion, however slight, of any part of the body of the person or foreign object into the sex organ or anus of an animal.
 - (d) "Photographs" or "films" means the making of a photograph, motion picture film, videotape, digital image, or any other recording, sale, or transmission of the image.

WASH. REV. CODE § 60.56.025. Lien created for care of animal seized by law enforcement officer.

If a law enforcement officer authorizes removal of an animal pursuant to chapter 16.52 RCW, *the person or entity receiving the animal and aiding in its care or restoration to health shall have a lien upon the animal for the cost of feeding, pasturing, and caring otherwise for the animal.* The lien attaches on the date such costs are due and payable but are unpaid. Any such person is authorized to retain possession of the animal until such costs are paid or the lien expires, whichever first occurs.

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19. FORFEITURE AND POSSESSION BANS

WASH. REV. CODE § 16.52.085. Removal of animals for feeding—Examination—Notice—Euthanasia.

(1) For the purposes of this section:

- (a) “Minimum care” means care sufficient to preserve the physical and mental health and well-being of an animal and includes, but is not limited to, the following requirements:
 - (i) Food of sufficient nutrition, quantity, and quality to allow for normal growth or maintenance of healthy body weight;
 - (ii) Open or adequate access to potable water of a drinkable temperature in sufficient quantity to satisfy the animal's needs;
 - (iii) Shelter sufficient to protect the animal from wind, rain, snow, sun, or other environmental or weather conditions based on the animal's species, age, or physical condition;
 - (iv) Veterinary or other care as may be deemed necessary by a reasonably prudent person to prevent or relieve in a timely manner distress from injury, neglect, or physical infirmity; and
 - (v) Continuous access to an area:
 - (A) With adequate space for exercise necessary for the physical and mental health and well-being of the animal. Inadequate space may be indicated by evidence of debility, stress, or abnormal behavior patterns;
 - (B) With temperature and ventilation suitable for the health and well-being of the animal based on the animal's species, age, or physical condition;
 - (C) With regular diurnal lighting cycles of either natural or artificial light; and
 - (D) Kept reasonably clean and free from excess waste, garbage, noxious odors, or other contaminants, objects, or other animals that could cause harm to the animal's health and well-being.
- (b) “Physical infirmity” includes, but is not limited to, starvation, dehydration, hypothermia, hyperthermia, muscle atrophy, restriction of blood flow to a limb or organ, mange or other skin disease, or parasitic infestation.
- (c) “Physical injury” includes, but is not limited to, substantial physical pain, fractures, cuts, burns, punctures, bruises, or other wounds or illnesses produced by violence or by a thermal or chemical agent.
- (d) “Serious physical injury or infirmity” means physical injury or physical infirmity that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of a limb or bodily organ.

(2)

- (a) If a law enforcement officer or animal control officer has probable cause to believe that an owner of a domestic animal has violated this chapter or a person owns, cares for, or resides with an animal in violation of RCW 16.52.200 or an order issued under RCW 16.52.205 or

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16.52.207, the officer, after obtaining a warrant, may enter the premises where the animal is located and seize the animal.

- (b) If a law enforcement officer or an animal control officer has probable cause to believe an animal is in imminent danger or is suffering serious physical injury or infirmity, or needs immediate medical attention, the officer may enter onto private property without a warrant to:
 - (i) Render emergency aid to the animal; or
 - (ii) Seize the animal without a warrant. Any animal seized without a warrant shall immediately be brought to a veterinarian licensed in the state of Washington to provide medical attention and to assess the health of the animal.
- (c) A law enforcement officer or an animal control officer is not liable for any damages for entry onto private property without a warrant under this section, provided that the officer does not use any more force than is reasonably necessary to enter upon the property and remove the animal.

