

ORDINANCE 1001

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, REVISING THE CITY'S CRIMINAL LAWS RELATING TO ANIMAL CRUELTY, RECKLESS ENDANGERMENT, DOMESTIC VIOLENCE, INDECENT EXPOSURE, POSSESSION OF BURGLARY TOOLS, FAILURE TO RETURN RENTAL EQUIPMENT, OBSTRUCTING LAW ENFORCEMENT OFFICERS, POSSESSION AND USE OF FIREARMS, OFFENSES BY AND RELATED TO MINORS, UNLAWFUL INHALATION AND RECLASSIFICATION OF BOATING VIOLATIONS; AMENDING SECTIONS 7.04.080, 9.12.020, 9.12.072, 9.16.010 AND 9.56.230 OF THE LACEY MUNICIPAL CODE; REPEALING SECTION 9.32.030 AND CHAPTER 9.36 OF SAID CODE AND ADDING NEW SECTIONS 9.28.140, 9.28.150, 9.32.030, 9.40.080 AND 9.44.120 AND ADDING A NEW CHAPTER 9.36 TO SAID MUNICIPAL CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Section 7.04.080 of the Lacey Municipal Code is hereby amended to read as follows:

**7.04.080 Cruelty to animals and/or abandoned animals.** RCW Chapters 16.52, and 16.54 and Chapter 261, Laws of 1994 are adopted by reference.

Section 2. Section 9.12.020 of the Lacey Municipal Code is hereby amended to read as follows:

**9.12.020 Reckless endangerment.**

- A. A person is guilty of reckless endangerment if he recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person.
- B. ~~Reckless endangerment is a gross misdemeanor~~ A person who drives a vehicle in a roadway construction zone in such a manner as to endanger or be likely to endanger any persons or property, or who removes, evades, or intentionally strikes a traffic safety or control device is guilty of reckless endangerment of roadway workers.
- C. Violation of subsection A. or B. of this section shall

constitute a gross misdemeanor.

Section 3. Section 9.12.072 of the Lacey Municipal Code is hereby amended to read as follows:

**9.12.072 Harassment crimes defined.** The term "harassment" as used in Section 9.12.070, may include, but is not limited to any of the following crimes:

- A. Simple assault (LMC 9.12.010)
- B. Reckless endangerment (LMC 9.12.020)
- C. Coercion (LMC 9.12.030)
- D. Custodial interference (LMC 9.12.040)
- E. Telephone intimidation or harassment (LMC 9.12.050)
- F. Harassment (LMC 9.12.060)
- G. Criminal trespass in the first degree (LMC 9.28.080)
- H. Criminal trespass in the second degree (LMC 9.28.090)
- I. Malicious mischief in the third degree (LMC 9.28.020)
- J. Malicious harassment (RCW 9A.36.080)
- K. Assault in the first degree (RCW 9A.36.010)
- L. Assault in the second degree (RCW 9A.36.020)
- M. Extortion in the first degree (RCW 9A.56.120)
- N. Extortion in the second degree (RCW 9A.56.130)
- O. Burglary in the first degree (RCW 9A.52.020)
- P. Burglary in the second degree (RCW 9A.52.030)
- Q. Malicious mischief in the first degree (RCW 9A.48.070)
- R. Malicious mischief in the second degree (RCW 9A.48.080)
- S. Kidnapping in the first degree (RCW 9A.40.020)
- T. Kidnapping in the second degree (RCW 9A.40.030)

- U. Unlawful imprisonment (RCW 9A.40.040)
- V. Rape in the first degree (RCW 9A.44.040)
- W. Rape in the second degree (RCW 9A.44.050)
- X. Rape in the third degree (RCW 9A.44.060)
- Y. Indecent liberties (RCW 9A.44.100)
- Z. Violation of the provisions of a restraining order or other protective order issued by a court pursuant to Title 26 RCW, including the provisions of Chapter 263, Laws of 1984.
- AA. Violation of the provisions of a protective or no-contact order issued by a court pursuant to Section 9.12.070 of the Lacey Municipal Code.

