#### ORDINANCE NO. 2208

AN ORDINANCE OF THE CITY OF REDMOND. WASHINGTON, AMENDING REDMOND MUNICIPAL CODE SECTION 9.06.010, ANIMALS - CONDUCT PROHIBITED, ADOPTING BY REFERENCE RCW 9.08.065. DEFINITIONS. **RCW** 16.52.011, DEFINITIONS. RCW 16.52.200, SENTENCES FORFEITURE OF ANIMALS, AND RCW 16.52.207. ANIMAL CRUELTY IN THE SECOND DEGREE: REPEALING REDMOND MUNICIPAL CODE SECTION **CRUELTY** 9.06,020, TO ANIMALS: CONTAINING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE OF JULY 1. 2004.

WHEREAS, the Redmond City Council finds that this ordinance is in the interest of the public health, safety, and welfare; now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 9.06.010 Amended. Section 9.06.010 of the Redmond Municipal Code is hereby amended to read as follows.

9.06.010 Animals – Conduct prohibited. The following statutes of the state of Washington, including any future amendments, additions thereto and repeals thereof, are adopted by reference and incorporated herein by this reference as if set forth in full:

RCW 9.08.030	False certification of registration of animals – False representation as to breed
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RCW 9.08.010	<del>Vicious animals at large.</del>
<del>RCW 9.08.020</del>	Diseased animals.
RCW 9.08.065	Definitions (as used in RCW Chapter 9.08)
RCW 9.08.070	Dogs Pet Animals - Taking, concealing, etc.
RCW 16.52.011	Definitions (as used in RCW Chapter 16.52)
RCW 16.52.200	Sentences - Forfeiture of animals
RCW 16.52.207	Animal cruelty in the second degree.

Laws of 1990, chapter 226, section 1

RCW 16.52.300 Dogs and cats used as bait.

Section 2. Section 9.06.020 Repealed. Section 9.06.020 of the

Redmond Municipal Code entitled, "Cruelty to animals," is hereby repealed.

Section 3. Severability. If any section, sentence, clause or phrase of

this ordinance is held to be invalid or unconstitutional by a court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect the validity or

constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Procedure. Incident to the adoption by reference of certain

state laws contained in the Revised Code of Washington, one copy of the text of the

statute adopted by reference in this ordinance is attached hereto as Exhibit A and shall be

filed with the City Clerk as required by RCW 35A.12.140 for use and examination by the

public.

Section 5. Effective Date. This ordinance shall take effect on July 1,

2004.

APPROVED:

MAYOR ROSEMARIE M TVES

ATTEST/AUTHENTICATED:

CITY CLERK BONNIE MATTSON

APPROVED AS TO FORM:

ATTORNEY JAMES E. HANEY

FILED WITH THE CITY CLERK:

PASSED BY THE CITY COUNCIL:

PUBLISHED:

EFFECTIVE DATE:

ORDINANCE NO.: 2208

May 11, 2004

May 18, 2004 May 24, 2004 July 1, 2004

unclassified cities: RCW 35.30.010.

Game code: Title 77 RCW.

Guard animals, registration: RCW 48.48.150.

Guide dogs: Chapter 70.84 RCW.

Horses, mules, and asses running at large: Chapter 16.24 RCW.

Indictment or information in crimes involving animals: RCW 10.37.070.

Ladybugs, beneficial insects: Chapter 15.61 RCW.

Police dogs

harming: RCW 9A.76.200.

immunity of handler: RCW 4.24.410.

Quarantine of diseased domestic animals: Chapter 16.36 RCW.

Race horses: Chapter 67.16 RCW. Service dogs: Chapter 70.84 RCW.

Stealing horses or cattle: Chapter 9A.56 RCW. Transporting in unsafe manner: RCW 16.52.080.

