

## ANIMAL PROTECTION LAWS OF WASHINGTON



# Animal Protection Laws of Washington

### SUBSTANTIVE PROHIBITIONS

1. DEFINITION OF “ANIMAL”
2. GENERAL CRUELTY
3. EXEMPTIONS
4. FIGHTING & RACKETEERING
5. SEXUAL ASSAULT
6. CRUELTY TO WORKING ANIMALS

### PROCEDURAL MATTERS

7. MAXIMUM PENALTIES & STATUTE OF LIMITATIONS
8. CROSS ENFORCEMENT & REPORTING
9. VETERINARIAN REPORTING & IMMUNITY
10. LAW ENFORCEMENT POLICIES
11. SEIZURE
12. COURTROOM ANIMAL ADVOCATE PROGRAM
13. PROTECTION ORDERS
14. RESTITUTION
15. FORFEITURE & POSSESSION BANS
16. COURT-ORDERED TREATMENT

### MISCELLANEOUS PROVISIONS

17. HOT CARS
18. CIVIL NUISANCE ABATEMENT
19. AG-GAG LAWS
20. BREED SPECIFIC LEGISLATION

*This chapter contains Washington’s general animal protection and related statutes with an effective date on or before September 1, 2020. 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

<p><b>1. <u>DEFINITION OF "ANIMAL"</u></b></p>	<p>"[A]ny nonhuman mammal, bird, reptile, or amphibian"  WASH. REV. CODE § 16.52.011(2)(b)</p> <p>"[E]very creature, either alive or dead, other than a human being"  WASH. REV. CODE § 16.52.205(9)(a)</p>
<p><b>2. <u>GENERAL CRUELTY *</u></b></p>	<p>Willfully kills or injures a pet animal  WASH. REV. CODE § 9.08.070  <i>Gross misdemeanor, and mandatory \$500 fine</i></p> <p>Definitions  WASH. REV. CODE § 16.52.011</p> <p>Transporting animals in unsafe manner  WASH. REV. CODE § 16.52.080  <i>Misdemeanor</i></p> <p>Horse docking  WASH. REV. CODE § 16.52.090  <i>Misdemeanor</i></p> <p>Ear Cutting  WASH. REV. CODE § 16.52.095  <i>Misdemeanor</i></p> <p>Poisoning animals  WASH. REV. CODE § 16.52.190  <i>Gross misdemeanor</i></p> <p>Animal cruelty in the first degree  WASH. REV. CODE § 16.52.205  <i>Class C felony</i></p> <p>Animal cruelty in the second degree  WASH. REV. CODE § 16.52.207  <i>Gross misdemeanor</i></p>

## ANIMAL PROTECTION LAWS OF WASHINGTON

	<p>Killing or harming livestock belonging to another person  <b>WASH. REV. CODE § 16.52.320</b>  <i>Class C felony</i></p>
<p><b>3. <u>EXEMPTIONS</u></b></p>	<p>Sale, receipt, or transfer of stolen pet by animal shelter, animal control agency operated by or on behalf of the government.  <b>WASH. REV. CODE § 9.08.078</b></p> <p>Ear Cutting  <b>WASH. REV. CODE § 16.52.095</b></p> <p>Accepted farmed animal husbandry practices, wildlife, training  <b>WASH. REV. CODE § 16.52.117</b></p> <p>Research animals, wildlife, slaughter, other  <b>WASH. REV. CODE § 16.52.180</b></p> <p>Accepted farm animal husbandry practices, rodeo, other  <b>WASH. REV. CODE § 16.52.185</b></p> <p>Pest control  <b>WASH. REV. CODE § 16.52.190(3)</b></p> <p>Veterinary practices, accepted farm animal husbandry practices  <b>WASH. REV. CODE § 16.52.205(6)</b></p> <p>Other  <b>WASH. REV. CODE § 16.52.210</b></p>
<p><b>4. <u>FIGHTING &amp; RACKETEERING</u></b></p>	<p>Various animal fighting activities  <b>WASH. REV. CODE § 16.52.117</b>  <i>Class C felony</i></p> <p>Intentional mutilation of an animal in furtherance of an animal fighting offense  <b>WASH. REV. CODE § 16.52.117(2)(b)</b>  <i>Class B felony</i></p>