(3)

- (a) An animal seized under this section may be placed into the custody of an animal care and control agency, into foster care that is not associated in any way with the owner, or with a nonprofit humane society, nonprofit animal sanctuary, or nonprofit rescue organization. In determining what is a suitable placement, the officer shall consider the animal's needs, including its size, medical needs, and behavioral characteristics. Any person or custodial agency receiving an animal seized under this section shall provide the animal with minimum care.
- (b) If a seized animal is placed into foster care or with a nonprofit animal sanctuary or rescue organization, the seizing agency shall retain constructive custody of the animal, shall have the duty to ensure the animal receives minimum care, and may draw from the bond under subsection (5) of this section and distribute the funds to the foster home, authorized humane society, sanctuary, or rescue organization that is authorized to care for the animal.

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

- (a) The name, business address, and telephone number of the law enforcement agency or animal care and control agency responsible for seizing the animal;
- (b) A description of the seized animal;
- (c) The authority and purpose for the seizure, including the time, place, and circumstances under which the animal was seized;
- (d) A statement that the owner is responsible for the cost of care for an animal who was lawfully seized, and that the owner will be required to post a bond with the clerk of the district court of the county from which the animal was seized to defray the cost of minimum care pursuant to subsection (5) of this section within 14 calendar days of the seizure or the animal will be deemed abandoned and forfeited; and

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

(5)

(a) When an animal is seized pursuant to this section, the owner shall post a bond with the district court in an amount sufficient to provide minimum care for each animal seized for 30 days, including the day on which the animal was taken into custody, regardless of whether the animal is the subject of a criminal charge. Such bond shall be filed with the clerk of the district court of the county from which the animal was seized within 14 calendar days after the day the animal is seized.

(b)

- (i) If an owner fails to post a bond by 5:00 p.m. on the 14th calendar day after the day the animal was seized as required under this section, the animal is deemed abandoned and the owner's interest in the animal is forfeited to the custodial agency by operation of law in accordance with the notice provided in subsection (4) of this section.
- (ii) A petition required by subsection (4)(e) of this section may be filed in the district court of the county from which an animal was seized concerning any animal seized pursuant to this section. Copies of the petition must be served on the law enforcement agency or animal care and control agency responsible for seizing the animal and the prosecuting attorney.
- (iii) An owner's failure to file a written petition by 5:00 p.m. on the 14th calendar day after the day the animal was seized shall constitute a waiver of the right to file a petition under this subsection and the animal is deemed abandoned and the owner's interest in the animal is forfeited to the custodial agency by operation of law unless a bond has been posted pursuant to this subsection (5). The court may extend the 14-day period to file a written petition by an additional 14 calendar days if the petitioner did not have actual notice of the seizure and the court finds, on the record and in writing, that there are exceptional and compelling circumstances justifying the extension.

(c)

- (i) Upon receipt of a petition pursuant to (b) of this subsection, the court shall set a civil hearing on the petition. The hearing shall be conducted within 30 calendar days after the filing of the petition.
- (ii) At the hearing requested by the owner, the rules of civil procedure shall apply and the respondent shall have the burden of establishing probable cause to believe that the seized animal was subjected to a violation of this chapter. The owner shall have an opportunity to be heard before the court makes its final finding. If the court finds that probable cause exists, the court shall order the owner to post a bond as required by this subsection (5) within 72 hours of the hearing, and if the owner fails to do so, the seized animal is deemed abandoned and the owner's interest in the animal is forfeited to the custodial agency by operation of law. If the respondent does not meet its burden of proof, the court may order the animal returned to the owner at no cost to the owner,

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subject to conditions set by the court. If the court orders the return of an animal to the owner, the court may also order:

- (A) Reasonable attorney fees for the owner; and
- (B) A full refund of the bond posted pursuant to this subsection (5) by the owner for the care of the animal.