9.08.030 False certificate of registration of animals—False representation as to breed. Every person who, by color or aid of any false pretense, representation, token or writing shall obtain from any club, association, society or company for the improvement of the breed of cattle, horses, sheep, swine, fowls or other domestic animals or birds, a certificate of registration of any animal or bird in a herdbook, or other register of any such association, society or company, or a transfer of any such registration, and every person who shall knowingly represent an animal or bird for breeding purposes to be of a greater degree of any particular strain of blood than such animal actually possesses, shall be guilty of a gross misdemeanor. [1909 c 249 § 341; RRS § 2593.]

#### **9.08.065 Definitions.** As used in RCW 9.08.070:

(1) "Pet animal" means a tamed or domesticated animal legally retained by a person and kept as a companion. "Pet animal" does not include livestock raised for commercial purposes.

(2) "Research institution" means a facility licensed by the United States department of agriculture to use animals in

biomedical or product research.

- (3) "U.S.D.A. licensed dealer" means a person who is licensed or required to be licensed by the United States department of agriculture to commercially buy, receive, sell, negotiate for sale, or transport animals. [1989 c 359 § 1.]
- 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 and shall be punished as prescribed under RCW 9A.20.021(2) and by a mandatory fine of not less than five hundred dollars per pet animal except as provided by (d) of this subsection:
- (a) Takes, leads away, confines, secretes or converts any pet animal, except in cases in which the value of the pet animal exceeds two 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
- (c) Willfully or recklessly kills or injures any pet animal, unless excused by law.

(d) Nothing in this subsection or subsection (2) of 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 or under RCW 9A.56.150, 9A.56.160, or 9A.56.170 for possession of stolen property.

(2)(a) It is unlawful for any person to receive with intent to sell to a research institution in the state of Washington, or sell or otherwise directly transfer to a research institution in the state of Washington, a pet animal that the person knows or has reason to know has been stolen or fraudulently obtained. This subsection does not apply to U.S.D.A. licensed dealers.

(b) The first conviction under (a) of this subsection is a gross misdemeanor and is punishable as prescribed under RCW 9A.20.021(2) and by a mandatory fine of not less than five hundred dollars per pet animal. A second or subsequent conviction under (a) of this subsection is a class C felony and is punishable as prescribed under RCW 9A.20.021(1)(c) and by a mandatory fine of not less than one thousand dollars per pet animal.

(3)(a) It is unlawful for any person, who knows or has reason to know that a pet animal has been stolen or fraudulently obtained, to sell or otherwise transfer the pet animal to another who the person knows or has reason to know has previously sold a stolen or fraudulently obtained pet animal to a research institution in the state of Washington.

(b) A conviction under (a) of this subsection is a class C felony and shall be punishable as prescribed under RCW 9A.20.021(1)(c) and by a mandatory fine of not less than one thousand dollars per pet animal.

(4)(a) It is unlawful for a U.S.D.A. licensed dealer to receive with intent to sell, or sell or transfer directly or through a third party, to a research institution in the state of Washington, a pet animal that the dealer knows or has reason to know has been stolen or fraudulently obtained.

(b) A conviction under (a) of this subsection is a class C felony and shall be punishable as prescribed under RCW 9A.20.021(1)(c) and by a mandatory fine of not less than one thousand dollars per pet animal.

(5) The sale, receipt, or transfer of each individual pet animal in violation of subsections (1), (2), (3), and (4) of

this section constitutes a separate offense.

(6) The provisions of subsections (1), (2), (3), and (4) of this section 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. [1989 c 359 § 2; 1982 c 114 § 1.]

Application of Consumer Protection Act: RCW 19.86.145.