The term "domestic violence" includes, but is not limited to the commission of any of the crimes listed under the definition of "harassment" when such a crime is committed by one family or household member against another.

The term "family or household members" means spouses, former spouses, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a respondent sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

The term "dating relationship" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: 1. The length of time the relationship has existed; 2. The nature of the relationship, and 3. The frequency of interaction between the parties.

Section 4. Section 9.16.010 of the Lacey Municipal Code is hereby amended to read as follows:

**9.16.010 Indecent exposure.**

- A. A person is guilty of indecent exposure if he intentionally makes any open and obscene exposure of his person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm.

- B. Indecent exposure is a misdemeanor unless such person exposes himself to a person under the age of fourteen years, in which case it is a gross misdemeanor on the first offense, and if such person has previously been convicted of violating this subsection or any similar ordinance of the city of Lacey or other city, of section 9A.88.010 RCW or of any sex offense as defined in RCW 9.94A.030, state law and the penalties prescribed therein, shall prevail.

Section 5. There is hereby added to the Lacey Municipal Code, a new section, 9.28.140, to read as follows:

**9.28.140 Making or having burglar tools.**

- A. Every person who shall make or mend or cause to be made or mended, or have in his possession, any engine, machine, tool, false key, pick lock, bit, nippers, or implement adapted, designed, or commonly used for the commission of burglary under circumstances evincing an intent to use or employ, or allow the same to be used or employed in the commission of a burglary, or knowing that the same is intended to be so used, shall be guilty of making or having burglar tools.
- B. Making or having burglar tools is a gross misdemeanor.

Section 6. There is hereby added to the Lacey Municipal Code, a new section, 9.28.150 to read as follows:

**9.28.150 Failure to deliver leased, encumbered or rental personal property.**

- A. Every person being in possession thereof, who shall sell, remove, conceal, convert to his own use, or destroy or connive at or consent to the sale, removal, conversion, concealment or destruction of any personal property or any part thereof, upon which a security agreement, mortgage, lien, conditional sales contract, rental agreement, or lease exists, with intent to hinder, delay, or defraud the secured party of such security agreement, or the holder of such mortgage, lien, or conditional sales contract or the lessor under such lease or rentor of [under] such rental agreement, or any assignee of such security agreement, mortgage, lien, conditional sales contract, rental agreement or lease shall be guilty of a gross misdemeanor.
- B. Every person being in possession thereof who shall wilfully and without reasonable cause fail to deliver leased personal property to the lessor within ten days after written notice of the expiration of the lease has been mailed to the lessee by registered or certified mail with the return receipt

requested, mailed to the last known address of the lessee, shall be guilty of a gross misdemeanor: *Provided*, That there shall be no prosecution under this section unless such lease is in writing, and contains a warning that failure to promptly return the leased property may result in a criminal prosecution, and the notice mailed pursuant to the provisions of this section shall clearly state that the lessee may be guilty of a crime upon his failure to return the property to the lessor within ten days.

- C. In any prosecution under this section any allegation containing a description of the security agreement, mortgage, lien, conditional sales contract, rental agreement, or lease by reference to the date thereof and names of the parties thereto, shall be sufficiently definite and certain. The term "lease" shall also include rental agreements.
- D. The provisions of this section shall be cumulative and nonexclusive and shall not affect any other criminal provision.

Section 7. Section 9.32.030 and chapter 9.36 of the Lacey Municipal Code are hereby repealed.