## ANIMAL PROTECTION LAWS OF WASHINGTON

	<p>Abandonment of an animal who was used in animal fighting  <b>WASH. REV. CODE § 16.52.207(1)(b)</b>  <i>Gross misdemeanor</i></p>
<b>5. <u>SEXUAL ASSAULT</u></b>	<p>Sexual assault of an animal  <b>WASH. REV. CODE § 16.52.205(3),(4),(8)</b>  <i>Class C felony</i></p>
<b>6. <u>CRUELTY TO WORKING ANIMALS</u></b>	<p>Recklessly interfering with a guide dog or service animal  <b>WASH. REV. CODE § 9.91.170(1)(a)</b>  <i>1<sup>st</sup> offense: Misdemeanor</i>  <i>Subsequent offense: Gross misdemeanor</i></p> <p>Recklessly injuring, disabling, or causing the death of a guide dog or service animal  <b>WASH. REV. CODE § 9.91.170(3))</b>  <i>Gross misdemeanor</i></p> <p>Intentionally injuring, disabling, or killing a guide dog or service animal  <b>WASH. REV. CODE § 9.91.170(5)</b>  <i>Class C felony</i></p> <p>Recklessly interfering with a search and rescue dog  <b>WASH. REV. CODE § 9.91.175(1)(a)</b>  <i>1<sup>st</sup> offense: Misdemeanor</i>  <i>Subsequent offense: Gross misdemeanor</i></p> <p>Recklessly injuring, disabling, or causing the death of a search and rescue dog  <b>WASH. REV. CODE § 9.91.175(2)(a)</b>  <i>Gross misdemeanor</i></p> <p>Intentionally injuring, disabling, or killing an on-duty search and rescue dog  <b>WASH. REV. CODE § 9.91.175(3)</b>  <i>Class C felony</i></p>
<b>7. <u>MAXIMUM PENALTIES &amp; STATUTE OF LIMITATIONS**</u></b>	<p>Class B felony  <i>10 years imprisonment and/or \$20,000 fine</i>  <b>WASH. REV. CODE § 9A.20.021(1)(b)</b></p>

## ANIMAL PROTECTION LAWS OF WASHINGTON

	<p>Class C felony <i>5 years state prison and/or \$10,000 fine</i> WASH. REV. CODE § 9A.20.021(1)(c)</p> <p>Gross Misdemeanor <i>364 days in county jail and/or \$5,000 fine</i> WASH. REV. CODE § 9.92.020 WASH. REV. CODE § 9A.20.021(2)</p> <p>Misdemeanor <i>60 days county jail and/or \$150 fine</i> <i>And costs of prosecution</i> WASH. REV. CODE § 9A.20.021(3) WASH. REV. CODE § 16.52.165</p> <p>All animal cruelty crimes: additional civil penalty of \$1,000 to be paid to county to prevent cruelty to animals. WASH. REV. CODE § 16.52.200(6),(7)</p> <p>Statute of Limitations <i>Misdemeanor: 1 year</i> <i>Gross misdemeanor: 2 years</i> <i>Felony: 3 years</i> WASH. REV. CODE ANN. § 9A.04.080</p>
<p><b>8. <u>CROSS ENFORCEMENT &amp; REPORTING</u></b></p>	<p>-----</p>
<p><b>9. <u>VETERINARIAN REPORTING &amp; IMMUNITY</u></b></p>	<p>Veterinarians are immune from civil or criminal liability when using reasonable prudence in carrying out provisions of animal mistreatment statutes. WASH. REV. CODE § 16.52.210</p>
<p><b>10. <u>LAW ENFORCEMENT POLICIES</u></b></p>	<p>Law enforcement agencies, animal care, and animal control agencies may enforce the animal cruelty provisions. WASH. REV. CODE § 16.52.015</p> <p>Animal control and humane officers may issue citations, cause a law enforcement officer to make an arrest, carry nonfirearm protective</p>

## ANIMAL PROTECTION LAWS OF WASHINGTON

	<p>devices for personal protection, and prepare affidavits to obtain search warrants.</p> <p>WASH. REV. CODE §§ 16.52.015, 16.52.020</p>
<b>11. SEIZURE</b>	<p>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.</p> <p>WASH. REV. CODE § 16.52.085(1)</p> <p>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.</p> <p>WASH. REV. CODE § 16.52.100</p> <p>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.</p> <p>WASH. REV. CODE § 16.52.205(7)</p>
<b>12. COURTROOM ANIMAL ADVOCATE PROGRAM</b>	-----
<b>13. PROTECTION ORDERS†</b>	<p>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</p> <p>WASH. REV. CODE §§ 26.50.060(1)(l), 26.50.110(1)(a)</p>
<b>14. RESTITUTION †</b>	<p>Owner may be required to post a bond for costs of care of impounded animals.</p> <p>WASH. REV. CODE § 16.52.085(4)</p> <p>If convicted, defendant shall be liable for reasonable costs of care, investigation, and prosecution.</p> <p>WASH. REV. CODE § 16.52.200(6),(7)</p>