(e)

- (i) If a bond has been posted in accordance with this subsection (5), subsequent court proceedings shall be given court calendar priority so long as the animal remains in the custody of the custodial agency and the custodial agency may draw from the bond the actual reasonable costs incurred by the agency in providing minimum care to the animal from the date of seizure to the date of final disposition of the animal in the criminal action.
- (ii) At the end of the time for which expenses are covered by the bond, if the owner seeks to prevent disposition of the animal by the custodial agency, the owner shall post a new bond with the court within 72 hours following the prior bond's expiration. If an owner fails to post or renew a bond as required under this subsection (5), the animal is deemed abandoned and the owner's interest in the animal is forfeited to the custodial agency by operation of law.

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

- (6) When an animal is seized from a person prohibited from owning, caring for, possessing, or residing with animals under RCW 16.52.200 or an order issued pursuant to RCW 16.52.205 or 16.52.207, the animal is immediately and permanently forfeited by operation of law to the custodial agency and no court action is necessary.
- (7) If an animal is forfeited to a custodial agency according to the provisions of this section, the agency to which the animal was forfeited may place the animal with a new owner; provided that the agency may not place the animal with family members or friends of the former owner or with anyone who lives in the same household as the former owner. At the time of placement, the agency must provide the new owner with notice that it may constitute a crime for the former owner to own, care for, possess, or reside with the animal at any time in the future.
- (8) A custodial agency may authorize a veterinarian or veterinary technician licensed in the state of Washington or a certified euthanasia technician certified in the state of Washington to euthanize a seized animal for humane reasons at any time if the animal is severely injured, sick, diseased, or suffering.
- (9) Nothing in this chapter shall be construed to prevent the voluntary, permanent relinquishment of any animal by its owner to a law enforcement officer, animal control officer, or animal care and control agency. Voluntary relinquishment has no effect on the criminal charges that may be pursued by the appropriate authorities.
- (10) Nothing in this chapter requires court action for taking custody of, caring for, and properly disposing of stray, feral, at-large, or abandoned animals, or wild animals not owned or kept as pets or livestock, as lawfully performed by law enforcement agencies or animal care and control agencies.
- (11) Any authorized person caring for, treating, or attempting to restore an animal to health under this chapter shall not be civilly or criminally liable for such action.

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

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

“IN THE COURT
OF THE STATE OF WASHINGTON IN AND FOR
THE COUNTY OF

No.....

,
Petitioner,
vs.

PETITION FOR
RETURN OF SEIZED

,
Respondent

ANIMALS

PARTIES/JURISDICTION

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

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

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

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

FACTS

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

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

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

PRAYER

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

DATED the ... day of, ...

By:

Petitioner (Signature)

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WASH. REV. CODE § 16.52.200. Sentences—Forfeiture of animals—Liability for costs—Civil penalty—Education, counseling.

- (1) The sentence imposed for a misdemeanor or gross misdemeanor violation of this chapter may be deferred or suspended in accordance with RCW 3.66.067 and 3.66.068, however the probationary period shall be two years.
- (2) In case of multiple misdemeanor or gross misdemeanor convictions, the sentences shall be consecutive, however the probationary period shall remain two years.
- (3) *In addition to the penalties imposed by the court, the court shall order the forfeiture of all animals held by law enforcement or animal care and control authorities under the provisions of this chapter if any one of the animals involved dies as a result of a violation of this chapter or if the defendant has a prior conviction under this chapter. In other cases the court may enter an order requiring the owner to forfeit the animal if the court deems the animal's treatment to have been severe and likely to reoccur.*
- (4) *Any person convicted of animal cruelty shall be prohibited from owning, caring for, possessing, or residing with any animals for a period of time as follows:*
 - (a) *Two years for a first conviction of animal cruelty in the second degree under RCW 16.52.207;*
 - (b) *Permanently for a first conviction of animal cruelty in the first degree under RCW 16.52.205*
 - (c) *Permanently for a second or subsequent conviction of animal cruelty, except as provided in subsection (5) of this section.*
- (5) *If a person has no more than two convictions of animal cruelty and each conviction is for animal cruelty in the second degree, the person may petition the sentencing court in which the most recent animal cruelty conviction occurred, for a restoration of the right to own, care for, possess, or reside with animals five years after the date of the second conviction. In determining whether to grant the petition, the court shall consider, but not be limited to, the following:*
 - (a) *The person's prior animal cruelty in the second degree convictions;*
 - (b) *The type of harm or violence inflicted upon the animals;*
 - (c) *Whether the person has completed the conditions imposed by the court as a result of the underlying convictions;*
 - (d) *Whether the person complied with the prohibition on owning, caring for, possessing or residing with animals; and*
 - (e) *Any other matters the court finds reasonable and material to consider in determining whether the person is likely to abuse another animal.*