Section 8. There is hereby added to the Lacey Municipal Code, a new section, 9.32.030 to read as follows:

**9.32.030 Obstructing a law enforcement officer.**

- A. A person is guilty of obstructing a law enforcement officer if the person:
  - 1. Willfully makes a false or misleading statement to a law enforcement officer who has detained the person during the course of a lawful investigation or lawful arrest; or
  - 2. Willfully hinders, delays, obstructs or interferes with any law enforcement officer in the discharge of his or her official powers or duties. Interfering with a law enforcement officer shall include by not be limited to failing to leave the area of an arrest, custody or stop, after being directed to leave the area by a law enforcement officer known by the person to be such an officer or returning to the area of an arrest, custody or stop after being directed to stay away from the area by a law enforcement officer known by the person to be such an officer. For purposes of this subsection, the area of an arrest, custody or stop is located in a ten foot radius from where a law enforcement officer is arresting, stopping or taking custody of a person and exists for so

long as it takes the officer either to actually restrain a person or to terminate the stop.

- B. "Law enforcement officer" means any general authority, limited authority, or specially commissioned Washington peace officer or federal peace officer as those terms are defined in RCW 10.93.020, and other public officers who are responsible for enforcement of fire, building, zoning, and life and safety codes.
- C. Obstructing a law enforcement officer is a gross misdemeanor.

Section 9. There is hereby added to the Lacey Municipal Code a new chapter, 9.36, entitled **FIREARMS AND WEAPONS**, which chapter shall read as follows:

**9.36.010 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- A. "Firearm" means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.
- B. "Pistol" means any firearm with a barrel less than twelve inches in length, or is designed to be held and fired by the use of a single hand.
- C. "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.
- D. "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than twenty-six inches.
- E. "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.
- F. " Short-barreled shotgun" means a shotgun having one or more

barrels less than eighteen inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

- G. "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.
- H. "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.
- I. "Loaded" means:
1. There is a cartridge in the chamber of the firearm;
  2. Bullets are in a clip that is locked in place in the firearm;
  3. There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or
  4. There is a cartridge in the tube, magazine, or other compartment of the firearm.
- J. "Dealer" means a person engaged in the business of selling firearms or ammunition at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18. U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

#### 9.36.020 Carrying a pistol.

- A. Except in the person's place of abode or fixed place of business, a person shall not carry a pistol concealed on his or her person without a license to carry a concealed pistol.

- B. A person shall not carry or place a loaded pistol in any vehicle unless the person has a license to carry a concealed pistol and:
1. The pistol is on the licensee's person;
  2. The licensee is within the vehicle at all times that the pistol is there, or
  3. The licensee is away from the vehicle and the pistol is locked within the vehicle and concealed from view from outside the vehicle.
- C. A person at least eighteen years of age who is in possession of an unloaded pistol shall not leave the unloaded pistol in a vehicle unless the unloaded pistol is locked within the vehicle and concealed from view from outside the vehicle.
- D. Except as otherwise provided in this chapter, no person may carry a firearm unless it is unloaded and enclosed in an opaque case or secure wrapper or the person is:
1. Licensed under RCW 9.41.070 to carry a concealed pistol;
  2. In attendance at a hunter's safety course or a firearms safety course;
  3. Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited;
  4. Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by an organized group that uses firearms as part of the performance;
  5. Traveling with any unloaded firearm in the person's possession to or from any activity describe in 2, 3 and 4 of this subsection;
  6. Is a member of the armed forces of the United States, national guard, or organized reserves, when on duty;
  7. Is a law enforcement officer.
- E. Nothing in this section permits the possession of firearms illegal to possess under state or federal law.

**9.36.030 Exceptions to restrictions on carrying a pistol. The**



provisions of LMC 9.36.020 shall not apply to:

- A. Marshals, sheriffs, prison or jail wardens or their deputies, or other law enforcement officers;
- B. Members of the armed forces of the United States or of the national guard or organized reserves, when on duty;
- C. Officers or employees of the United States duly authorize to carry a concealed pistol;
- D. Any person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of the person, if possessing, using, or carrying a pistol in the usual or ordinary course of the business;
- E. Regularly enrolled members of any organization duly authorized to purchase or receive pistols from the United States or from this state;
- F. Regularly enrolled members of clubs organized for the purpose of target shooting when those members are at or are going to or from their places of target practice;
- G. Regularly enrolled members of clubs organized for the purpose of modern and antique firearm collecting when those members are at or are going to or from their collector's gun shows and exhibits;
- H. Individual hunters when on a hunting, camping, or fishing trip, or
- I. Any person while carrying a pistol unloaded and in a closed opaque case or secure wrapper.