## ANIMAL PROTECTION LAWS OF WASHINGTON

	<p>As part of the sentence, the court may order reimbursement of costs of care for impounded animals.  <b>WASH. REV. CODE §16.52.205(6)(b)</b></p> <p>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.  <b>WASH. REV. CODE § 60.56.025</b></p>
<p><b>15. <u>FORFEITURE &amp; POSSESSION BANS †</u></b></p>	<p>If owner fails to post a bond for costs of care of seized animals, animals may be forfeited to impounding agency.  <b>WASH. REV. CODE § 16.52.085(4)</b></p> <p>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.  <b>WASH. REV. CODE § 16.52.200(3)</b></p> <p>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.  <b>WASH. REV. CODE § 16.52.200(4)</b></p> <p>Procedure available for restoration of right to own or possess animals in select cases after a specific time period.  <b>WASH. REV. CODE § 16.52.200(5)</b></p> <p>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  <b>WASH. REV. CODE § 16.52.200(8)</b></p> <p>Upon conviction, court may order offender not to harbor or own animals, or reside in any household where animals are present.  <b>WASH. REV. CODE § 16.52.205(5)</b></p>

## ANIMAL PROTECTION LAWS OF WASHINGTON

<p><b>16. <u>COURT-ORDERED TREATMENT†</u></b></p>	<p>Upon conviction, court may order participation in counseling at the defendant's expense.  <b>WASH. REV. CODE §§ 16.52.200(9), 16.52.205(6)(a)</b></p>
<p><b>17. <u>HOT CARS</u></b></p>	<p>Unlawful 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. Law enforcement and animal control officials may enter the vehicle to remove the animal and is not liable for property damage.  <b>WASH. REV. CODE § 16.52.340</b>  <i>Class 2 civil infraction</i></p>
<p><b>18. <u>CIVIL NUISANCE ABATEMENT</u></b></p>	<p>-----</p>
<p><b>19. <u>AG-GAG LAWS</u></b></p>	<p>-----</p>
<p><b>20. <u>BREED SPECIFIC LEGISLATION</u></b></p>	<p>In prosecution for dangerous dog attack, the state may not meet its burden of proof that the owner should have known the dog was potentially dangerous solely by showing the dog to be a particular breed or breeds.  <b>WASH. REV. CODE § 16.08.100</b></p>

- \* States may have other more specific statutes in addition to the general animal protection statutes referenced in this table.
- \*\* Despite statutory maximums, states often employ sentencing guidelines that may significantly alter the allowable sentence.
- † This table generally references only those provisions that are within each state's animal protection statutes. States may employ similar provisions within other non-animal-specific criminal and civil statutes, and may also have a variety of animal-related regulations in effect.



## ANIMAL PROTECTION LAWS OF WASHINGTON

### 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

## ANIMAL PROTECTION LAWS OF WASHINGTON

- 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 § 16.52.205. 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

## ANIMAL PROTECTION LAWS OF WASHINGTON

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:
  - (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.

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## ANIMAL PROTECTION LAWS OF WASHINGTON

- (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.

## ANIMAL PROTECTION LAWS OF WASHINGTON

### 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)*

## ANIMAL PROTECTION LAWS OF WASHINGTON

- 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.
  - (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*

## ANIMAL PROTECTION LAWS OF WASHINGTON

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 § 16.52.090. 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.