The court may delay its decision on forfeiture under subsection (3) of this section until the end of the probationary period.
- (6) In addition to fines and court costs, the defendant, only if convicted or in agreement, shall be liable for reasonable costs incurred pursuant to this chapter by law enforcement agencies, animal care and control agencies, or authorized private or public entities involved with the care of the animals. Reasonable costs include expenses of the investigation, and the animal's care, euthanization, or adoption.
- (7) If convicted, the defendant shall also pay a civil penalty of one thousand dollars to the county to prevent cruelty to animals. These funds shall be used to prosecute offenses under this chapter and to care for forfeited animals pending trial.

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- (8) *If a person violates the prohibition on owning, caring for, possessing or residing with animals under subsection (4) of this section, that person:*
- (a) *Shall pay a civil penalty of one thousand dollars for the first violation;*
 - (b) *Shall pay a civil penalty of two thousand five hundred dollars for the second violation; and*
 - (c) *Is guilty of a gross misdemeanor for the third and each subsequent violation.*
- (9) As a condition of the sentence imposed under this chapter or RCW 9.08.070 through 9.08.078, the court may also order the defendant to participate in an available animal cruelty prevention or education program or obtain available psychological counseling to treat mental health problems contributing to the violation's commission. The defendant shall bear the costs of the program or treatment.
- (10) Nothing in this section limits the authority of a law enforcement officer, animal control officer, custodial agency, or court to remove, adopt, euthanize, or require forfeiture of an animal under RCW 16.52.085.

WASH. REV. CODE § 16.52.205. Animal cruelty in the first degree.

- (1) A person is guilty of animal cruelty in the first degree when, except as authorized in law, he or she intentionally (a) inflicts substantial pain on, (b) causes physical injury to, or (c) kills an animal by a means causing undue suffering or while manifesting an extreme indifference to life, or forces a minor to inflict unnecessary pain, injury, or death on an animal.
- (2)
- (a) A person is guilty of animal cruelty in the first degree when, except as authorized by law or as provided in (c) of this subsection, he or she, with criminal negligence, starves, dehydrates, or suffocates an animal, or exposes an animal to excessive heat or cold and as a result causes:
 - (i) Substantial and unjustifiable physical pain that extends for a period sufficient to cause considerable suffering; or
 - (ii) Death.
 - (b) In determining whether an animal has experienced the condition described in (a)(i) of this subsection due to exposure to excessive heat or cold, the trier of fact shall consider any evidence as to:
 - (i) Whether the animal's particular species and breed is physiologically adaptable to the conditions to which the animal was exposed; and
 - (ii) The animal's age, health, medical conditions, and any other physical characteristics of the animal or factor that may affect its susceptibility to excessive heat or cold.
 - (c) A person is not guilty of animal cruelty in the first degree by means of exposing an animal to excessive heat or cold if the exposure is due to an unforeseen or unpreventable accident or event caused by an extraordinary force of nature.
- (3) A person is guilty of animal cruelty in the first degree when he or she:
- (a) Knowingly engages in any sexual conduct or sexual contact with an animal;
 - (b) Knowingly causes, aids, or abets another person to engage in any sexual conduct or sexual contact with an animal;