**9.36.040 Aiming or discharging weapon. Any person who:**

- A. Aims any firearm, whether loaded or not, at or towards any human being;
- B. Willfully discharges any firearm, air gun, or other weapon, or throws any deadly missile in a public place, or in any place where any person might be endangered thereby. A public place shall not include any location at which firearms are authorized to be lawfully discharged; or
- C. Except as provided in RCW 9.41.185, sets a so-called trap, spring pistol, rifle, or other dangerous weapon, although no injury results, is guilty of a gross misdemeanor.

If an injury results from a violation of this section, the person

violating this section shall be subject to the applicable provisions of LMC chapter 9.12 and/or state law.

**9.36.050 Use of firearm by a minor.**

- A. Unless an exception under LMC Section 9.36.020 or Section 9.36.030 applies, a person at least eighteen years of age, but less than twenty-one years of age, may possess a pistol only:
  - 1. In the person's place of abode;
  - 2. At the person's fixed place of business; or
  - 3. On the real property under his or her control.
- B. Possession of a pistol in violation of this section shall constitute a misdemeanor.

**9.36.060 Dangerous Weapons. Any person who:**

- A. Manufactures, sells, or disposes of or possesses any instrument or weapon of the kind usually known as slug shot, sand club, or metal knuckles, or spring blade knife or any knife the blade of which is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement;
- B. Furtively carries with intent to conceal any dagger, dirk, pistol, or other dangerous weapon; or
- C. Uses any contrivance or device for suppressing the noise of any firearm, is guilty of a gross misdemeanor.

**9.36.070 Unlawful carrying or displaying a dangerous weapon.**

- A. It shall be unlawful for any person to carry, exhibit, display, or draw any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.
- B. Any person violating the provisions of subsection A. above shall be guilty of a gross misdemeanor. If any person is convicted of a violation of subsection A. of this section, the person shall lose his or her concealed pistol license, if any. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

C. Subsection A. of this section shall not apply to or affect the following:

1. Any person who by virtue of his or her office or public employment is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses while in the performance of such duty;
2. Any person acting for the purpose of protecting himself or herself or such persons place of abode or fixed place of business against the use of presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by a third person;
3. Any person making or assisting in making a lawful arrest for the commission of a felony; or
4. Any person engaged in military activities sponsored by the federal or state governments.

**9.36.080 Carrying weapons on school facilities.**

A. It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

1. Any firearm;
2. Any other dangerous weapon as defined in LMC Section 9.36.060.
3. Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;
4. Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect;
5. Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas.

B. Any such person violating subsection A. of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection A. 1. of this section, the person shall lose his or her concealed pistol license, if any. The court shall send notice of the revocation to the department of

licensing, and the city, town, or county which issued the license.

C. Subsection A. of this section does not apply to:

1. Any student or employee of a private military academy when on the property of the academy;
2. Any person engaged in military, law enforcement, or school district security activities;
3. Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;
4. Any person while the person is participating in a firearms or air gun competition approved by the school or school district;
5. Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirements of LMC 9.36.030 or by RCW 9.41.060, while picking up or dropping off a student;
6. Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;
7. Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or
8. Any law enforcement officer of the federal, state, or local government agency.

D. Subsections A. 3. and 4. of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

E. Except as provided in subsection C 2, 3, 6 and 8 of this section, firearms are not permitted in a public or private school building.