### 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

## ANIMAL PROTECTION LAWS OF WASHINGTON

injurious to the agricultural interests of the state 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*



## ANIMAL PROTECTION LAWS OF WASHINGTON

- (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
  - (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*

## ANIMAL PROTECTION LAWS OF WASHINGTON

*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.*

### **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.*

## ANIMAL PROTECTION LAWS OF WASHINGTON

### 3. EXEMPTIONS

#### WASH. REV. CODE § 9.08.078. Illegal sale, receipt, or transfer of pet animals—Separate offenses.

- (1) The sale, receipt, or transfer of each individual pet animal in violation of RCW 9.08.070 through 9.08.078 constitutes a separate offense.
- (2) *The provisions of RCW 9.08.070 through 9.08.078 shall not apply to the lawful acts of any employee, agent, or director of any humane society, animal control agency, or animal shelter operated by or on behalf of any government agency, operating under law.*

#### 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.*

#### 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

## ANIMAL PROTECTION LAWS OF WASHINGTON

- 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.

### **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.*

## ANIMAL PROTECTION LAWS OF WASHINGTON

### 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 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

## ANIMAL PROTECTION LAWS OF WASHINGTON

- (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.
- (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 animals 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 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,

## ANIMAL PROTECTION LAWS OF WASHINGTON

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 § 16.52.210. 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.*

## ANIMAL PROTECTION LAWS OF WASHINGTON

### 4. FIGHTING AND RACKETEERING.

#### 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;*



## ANIMAL PROTECTION LAWS OF WASHINGTON

*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.*

### **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.

## ANIMAL PROTECTION LAWS OF WASHINGTON

### 5. 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.*

## ANIMAL PROTECTION LAWS OF WASHINGTON

- (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 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.*

## ANIMAL PROTECTION LAWS OF WASHINGTON

## 6. 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.

## ANIMAL PROTECTION LAWS OF WASHINGTON

- (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.
  - (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,

**ANIMAL PROTECTION LAWS OF WASHINGTON**

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 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.

## ANIMAL PROTECTION LAWS OF WASHINGTON

### 7. MAXIMUM PENALTIES & STATUTES 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 ANN. § 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:

## ANIMAL PROTECTION LAWS OF WASHINGTON

- (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)
  - (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) 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.
- (f) 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.
- (g) Bigamy may not be prosecuted more than three years after the time specified in RCW 9A.64.010.
- (h) 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).
- (i) *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.*
- (j) *No gross misdemeanor may be prosecuted more than two years after its commission.*
- (k) *No misdemeanor may be prosecuted more than one year after its commission.*



## ANIMAL PROTECTION LAWS OF WASHINGTON

- (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 two years from the date on which 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.

## ANIMAL PROTECTION LAWS OF WASHINGTON

### 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*

**ANIMAL PROTECTION LAWS OF WASHINGTON**

- 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 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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**ANIMAL PROTECTION LAWS OF WASHINGTON**

**8. CROSS ENFORCEMENT & REPORTING**

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## ANIMAL PROTECTION LAWS OF WASHINGTON

### 9. VETERINARY REPORTING & IMMUNITY

#### **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.*

## ANIMAL PROTECTION LAWS OF WASHINGTON

### 10. 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 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;*
  - (b) *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 twenty-four hours of the arrest, excluding Sundays and legal holidays, stating the alleged act or acts constituting a violation;*
  - (c) *The power to carry nonfirearm protective devices for personal protection;*
  - (d) *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*

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## ANIMAL PROTECTION LAWS OF WASHINGTON

*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.*

## ANIMAL PROTECTION LAWS OF WASHINGTON

### 11. SEIZURE

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

- (1) *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 an order issued RCW 16.52.200(4) and no responsible person can be found to assume the animal's care, the officer may authorize, with a warrant, the removal of the animal to a suitable place for feeding and care, or may place the animal under the custody of an animal care and control agency. In determining what is a suitable place, the officer shall consider the animal's needs, including its size and behavioral characteristics. An officer may remove an animal under this subsection without a warrant only if the animal is in an immediate life-threatening condition.*
- (2) If a law enforcement officer or an animal control officer has probable cause to believe a violation of this chapter has occurred, the officer may authorize an examination of a domestic animal allegedly neglected or abused in violation of this chapter by a veterinarian to determine whether the level of neglect or abuse in violation of this chapter is sufficient to require removal of the animal. This section does not condone illegal entry onto private property.
- (3) Any owner whose domestic animal is removed pursuant to this chapter shall 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 a person residing at the place of seizure, or by registered mail if the owner is known. In making the decision to remove an animal pursuant to this chapter, the officer shall make a good faith effort to contact the animal's owner before removal.
- (4) The agency having custody of the animal may euthanize the animal or may find a responsible person to adopt the animal not less than fifteen business days after the animal is taken into custody. A custodial agency may euthanize severely injured, diseased, or suffering animals at any time. An owner may prevent the animal's destruction or adoption by: (a) Petitioning the district court of the county where the animal was seized for the animal's immediate return subject to court-imposed conditions, or (b) posting a bond or security in an amount sufficient to provide for the animal's care for a minimum of thirty days from the seizure date. If the custodial agency still has custody of the animal when the bond or security expires, the animal shall become the agency's property unless the court orders an alternative disposition. If a court order prevents the agency from assuming ownership and the agency continues to care for the animal, the court shall order the owner to post or renew a bond or security for the agency's continuing costs for the animal's care. When a court has prohibited the owner from owning, caring for, or residing with a similar animal under RCW 16.52.200(4), the agency having custody of the animal may assume ownership upon