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- (c) Knowingly permits any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her charge or control;
- (d) Knowingly engages in, organizes, promotes, conducts, advertises, aids, abets, participates in as an observer, or performs any service in the furtherance of an act involving any sexual conduct or sexual contact with an animal for a commercial or recreational purpose; or
- (e) Knowingly photographs or films, for purposes of sexual gratification, a person engaged in a sexual act or sexual contact with an animal.
- (4) Animal cruelty in the first degree is a class C felony.
- (5) *In addition to the penalty imposed in subsection (4) of this section, the court must order that the convicted person not own, care for, possess, or reside in any household where an animal is present.*
- (6) In addition to the penalties imposed in subsections (4) and (5) of this section, the court must order that the convicted person:
 - (a) Participate in appropriate counseling at the defendant's expense;
 - (b) Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of any animals taken to the animal shelter or humane society as a result of conduct proscribed in this section.
- (7) Nothing in this section may be considered to prohibit accepted animal husbandry practices or accepted veterinary medical practices by a licensed veterinarian or certified veterinary technician.
- (8) If the court has reasonable grounds to believe that a violation of this section has occurred, the court may order the seizure of all animals involved in the alleged violation as a condition of bond of a person charged with a violation.
- (9) For purposes of this section:
 - (a) "Animal" means every creature, either alive or dead, other than a human being.
 - (b) "Sexual conduct" means any touching by a person of, fondling by a person of, transfer of saliva by a person to, or use of a foreign object by a person on the sex organs or anus of an animal, either directly or through clothing, or any transfer or transmission of semen by the person upon any part of the animal.
 - (c) "Sexual contact" means:
 - (i) Any contact, however slight, between the mouth, sex organ, or anus of a person and the sex organ or anus of an animal, or between the sex organ or anus of a person and the mouth of an animal: or
 - (ii) any intrusion, however slight, of any part of the body of the person or foreign object into the sex organ or anus of an animal.
 - (d) "Photographs" or "films" means the making of a photograph, motion picture film, videotape, digital image, or any other recording, sale, or transmission of the image.

WASH. REV. CODE § 16.54.010. When deemed abandoned.

An animal is deemed to be abandoned under the provisions of this chapter when it is placed in the custody of a veterinarian, boarding kennel owner, or any person for treatment, board, or care and:

- (1) *Having been placed in such custody for an unspecified period of time the animal is not removed within fifteen days after notice to remove the animal has been given to the person who placed the animal in*

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such custody or having been so notified the person depositing the animal refuses or fails to pay agreed upon or reasonable charges for the treatment, board, or care of such animal, or;

- (2) Having been placed in such custody for a specified period of time the animal is not removed at the end of such specified period or the person depositing the animal refuses to pay agreed upon or reasonable charges for the treatment, board, or care of such animal.*

WASH. REV. CODE § 16.54.020. Disposition of abandoned animal by person having custody.

Any person having in his or her care, custody, or control any abandoned animal as defined in RCW 16.54.010, may deliver such animal to any animal care and control agency as defined in RCW 16.52.011 or to an animal rescue group as defined in RCW 82.04.040 having the facilities and resources necessary for the care of such animals. If such an animal care and control agency or animal rescue group cannot reasonably be identified to receive the animal, the person with whom the animal was abandoned may notify the sheriff of the county wherein the abandonment occurred.

WASH. REV. CODE § 16.54.030. Duty of sheriff—Sale—Disposition of proceeds.

It shall be the duty of the sheriff of such county upon being so notified, to dispose of such animal as provided by law in reference to estrays if such law is applicable to the animal abandoned, or if not so applicable then deliver such an animal to any animal care and control agency as defined in RCW 16.52.011 or to an animal rescue group as defined in RCW 82.04.040 having the facilities and resources necessary for the care of such an animal. If such an animal care and control agency or animal rescue group cannot reasonably be identified to receive the animal, then such an animal shall be sold by the sheriff at public auction. Notice of any such sale shall be given by posting a notice in three public places in the county at least ten days prior to such public sale. Proceeds of such sale shall be paid to the county treasurer for deposit in the county general fund.