9.08.080 Acts against animal facilities—Intent. There has been an increasing number of illegal acts committed against animal production and research facilities involving injury or loss of life to animals or humans, criminal trespass, and damage to property. These actions not only abridge the property rights of the owners, operators, and employees of the facility, they may also damage the public interest by jeopardizing crucial animal production or agricultural, scientific, or biomedical research. These actions may also threaten the public safety by exposing communities to public health concerns and creating traffic hazards. These

9.68A	Sexual exploitation of children.
9.81	Subversive activities.
9.82	Treason.
9.86	Flags, crimes relating to.
9.91	Miscellaneous crimes.
9.92	Punishment.
9.94	Prisoners—Correctional institutions.
9.94A	Sentencing reform act of 1981.
9.95	Indeterminate sentences.
	Chapter 9.05 RCW

### Chapter 9.05 RCW SABOTAGE

(Formerly: Anarchy and sabotage)

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9.05.030	Assemblages of saboteurs. (Effective July 1, 2004.)
9.05.060	Criminal sabotage defined—Penalty. (Effective July 1, 2004.)

9.05.030 Assemblages of saboteurs. (Effective July 1, 2004.) Whenever two or more persons assemble for the purpose of committing criminal sabotage, as defined in RCW 9.05.060, such an assembly is unlawful, and every person voluntarily and knowingly participating therein by his or her presence, aid, or instigation, is guilty of a class B felony and shall be punished by imprisonment in a state correctional facility for not more than ten years, or by a fine of not more than five thousand dollars, or both. [2003 c 53 § 6; 1999 c 191 § 1; 1992 c 7 § 2; 1909 c 249 § 314; 1903 c 45 § 4; RRS § 2566.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

9.05.060 Criminal sabotage defined-Penalty. (Effective July 1, 2004.) (1) Whoever, with intent that his or her act shall, or with reason to believe that it may, injure, interfere with, interrupt, supplant, nullify, impair, or obstruct the owner's or operator's management, operation, or control of any agricultural, stockraising, lumbering, mining, quarrying, fishing, manufacturing, transportation, mercantile, or building enterprise, or any other public or private business or commercial enterprise, wherein any person is employed for wage, shall willfully damage or destroy, or attempt or threaten to damage or destroy, any property whatsoever, or shall unlawfully take or retain, or attempt or threaten unlawfully to take or retain, possession or control of any property, instrumentality, machine, mechanism, or appliance used in such business or enterprise, shall be guilty of criminal sabotage.

(2) Criminal sabotage is a class B felony punishable according to chapter 9A.20 RCW. [2003 c 53 § 7; 1999 c 191 § 2; 1919 c 173 § 1; RRS § 2563-3.]

Intent-Effective date-2003 c 53: See notes following RCW

Endangering life by breach of labor contract: RCW 49,44,080.

Excessive steam in boilers: RCW 70.54.080.

Malicious injury to railroad property: RCW 81.60.070.

Malicious mischief-Injury to property: Chapter 9A.48 RCW.

Sabotaging rolling stock: RCW 81.60.080.

[2003 RCW Supp—page 30]

Chapter 9.08 RCW

#### ANIMALS, CRIMES RELATING TO

Sections	
9.08.065	Definitions. (Effective July 1, 2004.)
9.08.070	Pet animals—Taking, concealing, injuring, killing, etc.—Pen- alty. (Effective July 1, 2004.)
9.08.072	Transferring stolen pet animal to a research institution—Pen- alty. (Effective July 1, 2004.)
9.08.074	Transferring stolen pet animal to a person who has previously sold a stolen pet animal to a research institution—Penalty. (Effective July 1, 2004.)
9.08.076	Transferring stolen pet animal to a research institution by a U.S.D.A. licensed dealer—Penalty. (Effective July 1, 2004.)
9.08.078	Illegal sale, receipt, or transfer of pet animals—Separate

offenses. (Effective July 1, 2004.)

**9.08.065 Definitions.** (Effective July 1, 2004.) As used in RCW 9.08.070 through 9.08.078:

- (1) "Pet animal" means a tamed or domesticated animal legally retained by a person and kept as a companion. "Pet animal" does not include livestock raised for commercial purposes.
- (2) "Research institution" means a facility licensed by the United States department of agriculture to use animals in biomedical or product research.
- (3) "U.S.D.A. licensed dealer" means a person who is licensed or required to be licensed by the United States department of agriculture to commercially buy, receive, sell, negotiate for sale, or transport animals. [2003 c 53 § 8; 1989 c 359 § 1.]