## ANIMAL PROTECTION LAWS OF WASHINGTON

seizure and the owner may not prevent the animal's destruction or adoption by petitioning the court or posting a bond.

- (5) If no criminal case is filed within fourteen business days of the animal's removal, the owner may petition the district court of the county where the animal was removed for the animal's return. The petition shall be filed with the court. Copies of the petition must be served on the law enforcement or animal care and control agency responsible for removing the animal and to the prosecuting attorney. If the court grants the petition, the agency which seized the animal must surrender the animal to the owner at no cost to the owner. If a criminal action is filed after the petition is filed but before the hearing on the petition, then the petition shall be joined with the criminal matter.
- (6) In a motion or petition for the animal's return before a trial, the burden is on the owner to prove by a preponderance of the evidence that the animal will not suffer future neglect or abuse and is not in need of being restored to health.
- (7) Any authorized person treating or attempting to restore an animal to health under this chapter shall not be civilly or criminally liable for such action.

### 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 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:

## ANIMAL PROTECTION LAWS OF WASHINGTON

- (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.
- (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*

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**ANIMAL PROTECTION LAWS OF WASHINGTON**

*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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**ANIMAL PROTECTION LAWS OF WASHINGTON**

**12. COURTROOM ANIMAL ADVOCATE PROGRAM**

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## ANIMAL PROTECTION LAWS OF WASHINGTON

### 13. PROTECTION ORDERS

#### WASH. REV. CODE § 26.50.060. Relief—Duration—Realignment of designation of parties—Award of costs, service fees, and attorneys' fees.

**NOTE:** Subsection (1)(n) of Section 26.50.060 takes effect January 1, 2021, along with other statutory provisions related to "abusive litigation."

- (1) *Upon notice and after hearing, the court may provide relief as follows:*
- (a) Restrain the respondent from committing acts of domestic violence;
  - (b) Exclude the respondent from the dwelling that the parties share, from the residence, workplace, or school of the petitioner, or from the day care or school of a child;
  - (c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;
  - (d) On the same basis as is provided in chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;
  - (e) Order the respondent to participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150;
  - (f) Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected, including orders or directives to a peace officer, as allowed under this chapter;
  - (g) 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 the state supreme court's admission to practice rule 28, the limited practice rule for limited license legal technicians;
  - (h) Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;
  - (i) Restrain the respondent from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;
  - (j) Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under

## ANIMAL PROTECTION LAWS OF WASHINGTON

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;

- (k) Consider the provisions of RCW 9.41.800;
  - (l) *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 remove 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;*
  - (m) Order use of a vehicle; and
  - (n) Enter an order restricting the respondent from engaging in abusive litigation as set forth in chapter 26.---RCW (the new chapter created in section 10 of this act). A petitioner may request this relief by separate motion at any time within five years of the date the order for protection is entered even if the order has since expired. A stand-alone motion for an order restricting abusive litigation may be brought by a party who meets the requirements of 26.--- RCW (the new chapter created in section 10 of this act) regardless of whether the party has previously sought an order for protection 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.
- (2) If a protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, 26.10, 26.26A or 26.26B RCW. With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.
- If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter

**ANIMAL PROTECTION LAWS OF WASHINGTON**

26.09, 26.26A or 26.26B RCW.