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20. REHABILITATIVE SENTENCING

WASH. REV. CODE § 16.52.200. Sentences—Forfeiture of animals—Liability for costs—Civil penalty—Education, counseling.

- (1) The sentence imposed for a misdemeanor or gross misdemeanor violation of this chapter may be deferred or suspended in accordance with RCW 3.66.067 and 3.66.068, however the probationary period shall be two years.
- (2) In case of multiple misdemeanor or gross misdemeanor convictions, the sentences shall be consecutive, however the probationary period shall remain two years.
- (3) In addition to the penalties imposed by the court, the court shall order the forfeiture of all animals held by law enforcement or animal care and control authorities under the provisions of this chapter if any one of the animals involved dies as a result of a violation of this chapter or if the defendant has a prior conviction under this chapter. In other cases the court may enter an order requiring the owner to forfeit the animal if the court deems the animal's treatment to have been severe and likely to reoccur.
- (4) Any person convicted of animal cruelty shall be prohibited from owning, caring for, possessing, or residing with any animals for a period of time as follows:
 - (a) Two years for a first conviction of animal cruelty in the second degree under RCW 16.52.207;
 - (b) Permanently for a first conviction of animal cruelty in the first degree under RCW 16.52.205
 - (c) Permanently for a second or subsequent conviction of animal cruelty, except as provided in subsection (5) of this section.
- (5) If a person has no more than two convictions of animal cruelty and each conviction is for animal cruelty in the second degree, the person may petition the sentencing court in which the most recent animal cruelty conviction occurred, for a restoration of the right to own, care for, possess, or reside with animals five years after the date of the second conviction. In determining whether to grant the petition, the court shall consider, but not be limited to, the following:
 - (a) The person's prior animal cruelty in the second degree convictions;
 - (b) The type of harm or violence inflicted upon the animals;
 - (c) Whether the person has completed the conditions imposed by the court as a result of the underlying convictions;
 - (d) Whether the person complied with the prohibition on owning, caring for, possessing or residing with animals; and
 - (e) Any other matters the court finds reasonable and material to consider in determining whether the person is likely to abuse another animal.

The court may delay its decision on forfeiture under subsection (3) of this section until the end of the probationary period.
- (6) In addition to fines and court costs, the defendant, only if convicted or in agreement, shall be liable for reasonable costs incurred pursuant to this chapter by law enforcement agencies, animal care and control agencies, or authorized private or public entities involved with the care of the animals. Reasonable costs include expenses of the investigation, and the animal's care, euthanization, or adoption.
- (7) If convicted, the defendant shall also pay a civil penalty of one thousand dollars to the county to

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prevent cruelty to animals. These funds shall be used to prosecute offenses under this chapter and to care for forfeited animals pending trial.

- (8) If a person violates the prohibition on owning, caring for, possessing, or residing with animals under subsection (4) of this section, that person:
 - (a) Shall pay a civil penalty of one thousand dollars for the first violation;
 - (b) Shall pay a civil penalty of two thousand five hundred dollars for the second violation; and
 - (c) Is guilty of a gross misdemeanor for the third and each subsequent violation.
- (9) *As a condition of the sentence imposed under this chapter or RCW 9.08.070 through 9.08.078, the court may also order the defendant to participate in an available animal cruelty prevention or education program or obtain available psychological counseling to treat mental health problems contributing to the violation's commission. The defendant shall bear the costs of the program or treatment.*
- (10) Nothing in this section limits the authority of a law enforcement officer, animal control officer, custodial agency, or court to remove, adopt, euthanize, or require forfeiture of an animal under RCW 16.52.085.