Intent-Effective date-2003 c 53: See notes following RCW 2.48.180.

9.08.070 Pet animals—Taking, concealing, injuring, killing, etc.—Penalty. (Effective July 1, 2004.) (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 by a mandatory fine of not less than five hundred dollars per pet animal, 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 two 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 or under RCW 9A.56.150, 9A.56.160, or 9A.56.170 for possession of stolen property. [2003 c 53 § 9; 1989 c 359 § 2; 1982 c 114 § 1.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

Application of Consumer Protection Act: RCW 19.86.145.

9.08.072 Transferring stolen pet animal to a research institution—Penalty. (Effective July 1, 2004.) (1) It is unlawful for any person to receive with intent to sell to a research institution in the state of Washington, or sell or oth-

16.50.120 Humane methods for bleeding or slaughtering livestock required. No slaughterer or packer shall bleed or slaughter any livestock except by a humane method: PROVIDED, That the director may, by administrative order, exempt a person from compliance with this chapter for a period of not to exceed six months if he finds that an earlier compliance would cause such person undue hardship. [1967 c 31 § 3.]

16.50.130 Administration of chapter—Rules. The director shall administer the provisions of this chapter. He shall adopt and may from time to time revise rules which shall conform substantially to the rules and regulations promulgated by the secretary of agriculture of the United States pursuant to the Federal Humane Slaughter Act of 1958, Public Law 85-765, 72 Stat. 862 and any amendments thereto. Such rules shall be adopted pursuant to the provisions of chapter 34.05 RCW as enacted or hereafter amended concerning the adoption of rules. [1967 c 31 § 4.]

16.50.140 Manually operated hammer, sledge or poleaxe—Declared inhumane. The use of a manually operated hammer, sledge or poleaxe is declared to be an inhumane method of slaughter within the meaning of this chapter. [1967 c 31 § 5.]

16.50.150 Religious freedom—Ritual slaughter defined as humane. Nothing in this chapter shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Notwithstanding any other provisions of this chapter, ritual slaughter and the handling or other preparation of livestock for ritual slaughter is defined as humane. [1967 c 31 § 10.]

16.50.160 Injunctions against violations. The director may bring an action to enjoin the violation or threatened violation of any provision of this chapter or any rule adopted pursuant to this chapter in the superior court in the county in which such violation occurs or is about to occur, notwithstanding the existence of the other remedies at law. [1967 c 31 § 6.]

16.50.170 Penalty for violations. Any person violating any provision of this chapter or of any rule adopted hereunder is guilty of a misdemeanor and subject to a fine of not more than two hundred fifty dollars or confinement in the county jail for not more than ninety days. [1967 c 31 § 7.]

16.50.900 Severability—1967 c 31. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected. [1967 c 31 § 9.]

# Chapter 16.52 PREVENTION OF CRUELTY TO ANIMALS

Sec	tions	
16.5	52.011	Definitions—Principles of liability.
16.5	52.015	Enforcement—Law enforcement agencies and animal care and control agencies.
16.5	52.020	Humane societies—Enforcement authority.
16.5	52.025	Humane societiesAnimal control officers.
16.5	52.080	Transporting or confining in unsafe manner-Penalty,
16.5	52.085	Removal of animals for feeding—Examination—Notice— Euthanasia,
16.5	52.090	Docking horses—Misdemeanor.
16.5	52.095	Cutting ears-Misdemeanor,
16.5	52.100	Confinement without food and water—Intervention by others.
16.5	52.110	Old or diseased animals at large.
16.5	52.117	Animal fighting—Owners, trainers, spectators—Exceptions.
16.5	2.165	Punishment—Conviction of misdemeanor.
16.5	52.180	Limitations on application of chapter.
16.5	52.185	Exclusions from chapter.
16.5	52.190	Poisoning animals.
16.5	52.193	Poisoning animals—Strychnine sales—Records—Report on suspected purchases.
16.5	52.195	Poisoning animals—Penalty.
16.5	52.200	Sentences—Forfeiture of animals—Liability for costs—Civil penalty—Education, counseling.
16.5	52.205	Animal cruelty in the first degree.
16.5	32.207	Animal cruelty in the second degree.
16.5	52.210	Destruction of animal by law enforcement officer— Immunity from liability.
16.5	52.220	Transfers of mammals for research—Certification requirements—Pet animals.
16.5	2.230	Remedies not impaired.
16.5	2.300	Dogs or cats used as bait—Seizure—Limitation.
	•	ock in transit: RCW 81.56.120.
Pet	animals.	-Taking, concealing, injuring, killing, etcPenalty: RCW

