

**NEW SECTION.** Sec. 5. Any person who violates any provision of this chapter or any rule adopted under this chapter is subject to a civil penalty not exceeding five hundred dollars for each violation. Each day of a continuing violation is a separate violation.

**NEW SECTION.** Sec. 6. Sections 2 through 5 of this act constitute a new chapter in Title 70 RCW.

**NEW SECTION.** Sec. 7. This act shall take effect on July 1, 1983. The director of the department of ecology is authorized to take such steps prior to such date as are necessary to ensure that this act is implemented on its effective date.

Passed the House February 18, 1982.

Passed the Senate March 11, 1982.

Approved by the Governor March 31, 1982.

Filed in Office of Secretary of State March 31, 1982.

## CHAPTER 114

[House Bill No. 621]

### ANIMALS—CRUELTY TO—HUMANE SOCIETY OFFICER POLICE POWERS—PENALTIES

AN ACT Relating to animals; amending section 2, chapter 146, Laws of 1901 and RCW 16.52.030; amending section 8, chapter 27, Laws of 1893 and RCW 16.52.065; amending section 4, chapter 146, Laws of 1901 as amended by section 4, chapter 145, Laws of 1979 and RCW 16.52.070; amending section 5, chapter 146, Laws of 1901 as amended by section 1, chapter 12, Laws of 1974 ex. sess. and RCW 16.52.080; amending section 12, chapter 146, Laws of 1901 and RCW 16.52.100; amending section 7, chapter 146, Laws of 1901 and RCW 16.52.120; amending section 8, chapter 146, Laws of 1901 and RCW 16.52.130; amending section 16, chapter 146, Laws of 1901 and RCW 16.52.165; adding a new section to chapter 9.08 RCW; adding new sections to chapter 16.52 RCW; repealing section 1, chapter 114, Laws of 1972 ex. sess. and RCW 9.08.060; and providing penalties.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. There is added to chapter 9.08 RCW a new section to read as follows:

Any person who, with intent to deprive or defraud the owner thereof, does any of the following shall be guilty of a gross misdemeanor:

(1) Takes, leads away, confines, secretes or converts any dog, except in cases in which the value of the dog exceeds two hundred fifty dollars;

(2) Conceals the identity of any dog or its owner by obscuring or removing from the dog any collar, tag, license, tattoo, or other identifying device or mark; or

(3) Wilfully kills or injures any dog, unless excused by law.

Such violations shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than one thousand dollars, or by both such fine and imprisonment.

Sec. 2. Section 2, chapter 146, Laws of 1901 and RCW 16.52.030 are each amended to read as follows:

All members and agents, and all officers of any society so incorporated, as shall by the trustees of such society be duly authorized in writing, approved by any judge of the superior court of the county, and sworn in the same manner as are constables and peace officers, shall have power lawfully to interfere to prevent the perpetration of any act of cruelty upon any animal and may use such force as may be necessary to prevent the same, and to that end may summon to their aid any bystander; they may make arrests for the violation of any of the provisions of RCW 16.52.010 through 16.52.050, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180 in the same manner as herein provided for other officers; and may carry the same weapons that such officers are authorized to carry. Authorizations under this section shall be for a period not exceeding three years or termination of duties, whichever occurs first. The trustees of the society shall review the authorizations every three years and may revoke authorizations at any time by filing a certified revocation with the superior court from which the authorization was issued: PROVIDED, That all such members and agents shall, when making ((such)) arrests under this section, exhibit and expose a suitable badge to be adopted by such society. All persons resisting such specially authorized, approved and sworn officers, agents or members shall be guilty of a misdemeanor.

Sec. 3. Section 8, chapter 27, Laws of 1893 and RCW 16.52.065 are each amended to read as follows:

Whosoever shall wantonly or cruelly pluck, maim, torture, deprive of necessary food or drink, or wantonly kill any fowl or insectivorous bird, shall be deemed guilty of a misdemeanor(~~(, and on conviction thereof shall be fined in any sum not exceeding twenty dollars)~~).

Sec. 4. Section 4, chapter 146, Laws of 1901 as amended by section 4, chapter 145, Laws of 1979 and RCW 16.52.070 are each amended to read as follows:

Except as provided in RCW 9A.48.080, every person who cruelly overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or cruelly kills, or causes, procures, authorizes, requests or encourages so to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten or mutilated or cruelly killed, any animal; and whoever having the charge or custody of any animal, either as owner or otherwise, inflicts unnecessary suffering or pain upon the same, or unnecessarily fails to provide the same with the proper food, drink, air, light, space, shelter or protection from the weather, or who wilfully and unreasonably drives the same when unfit for labor or with yoke or harness that chafes or galls it, or check rein or any part of its harness too tight for its comfort, or at night when it has been six consecutive hours without a full

meal, or who cruelly abandons any animal, shall be guilty of a misdemeanor. For the purposes of this section, necessary sustenance or proper food means the provision at suitable intervals, not to exceed twenty-four hours, of wholesome foodstuff suitable for the species and age of the animal and sufficient to provide a reasonable level of nutrition for the animal.