- (3) If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123. If the court permits service by publication or mail, the court shall set the new hearing date not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in RCW 26.50.070. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in subsection (1)(g) of this section.
- (4) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with RCW 26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.
- (5) Except as provided in subsection (4) of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with RCW 26.50.050.
- (6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service, service by publication, or service by mail and whether the court has approved service by publication or mail of an order issued under this section.
- (7) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

## ANIMAL PROTECTION LAWS OF WASHINGTON

### WASH. REV. CODE § 26.50.110. Violation of order—Penalties.

**NOTE:** Effective January 1, 2021, the references to Chapter 26.10 (noted by \*) will be rendered superfluous. Chapter 26.10 has been repealed in its entirety, effective 1/21/2021.

- (1)
- (a) *Whenever an order is granted under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, \*26.10, 26.26A, 26.26B, or 74.34 RCW, any temporary order for protection granted under chapter 7.40 RCW pursuant to chapter 74.34 RCW, there is a valid foreign protection order as defined in RCW 26.52.020, or there is a valid Canadian domestic violence protection order as defined in RCW 26.55.010, and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:*
- (i) The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or restraint provisions prohibiting contact with a protected party;
  - (ii) A provision excluding the person from a residence, workplace, school, or day care;
  - (iii) A provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location;
  - (iv) *A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, respondent, or a minor child residing with either the petitioner or the respondent; or*
  - (v) A provision of a foreign protection order or a Canadian domestic violence protection order specifically indicating that a violation will be a crime.
- (b) Upon conviction, and in addition to any other penalties provided by law, the court:
- (i) May require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall 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 convicted person to pay for electronic monitoring.
  - (ii) Shall impose a fine of fifteen dollars, in addition to any penalty or fine imposed, for a violation of a domestic violence protection order issued under this chapter. Revenue from the fifteen dollar fine must be remitted monthly to the state treasury for deposit in the domestic violence prevention account.
- (2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, \*26.10, 26.26A,



## ANIMAL PROTECTION LAWS OF WASHINGTON

26.26B, or 74.34 RCW, any temporary order for protection granted under chapter 7.40 RCW pursuant to chapter 74.34 RCW, a valid foreign protection order as defined in RCW 26.52.010, or a valid Canadian domestic violence protection order as defined in RCW 26.55.010, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

- (3) A violation of an order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, \*26.10, 26.26A, 26.26B, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in RCW 26.55.010, shall also constitute contempt of court, and is subject to the penalties prescribed by law.
- (4) Any assault that is a violation of an order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, \*26.10, 26.26A, 26.26B, or 74.34 RCW, a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in RCW 26.55.010, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.
- (5) A violation of a court order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, \*26.10, 26.26A, 26.26B, or 74.34 RCW, a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in RCW 26.55.010, is a class C felony if the offender has at least two previous convictions for violating the provisions of an order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26A, 26.26B, or 74.34 RCW, a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in RCW 26.55.010. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.
- (6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order granted under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, \*26.10, 26.26A, 26.26B, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a valid Canadian domestic violence protection order as defined in RCW 26.55.010, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

## ANIMAL PROTECTION LAWS OF WASHINGTON

### 14. RESTITUTION

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

- (1) 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 an order issued RCW 16.52.200(4) and no responsible person can be found to assume the animal's care, the officer may authorize, with a warrant, the removal of the animal to a suitable place for feeding and care, or may place the animal under the custody of an animal care and control agency. In determining what is a suitable place, the officer shall consider the animal's needs, including its size and behavioral characteristics. An officer may remove an animal under this subsection without a warrant only if the animal is in an immediate life-threatening condition.
- (2) If a law enforcement officer or an animal control officer has probable cause to believe a violation of this chapter has occurred, the officer may authorize an examination of a domestic animal allegedly neglected or abused in violation of this chapter by a veterinarian to determine whether the level of neglect or abuse in violation of this chapter is sufficient to require removal of the animal. This section does not condone illegal entry onto private property.
- (3) Any owner whose domestic animal is removed pursuant to this chapter shall 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 a person residing at the place of seizure, or by registered mail if the owner is known. In making the decision to remove an animal pursuant to this chapter, the officer shall make a good faith effort to contact the animal's owner before removal.
- (4) The agency having custody of the animal may euthanize the animal or may find a responsible person to adopt the animal not less than fifteen business days after the animal is taken into custody. A custodial agency may euthanize severely injured, diseased, or suffering animals at any time. *An owner may prevent the animal's destruction or adoption by: (a) Petitioning the district court of the county where the animal was seized for the animal's immediate return subject to court-imposed conditions, or (b) posting a bond or security in an amount sufficient to provide for the animal's care for a minimum of thirty days from the seizure date.* If the custodial agency still has custody of the animal when the bond or security expires, the animal shall become the agency's property unless the court orders an alternative disposition. *If a court order prevents the agency from assuming ownership and the agency continues to care for the animal, the court shall order the owner to post or renew a bond or security for the agency's continuing costs for the animal's care.* When a court has prohibited the owner from owning, caring for, or residing with a similar animal under RCW 16.52.200(4), the agency having custody of the animal may assume ownership upon

## ANIMAL PROTECTION LAWS OF WASHINGTON

seizure and the owner may not prevent the animal's destruction or adoption by petitioning the court or posting a bond.