F. "GUN-FREE ZONE" signs may be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

**9.36.090 Loaded firearms in vehicles.**

- A. Except as provided in RCW 77.16.290 regarding exemptions for law enforcement officers and RCW 77.32.238 regarding disabled hunter's permits, it is unlawful to carry, transport, convey, possess or control in or on a motor vehicle, a shotgun or rifle containing shells or cartridges within the magazine or chamber or a muzzle loading firearm loaded and capped or primed.
- B. Violation of this section shall constitute a misdemeanor.

**9.36.100 Forfeitures.**

- A. The court may order forfeiture of a firearm which is proven to be:
  - 1. Found concealed on a person not authorized by LMC Section 9.36.030 or RCW 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;
  - 2. Commercially sold to any person without an application as required by RCW 9.41.090;
  - 3. Found in the possession of a person prohibited from possessing the firearm under RCW 9.41.040;
  - 4. Found concealed on a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, as defined in LMC Chapter 10.04;
  - 5. Found in the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 or 71.05 RCW;
  - 6. Known to have been used or displayed by a person in the violation of a proper written order of a court of general jurisdiction;
- B. Upon order of forfeiture, the court in its discretion may order destruction of any forfeited firearm. A court may temporarily retain forfeited firearms needed for evidence.
- C. Any court when entering an order authorized under LMC 9.13.070, RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045,

26.09.050, 26.09.060, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070 shall, upon a showing by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a serious offense, or previously committed any offense that makes him or her ineligible to possess a firearm under the provision of RCW 9.41.040:

1. Require the party to surrender any firearm or other dangerous weapon;
2. Require the party to surrender any concealed pistol license issued under RCW 9.41.070;
3. Prohibit the party from obtaining or possessing a firearm or other dangerous weapon;
4. Prohibit the party from obtaining or possessing a concealed pistol license.

D. Any court when entering an order authorized under LMC 9.12.070, RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060 or 26.50.070 may, upon a showing by a preponderance of the evidence but not by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a serious offense, or previously committed any offense that makes him or her ineligible to possess a pistol under the provisions of RCW 9.41.040:

1. Require the party to surrender any firearm or other dangerous weapon;
2. Require the party to surrender any concealed pistol license issued under RCW 9.41.070;
3. Prohibit the party from obtaining or possessing a firearm or other dangerous weapon;
4. Prohibit the party from obtaining or possessing a concealed pistol license.

E. The court may order temporary surrender of a firearm or other dangerous weapon without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed.

F. In addition to the provisions of subsections C., D. and E. of this section, the court may enter an order requiring a party to comply with the provisions in subsection C of this section

if it finds that the possession of a firearm or other dangerous weapon by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

- G. The requirements of subsections C. D. and F. of this section may be for a period of time less than the duration of the order.
- H. All procedures to be followed by the court, clerk of the court and law enforcement officers in the enforcement and adjudication of sections 9.36.010 thru 9.36.100 of this chapter shall be in accordance with the procedures of RCW 9.41 relating to firearms.

Section 10. There is hereby added to the Lacey Municipal Code a new section, 9.40.080, to read as follows:

**9.40.080 Penalties.** Every person guilty of a violation of LMC 9.40.020 thru 9.40.040 for which no penalty has been specifically provided shall be liable, on conviction, for a first offense to a penalty of not more than five hundred dollars, or to imprisonment for not more than two months, or both; for a second offense to imprisonment for not more than six months; and for a third or subsequent offense to imprisonment for not more than one year. If the offender convicted of an offense referred to in this section is a corporation, it shall for a first offense be liable to a penalty of not more than five thousand dollars, and for a second or subsequent offense to a penalty of not more than ten thousand dollars, or to forfeiture of its corporate license, or both.

Section 11. There is hereby added to the Lacey municipal Code a new section, 9.44.120, to read as follows:

**9.44.120 Unlawful inhalation.**

- A. It is unlawful for any person to intentionally smell or inhale the fumes of any type of substance as defined in this section or to induce any other person to do so, for the purpose of causing a condition of, or inducing symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses of the nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes. This section does not apply to the inhalation of any anesthesia for medical or dental purposes.
- B. No person may, for the purpose of violating subsection A., use, or possess for the purpose of so using, any substance containing a solvent having the property of releasing toxic

vapors or fumes.