Pet animals—Taking, concealing, injuring, killing, etc.—Penalty: RCW 9.08.070.

16.52.011 Definitions—Principles of liability. (1) Principles of liability as defined in chapter 9A.08 RCW apply to this chapter.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(a) "Animal" means any nonhuman mammal, bird, reptile, or amphibian.

(b) "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.

(c) "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 (e) of this subsection and RCW 16.52.025.

(d) "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.

(e) "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.

(f) "Law enforcement agency" means a general authority Washington law enforcement agency as defined in RCW

10.93.020.

(g) "Necessary food" means the provision at suitable intervals of wholesome foodstuff suitable for the animal's age and species and sufficient to provide a reasonable level of nutrition for the animal.

(h) "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.

(i) "Person" means individuals, corporations, partnerships, associations, or other legal entities, and agents of those entities.

(j) "Substantial bodily harm" means substantial bodily harm as defined in RCW 9A.04.110. [1994 c 261 § 2.]

Finding—Intent—1994 c 261: "The legislature finds there is a need to modernize the law on animal cruelty to more appropriately address the nature of the offense. It is not the intent of this act to remove or decrease any of the exemptions from the statutes on animal cruelty that now apply to customary animal husbandry practices, state game or fish laws, rodeos, fairs under chapter 15.76 RCW, or medical research otherwise authorized under federal or state law. It is the intent of this act to require the enforcement of chapter 16.52 RCW by persons who are accountable to elected officials at the local and state level." [1994 c 261 § 1.]

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 enforce-

ment powers when enforcing this chapter:

(a) The power to issue citations based on probable cause to offenders for misdemeanor and gross misdemeanor violations of this chapter or RCW 9.08.070 or 81.56.120;

(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 81.56.120. 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 81.56.120, 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 81.56.120, a law enforcement agency officer may arrest the alleged offender. [1994 c 261 § 3.]

Finding-Intent-1994 c 261: See note following RCW 16.52.011.

16.52.020 Humane societies—Enforcement authority. Any citizens of the state of Washington incorporated under the laws of this state as a humane society or as a society for the prevention of cruelty to animals may enforce the provisions of this chapter through its animal control officers subject to the limitations in RCW 16.52.015 and 16.52.025. The legislative authority in each county may grant exclusive authority to exercise the privileges and authority granted by this section to one or more qualified corporations for a period of up to three years based upon ability to fulfill the purposes of this chapter. [1994 c 261 § 4; 1973 1st ex.s. c 125 § 1; 1901 c 146 § 1; RRS § 3184.]

Finding-Intent-1994 c 261: See note following RCW 16.52.011.

16.52.025 Humane societies—Animal control officers. Trustees of humane societies incorporated pursuant to RCW 16.52.020 may appoint society members to act as animal control officers. The trustee appointments shall be in writing. The appointment shall be effective in a particular county only if an appointee obtains written authorization from the superior court of the county in which the appointee seeks to enforce this chapter. To obtain judicial authorization, an appointee seeking judicial authorization on or after June 9, 1994, shall provide evidence satisfactory to the judge that the appointee has successfully completed training which has prepared the appointee to assume the powers granted to animal control officers pursuant to RCW 16.52.015. The trustees shall review appointments every three years and may revoke an appointment at any time by filing a certified revocation with the superior court that approved the appointment. Authorizations shall not exceed three years or trustee termination, whichever occurs first. To qualify for reappointment when a term expires on or after June 9, 1994, the officer shall obtain training or satisfy the court that the officer has sufficient experience to exercise the powers granted to animal control officers pursuant to RCW 16.52.015. [1994 c 261 § 5.]