WASH. REV. CODE § 16.52.205. Animal cruelty in the first degree.

- (1) A person is guilty of animal cruelty in the first degree when, except as authorized in law, he or she intentionally (a) inflicts substantial pain on, (b) causes physical injury to, or (c) kills an animal by a means causing undue suffering or while manifesting an extreme indifference to life, or forces a minor to inflict unnecessary pain, injury, or death on an animal.
- (2)
 - (a) A person is guilty of animal cruelty in the first degree when, except as authorized by law or as provided in (c) of this section, he or she, with criminal negligence, starves, dehydrates, or suffocates an animal, or exposes an animal to excessive heat or cold, and as a result causes:
 - (i) Substantial and unjustifiable physical pain that extends for a period sufficient to cause considerable suffering; or
 - (ii) Death.
 - (b) In determining whether an animal has experienced the condition described in (a)(i) of this subsection due to exposure to excessive heat or cold, the trier of fact shall consider any evidence as to:
 - (i) Whether the animal's particular species and breed is physiologically adaptable to the conditions to which the animal was exposed;
 - (ii) The animal's age, health, medical conditions, and any other physical characteristics of the animal or factor that may affect its susceptibility to excessive heat or cold.
 - (c) A person is not guilty of animal cruelty in the first degree by means of exposing an animal to excessive heat or cold if the exposure is due to an unforeseen or unpreventable accident or event caused exclusively by an extraordinary force of nature.
- (3) A person is guilty of animal cruelty in the first degree when he or she:
 - (a) Knowingly engages in any sexual conduct or sexual contact with an animal;
 - (b) Knowingly causes, aids, or abets another person to engage in any sexual conduct or sexual contact with an animal;
 - (c) Knowingly permits any sexual conduct or sexual contact with an animal to be conducted on any

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- premises under his or her charge or control;
 - (d) Knowingly engages in, organizes, promotes, conducts, advertises, aids, abets, participates in as an observer, or performs any service in the furtherance of an act involving any sexual conduct or sexual contact with an animal for a commercial or recreational purpose; or
 - (e) Knowingly photographs or films, for purposes of sexual gratification, a person engaged in a sexual act or sexual contact with an animal.
- (4) Animal cruelty in the first degree is a class C felony.
- (5) In addition to the penalty imposed in subsection (4) of this section, the court must order that the convicted person not own, care for, possess or reside in any household where animals are present.
- (6) *In addition to the penalties imposed in subsection (4) and (5) of this section, the court may order that the convicted person:*
- (a) *Participate in appropriate counseling at the defendant's expense;*
 - (b) Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of any animals taken to the animal shelter or humane society as a result of conduct proscribed in subsection (3) of this section.
- (7) Nothing in this section prohibits accepted animal husbandry practices or prohibits a licensed veterinarian or certified veterinary technician from performing procedures on an animal that are accepted veterinary medical practices.
- (8) If the court has reasonable grounds to believe that a violation of this section has occurred, the court may order the seizure of all animals involved in the alleged violation as a condition of bond of a person charged with a violation.
- (9) For purposes of this section:
- (a) "Animal" means every creature, either alive or dead, other than a human being.
 - (b) "Sexual conduct" means any touching by a person of, fondling by a person of, transfer of saliva by a person to, or use of a foreign object by a person on the sex organs or anus of an animal, either directly or through clothing, or any transfer or transmission of semen by the person upon any part of the animal.
 - (c) "Sexual contact" means:
 - (i) Any contact, however slight, between the mouth, sex organ, or anus of a person and the sex organ or anus of an animal, or between the sex organ or anus of a person and the mouth of an animal; or
 - (ii) any intrusion, however slight, of any part of the body of the person or foreign object into the sex organ or anus of an animal.
 - (d) "Photographs" or "films" means the making of a photograph, motion picture film, videotape, digital image, or any other recording, sale, or transmission of the image.