Sec. 5. Section 5, chapter 146, Laws of 1901 as amended by section 1, chapter 12, Laws of 1974 ex. sess. and RCW 16.52.080 are each amended to read as follows:

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

Sec. 6. Section 12, chapter 146, Laws of 1901 and RCW 16.52.100 are each amended to read as follows:

Any person who shall impound or confine or cause to be impounded or confined any domestic animal, shall supply the same during such confinement with a sufficient quantity of good and wholesome food and water, and in default thereof shall be guilty of a misdemeanor. In case any domestic animal shall be impounded or confined as aforesaid and shall continue to be without necessary food and water for more than twenty-four consecutive hours, it shall be lawful for any person, from time to time, as it shall be deemed necessary to enter into and open any pound or place of confinement in which any domestic animal shall be confined, and supply it with necessary food and water so long as it shall be confined. Such person shall not be liable to action for such entry, and the reasonable cost of such food and water may be collected by him of the owner of such animal, and the said animal shall be subject to attachment therefor and shall not be exempt from levy and sale upon execution issued upon a judgment therefor. If an investigating officer finds it extremely difficult to supply such animals with food and water, the officer may remove the animals to protective custody for that purpose.

Sec. 7. Section 16, chapter 146, Laws of 1901 and RCW 16.52.165 are each amended to read as follows:

Every person convicted of any misdemeanor under RCW ~~((16.52.010 through 16.52.050, 16.52.070 through))~~ 16.52.080 or 16.52.090 ~~((and 16.52.100 through 16.52.180;))~~ shall be punished by a fine of not exceeding

one hundred and fifty dollars, or by imprisonment in the county jail not exceeding sixty days, or both such fine and imprisonment, and shall pay the costs of the prosecution.

**NEW SECTION.** Sec. 8. Any person who for amusement or gain causes any bull, bear, or other animal except a dog to fight with an animal of like kind, or causes any such animal, including dogs, to fight with a different kind of animal; or who for amusement or gain injures any bull, bear, dog, or other animal, or causes any bull, bear, or other animal except a dog to worry or injure another such animal; and any person who permits any of these acts to be done on any premises under his charge or control or who aids, abets, or is present at such fighting, chasing, or worrying of such animal is guilty of a misdemeanor.

**NEW SECTION.** Sec. 9. (1) Any person who does any of the following is guilty of a gross misdemeanor punishable by imprisonment not to exceed one year, or by a fine not to exceed five thousand dollars, or by both fine and imprisonment:

(a) Owns, possesses, keeps, or trains any dog with the intent that the dog shall be engaged in an exhibition of fighting with another dog;

(b) For amusement or gain causes any dog to fight with another dog, or causes any dogs to injure each other; or

(c) Permits any act in violation of (a) or (b) of this subsection to be done on any premises under his charge or control, or aids or abets any such act.

(2) Any person who is knowingly present, as a spectator, at any place or building where preparations are being made for an exhibition of the fighting of dogs, with the intent to be present at such preparations, or is knowingly present at such exhibition or at any other fighting or injuring as described in subsection (1)(b) of this section, with the intent to be present at such exhibition, fighting, or injuring, is guilty of a misdemeanor.

(3) Nothing in this section may prohibit 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 dogs or the use of equipment in the training of dogs for any purpose not prohibited by law.

**NEW SECTION.** Sec. 10. 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.

Sec. 11. Section 7, chapter 146, Laws of 1901 and RCW 16.52.120 are each amended to read as follows:

Every person who wantonly or for the amusement of himself or others, or for gain, shall cause any (~~bull, bear,~~) cock(~~, dog, or other animal~~) to fight, chase, worry or injure any other animal, or to be fought, chased, worried or injured by any (~~man~~) person or animal, and every person who shall permit the same to be done on any premises under his charge or control; and every person who shall aid, abet, or be present at such fighting, chasing, worrying or injuring of such animal as a spectator, shall be guilty of a misdemeanor.

Sec. 12. Section 8, chapter 146, Laws of 1901 and RCW 16.52.130 are each amended to read as follows:

Every person who owns, possesses, keeps, or trains any bird (~~or other animal~~) with the intent that such bird (~~or other animal~~) shall be engaged in an exhibition of fighting, or is present at any place, building or tenement, where training is being had or preparations are being made for the fighting of birds (~~or other animals~~), with the intent to be present at such exhibition, or is present at such exhibition, shall be guilty of a misdemeanor.

NEW SECTION. Sec. 13. Sections 8, 9, and 10 of this act are added to chapter 16.52 RCW.

NEW SECTION. Sec. 14. Section 1, chapter 114, Laws of 1972 ex. sess. and RCW 9.08.060 are each repealed.

Passed the House March 9, 1982.

Passed the Senate March 7, 1982.

Approved by the Governor March 31, 1982.

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## CHAPTER 115

[House Bill No. 623]

### PRISONERS OF WAR, DISABLED VETERANS—SPECIAL LICENSE PLATES

AN ACT Relating to special license plates; amending section 1, chapter 178, Laws of 1949 as last amended by section 2, chapter 88, Laws of 1980 and RCW 73.04.110; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 178, Laws of 1949 as last amended by section 2, chapter 88, Laws of 1980 and RCW 73.04.110 are each amended to read as follows:

Any (~~veteran~~) person who is a veteran (~~of any war of the United States, or of any military campaign for which a campaign ribbon shall have been awarded, and has been awarded an honorable discharge~~) as defined in RCW 41.04.005, as now or hereafter amended, who submits to the director of licensing satisfactory proof that he or she (~~is receiving compensation or a pension~~) has a disability rating from the veterans administration or any branch of the armed forces of the United States (~~for~~) and has the loss of