- (5) If no criminal case is filed within fourteen business days of the animal's removal, the owner may petition the district court of the county where the animal was removed for the animal's return. The petition shall be filed with the court. Copies of the petition must be served on the law enforcement or animal care and control agency responsible for removing the animal and to the prosecuting attorney. *If the court grants the petition, the agency which seized the animal must surrender the animal to the owner at no cost to the owner.* If a criminal action is filed after the petition is filed but before the hearing on the petition, then the petition shall be joined with the criminal matter.
- (6) In a motion or petition for the animal's return before a trial, the burden is on the owner to prove by a preponderance of the evidence that the animal will not suffer future neglect or abuse and is not in need of being restored to health.
- (7) Any authorized person treating or attempting to restore an animal to health under this chapter shall not be civilly or criminally liable for such action.

### 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

## ANIMAL PROTECTION LAWS OF WASHINGTON

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 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

## ANIMAL PROTECTION LAWS OF WASHINGTON

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.
- (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*

## ANIMAL PROTECTION LAWS OF WASHINGTON

*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.

## ANIMAL PROTECTION LAWS OF WASHINGTON

### 15. FORFEITURE & POSSESSION BANS

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

- (1) 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 an order issued RCW 16.52.200(4) and no responsible person can be found to assume the animal's care, the officer may authorize, with a warrant, the removal of the animal to a suitable place for feeding and care, or may place the animal under the custody of an animal care and control agency. In determining what is a suitable place, the officer shall consider the animal's needs, including its size and behavioral characteristics. An officer may remove an animal under this subsection without a warrant only if the animal is in an immediate life-threatening condition.
- (2) If a law enforcement officer or an animal control officer has probable cause to believe a violation of this chapter has occurred, the officer may authorize an examination of a domestic animal allegedly neglected or abused in violation of this chapter by a veterinarian to determine whether the level of neglect or abuse in violation of this chapter is sufficient to require removal of the animal. This section does not condone illegal entry onto private property.
- (3) Any owner whose domestic animal is removed pursuant to this chapter shall 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 a person residing at the place of seizure, or by registered mail if the owner is known. In making the decision to remove an animal pursuant to this chapter, the officer shall make a good faith effort to contact the animal's owner before removal.
- (4) *The agency having custody of the animal may euthanize the animal or may find a responsible person to adopt the animal not less than fifteen business days after the animal is taken into custody. A custodial agency may euthanize severely injured, diseased, or suffering animals at any time. An owner may prevent the animal's destruction or adoption by: (a) Petitioning the district court of the county where the animal was seized for the animal's immediate return subject to court-imposed conditions, or (b) posting a bond or security in an amount sufficient to provide for the animal's care for a minimum of thirty days from the seizure date. If the custodial agency still has custody of the animal when the bond or security expires, the animal shall become the agency's property unless the court orders an alternative disposition. If a court order prevents the agency from assuming ownership and the agency continues to care for the animal, the court shall order the owner to post or renew a bond or security for the agency's continuing costs for the animal's care. When a court has prohibited the owner from owning, caring for, or residing with a similar animal under RCW 16.52.200(4), the agency having custody of the animal may assume ownership upon*



## ANIMAL PROTECTION LAWS OF WASHINGTON

*seizure and the owner may not prevent the animal's destruction or adoption by petitioning the court or posting a bond.*

- (5) If no criminal case is filed within fourteen business days of the animal's removal, the owner may petition the district court of the county where the animal was removed for the animal's return. The petition shall be filed with the court. Copies of the petition must be served on the law enforcement or animal care and control agency responsible for removing the animal and to the prosecuting attorney. If the court grants the petition, the agency which seized the animal must surrender the animal to the owner at no cost to the owner. If a criminal action is filed after the petition is filed but before the hearing on the petition, then the petition shall be joined with the criminal matter.
- (6) In a motion or petition for the animal's return before a trial, the burden is on the owner to prove by a preponderance of the evidence that the animal will not suffer future neglect or abuse and is not in need of being restored to health.
- (7) Any authorized person treating or attempting to restore an animal to health under this chapter shall not be civilly or criminally liable for such action.

