

HB 2317: Concerning Animal Welfare

WACDL and WDA oppose certain sections of HB 2317 because the elimination of the qualifier “for the purpose of sexual gratification or arousal” from the sections defining sexual conduct and sexual contact renders the bill overly broad. Further this bill removes the long-established affirmative defense of economic distress for persons unable to provide adequate shelter, sanitation, or medical care to an animal.

The proposed changes to RCW 16.52.205 9(b) relating to sexual conduct criminalizes the transfer of saliva to any part of an animal while eliminating the qualifier that the conduct occur for the purpose of sexual gratification or arousal. These two changes together results in the criminalization of such innocuous conduct as the kissing of a pet on the head and results in an overly broad statute that bans normal, inoffensive activity. The qualifier of “for the purpose of sexual gratification or arousal” should be included in the statute in order to narrow the scope of the criminalized conduct.

The proposed changes to RCW 16.52.205 9(c) defining sexual contact also eliminates the qualifier that the contact be for the purpose of sexual gratification or arousal. Because the definition of sexual contact includes any contact, however slight, between the mouth of an animal and the mouth of a person, the elimination of the sexual gratification/arousal qualifier results in criminalizing the innocuous conduct of allowing an over-eager pet to lick a person in the face. The qualifier of “for the purpose of sexual gratification or arousal” should be included in the statute in order to narrow the scope of the criminalized conduct.

Lastly the proposed changes to RCW 16.52.207 would eliminate the defense of economic distress to animal cruelty second degree when a person is unable to provide adequate shelter, sanitation, or medical care due to financial hardship. This defense has historically been available to Washington citizens for the past twenty-five years. In order for the defense to be utilized the accused must prove the existence of the economic distress by a preponderance of the evidence. Elimination of this defense will disproportionately affect Washington’s most economically disadvantaged citizens, including our homeless populations. This portion of the proposed bill should be stricken.

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