Finding-Intent-1994 c 261: See note following RCW 16.52.011.

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

or federal agents, in the course of their duties, from furnishing strychnine to any person. Every such registered pharmacist selling or furnishing such strychnine shall, before delivering the same, record the transaction as provided in RCW 69.38.030. If any such registered pharmacist shall suspect that any person desiring to purchase strychnine intends to use the same for the purpose of poisoning unlawfully any domestic animal or domestic bird, he may refuse to sell to such person, but whether or not he makes such sale, he shall if he so suspects an intention to use the strychnine unlawfully, immediately notify the nearest peace officer, giving such officer a complete description of the person purchasing, or attempting to purchase, such strychnine. [1987 c 34 § 7; 1941 c 105 § 2; Rem. Supp. 1941 § 3207-2. Formerly RCW 18.67.110.]

16.52.195 Poisoning animals—Penalty. Any person violating any of the provisions of RCW 16.52.190 or 16.52.193 shall be guilty of a gross misdemeanor. [1941 c 105 § 3; RRS § 3207-3. Formerly RCW 16.52.150, part.]

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. If forfeiture is ordered, the owner shall be prohibited from owning or caring for any similar animals for a period of two years. The court may delay its decision on forfeiture under this subsection until the end of the probationary period.

(4) 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.

(5) 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.

(6) As a condition of the sentence imposed under this chapter or RCW 9.08.070, 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 contribut-

ing to the violation's commission. The defendant shall bear the costs of the program or treatment. [1994 c 261 § 14; 1987 c 335 § 2.]

Finding—Intent—1994 c 261: See note following RCW 16.52.011.

Construction—Severability—1987 c 335: See notes following RCW 16.52.085.

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 forces a minor to inflict unnecessary pain, injury, or death on an animal.

(2) Animal cruelty in the first degree is a class C felony. [1994 c 261 § 8.]

Finding-Intent-1994 c 261: See note following RCW 16.52.011.

- 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, the person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an 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 food, water, shelter, rest, sanitation, ventilation, 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 misdemeanor.
- (4) In any prosecution of animal cruelty in the second degree, it shall be an affirmative defense, if established by the defendant by a preponderance of the evidence, that the defendant's failure was due to economic distress beyond the defendant's control. [1994 c 261 § 9.]

Finding-Intent-1994 c 261: See note following RCW 16.52.011.

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. [1987 c 335 § 3.]

Construction—Severability—1987 c 335: See notes following RCW 16,52,085.

16.52.220 Transfers of mammals for research—Certification requirements—Pet animals. (1) All transfers of mammals, other than rats and mice bred for use in research and livestock, to research institutions in this state.

whether by sale or otherwise, shall conform with federal laws and, except as to those animals obtained from a source outside the United States, shall be accompanied by one of the following written certifications, dated and signed under

penalty of perjury:

(a) Breeder certification: A written statement certifying that the person signing the certification is a United States department of agriculture-licensed class A dealer whose business license in the state of Washington includes only those animals that the dealer breeds and raises as a closed or stable colony and those animals that the dealer acquires for the sole purpose of maintaining or enhancing the dealer's breeding colony, that the animal being sold is one of those animals, and that the person signing the certification is authorized to do so. The certification shall also include an identifying number for the dealer, such as a business license number.