### **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*



## ANIMAL PROTECTION LAWS OF WASHINGTON

*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 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

## ANIMAL PROTECTION LAWS OF WASHINGTON

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;
  - (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

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**ANIMAL PROTECTION LAWS OF WASHINGTON**

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.

## ANIMAL PROTECTION LAWS OF WASHINGTON

### 16. COURT-ORDERED TREATMENT

#### 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

## ANIMAL PROTECTION LAWS OF WASHINGTON

- 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 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;

## ANIMAL PROTECTION LAWS OF WASHINGTON

- (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 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.

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**ANIMAL PROTECTION LAWS OF WASHINGTON**

- (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.

**ANIMAL PROTECTION LAWS OF WASHINGTON****17. HOT CARS**

**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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**ANIMAL PROTECTION LAWS OF WASHINGTON**

**18. CIVIL NUISANCE ABATEMENT**

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**ANIMAL PROTECTION LAWS OF WASHINGTON**

**19. AG-GAG LAWS**

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## ANIMAL PROTECTION LAWS OF WASHINGTON

### 20. BREED SPECIFIC LEGISLATION

#### WASH. REV. CODE § 16.08.100. Dangerous dogs -- Confiscation -- Conditions -- Duties of animal control authority -- Penalties and affirmative defenses for owners of dogs that attack -- Dog fights, penalty.

- (1) Any dangerous dog shall be immediately confiscated by an animal control authority if the: (a) Dog is not validly registered under RCW 16.08.080; (b) owner does not secure the liability insurance coverage required under RCW 16.08.080; (c) dog is not maintained in the proper enclosure; or (d) dog is outside of the dwelling of the owner, or outside of the proper enclosure and not under physical restraint of the responsible person. The owner must pay the costs of confinement and control. The animal control authority must serve notice upon the dog owner in person or by regular and certified mail, return receipt requested, specifying the reason for the confiscation of the dangerous dog, that the owner is responsible for payment of the costs of confinement and control, and that the dog will be destroyed in an expeditious and humane manner if the deficiencies for which the dog was confiscated are not corrected within twenty days. The animal control authority shall destroy the confiscated dangerous dog in an expeditious and humane manner if any deficiencies required by this subsection are not corrected within twenty days of notification. In addition, the owner shall be guilty of a gross misdemeanor punishable in accordance with RCW 9A.20.021.
- (2) If a dangerous dog of an owner with a prior conviction under this chapter attacks or bites a person or another domestic animal, the dog's owner is guilty of a class C felony, punishable in accordance with RCW 9A.20.021. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that he or she was in compliance with the requirements for ownership of a dangerous dog pursuant to this chapter and the person or domestic animal attacked or bitten by the defendant's dog trespassed on the defendant's real or personal property or provoked the defendant's dog without justification or excuse. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.
- (3) The owner of any dog that aggressively attacks and causes severe injury or death of any human, whether or not the dog has previously been declared potentially dangerous or dangerous, shall, upon conviction, be guilty of a class C felony punishable in accordance with RCW 9A.20.021. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the human severely injured or killed by the defendant's dog: (a) Trespassed on the defendant's real or personal property which was enclosed by fencing suitable to prevent the entry of young children and designed to prevent the dog from escaping and marked with clearly visible signs warning people, including children, not to trespass and to beware of dog; or (b) provoked the defendant's dog without justification or excuse on the defendant's real or personal property which was enclosed by fencing suitable to prevent the entry of young children

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## ANIMAL PROTECTION LAWS OF WASHINGTON

and designed to prevent the dog from escaping and marked with clearly visible signs warning people, including children, not to trespass and to beware of dog. In such a prosecution, the state has the burden of showing that the owner of the dog either knew or should have known that the dog was potentially dangerous as defined in this chapter. *The state may not meet its burden of proof that the owner should have known the dog was potentially dangerous solely by showing the dog to be a particular breed or breeds.* In addition, the dog shall be immediately confiscated by an animal control authority, quarantined, and upon conviction of the owner destroyed in an expeditious and humane manner.