- (b) True owner certification: A written statement certifying that the animal being transferred is owned by the person signing the certification, and that the person signing the certification either (i) has no personal knowledge or reason to believe that the animal is a pet animal, or (ii) consents to having the animal used for research at a research institution. The certification shall also state the date that the owner obtained the animal, and the person or other source from whom it was obtained. The certification shall also include an identifying number for the person signing the certification, such as a drivers' license number or business license number. The certifications signed by or on behalf of a humane society, animal control agency, or animal shelter need not contain a statement that the society, agency, or shelter owns the animal, but shall state that the animal has been in the possession of the society, agency, or shelter for the minimum period required by law that entitles it to legally dispose of the animal.
- (2) In addition to the foregoing certification, all research institutions in this state shall open at the time a dog or cat is transferred to it a file that contains the following information for each dog or cat transferred to the institution:
  - (a) All information required by federal law;

(b) The certification required by this section; and

(c) A brief description of the dog or cat (e.g. breed, color, sex, any identifying characteristics), and a photograph of the dog or cat.

The brief description may be contained in the written

certification.

These files shall be maintained and open for public inspection for a period of at least two years from the date of

acquisition of the animal.

(3) All research institutions in this state shall, within one hundred eighty days of May 12, 1989, adopt and operate under written policies governing the acquisition of animals to be used in biomedical or product research at that institution. The written policies shall be binding on all employees, agents, or contractors of the institution. These policies must contain, at a minimum, the following provisions:

(a) Animals shall be acquired in accordance with the federal animal welfare act, public health service policy, and

other applicable statutes and regulations;

(b) No research may be conducted on a pet animal without the written permission of the pet animal's owner;

- (c) Any animal acquired by the institution that is determined to be a pet animal shall be returned to its legal owner, unless the institution has the owner's written permission to retain the animal; and
- (d) A person at the institution shall be designated to have the responsibility for investigating any facts supporting the possibility that an animal in the institution's possession may be a pet animal, including any inquiries from citizens regarding their pets. This person shall devise and insure implementation of procedures to inform inquiring citizens of their right to prompt review of the relevant files required to be kept by the institution for animals obtained under subsection (2) of this section, and shall be responsible for facilitating the rapid return of any animal determined to be a pet animal to the legal owner who has not given the institution permission to have the animal or transferred ownership of it to the institution.
- (4) For the purposes of this section, "research institution" means any facility licensed by the United States department of agriculture to use animals in biomedical or product research. [1989 c 359 § 3.]

Application of consumer protection act: RCW 19.86.145.

16.52.230 Remedies not impaired. No provision of RCW 9.08.070 or 16.52.220 shall in any way interfere with or impair the operation of any other provision of this chapter or Title 28B RCW, relating to higher education or biomedical research. The provisions of RCW 9.08.070 and 16.52.220 are cumulative and nonexclusive and shall not affect any other remedy. [1989 c 359 § 5.]

16.52.300 Dogs or cats used as bait—Seizure—Limitation. (1) If any person commits the crime of animal cruelty in the first or second degree by using or trapping to use domestic dogs or cats as bait, prey, or targets for the purpose of training dogs or other animals to track, fight, or hunt, law enforcement officers or animal control officers shall seize and hold the animals being trained. The seized animals shall be disposed of by the court pursuant to the provisions of RCW 16.52.200(3).

(2) This section shall not in any way interfere with or impair the operation of any provision of Title 28B RCW, relating to higher education or biomedical research. [1994 c 261 § 15; 1990 c 226 § 1.]

Finding-Intent-1994 c 261: See note following RCW 16.52.011.

## Chapter 16.54 ABANDONED ANIMALS

Sections
16.54.010 When deemed abandoned.
16.54.020 Disposition of abandoned animal by person having custody.
16.54.030 Duty of sheriff—Sale—Disposition of proceeds.

- 16.54.010 When deemed abandoned. An animal is deemed to be abandoned under the provisions of this chapter when it is placed in the custody of a veterinarian, boarding kennel owner, or any person for treatment, board, or care and:
- (1) Having been placed in such custody for an unspecified period of time the animal is not removed within fifteen