- C. No person may sell, offer to see, deliver, or give to any other person any container of a substance containing a solvent having the property of releasing toxic vapors or fumes, if he has knowledge that the product sold, offered for sale, delivered, or given will be used for the purpose set forth in subsection A.
- D. As used in this section, the phrase "substance containing a solvent having the property of releasing toxic vapors or fumes" shall mean and include any substance containing one or more of the following chemical compounds:
1. Acetone;
  2. Amylacetate;
  3. Benzol or benzene;
  4. Butyl acetate;
  5. Butyl alcohol;
  6. Carbon tetrachloride;
  7. Chloroform;
  8. Cyclohexanone;
  9. Ethanol or ethyl alcohol;
  10. Ethyl acetate;
  11. Hexane;
  12. Isopropanol or isopropyl alcohol;
  13. Isopropyl acetate;
  14. Methyl "cellosolve" acetate;
  15. Methyl ethyl ketone;
  16. Methyl isobutyl ketone;
  17. Toluol or toluene;
  18. Trichloroethylene;
  19. Tricresyl phosphate;
  20. Xylol or xylene; or;
  21. Any other solvent, material substance, chemical, or combination thereof, having the property of releasing toxic vapors.
- E. Any person who violates this Section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or by both.

Section 12. Section 2.56.230 of the Lacey Municipal Code is hereby amended to read as follows:

**9.56.230 Violation - Penalty.**

- A. Any person who violates ~~the ordinance codified in any section of this chapter not classified as an infraction by subsection B.~~ of this section, shall be deemed guilty of a misdemeanor.



B. Violation of sections 9.56.070, 9.56.090, 9.56.120, 9.56.130 or 9.56.200 shall constitute a boating infraction. The penalty and bail amounts for such infractions shall be as set forth by court rule pursuant to rule 6.2 of the Infraction Rules for Courts of Limited Jurisdiction.

Section 13. **Severability.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not effect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 27 day of OCTOBER, 1994.

CITY COUNCIL

By Jan W. Johnson  
Mayor

Attest:

Approved as to form:

Deputy Carol Litten  
City Clerk

[Signature]  
City Attorney

Published: 11/4/94

CRIMES—ANIMAL CRUELTY

CHAPTER 261

S.H.B. No. 1652

AN ACT Relating to animal cruelty; amending RCW 16.52.020, 16.52.085, 16.52.095, 16.52.100, 16.52.117, 16.52.180, 16.52.190, 16.52.200, 16.52.300, 9A.48.080, 13.40.020, 81.56.120, 77.12.265, and 16.52.185; reenacting and amending RCW 9.94A.030; adding new sections to chapter 16.52 RCW; creating a new section; repealing RCW 16.52.010, 16.52.030, 16.52.040, 16.52.050, 16.52.055, 16.52.060, 16.52.065, 16.52.070, 16.52.113, 16.52.120, 16.52.130, 16.52.140, and 16.52.160; and prescribing penalties.

*BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:*

NEW SECTION. Sec. 1. 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

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Additions are indicated by underline; deletions by ~~strikeout~~

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.

NEW SECTION. Sec. 2. A new section is added to chapter 16.52 RCW to read as follows:

(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 section 5 of this act 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 section 5 of this act.

(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 section 5 of this act.

(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.

NEW SECTION. Sec. 3. A new section is added to chapter 16.52 RCW to read as follows:

(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 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.

Sec. 4. RCW 16.52.020 and 1973 1st ex.s. c 125 s 1 are each amended to read as follows:

Any citizens of the state of Washington ~~who have heretofore, or who shall hereafter, incorporate as a body corporate, incorporated~~ under the laws of this state as a humane society or as a society for the prevention of cruelty to animals may ~~avail themselves of the privileges of RCW 16.52.010 through 16.52.050, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180.~~ PROVIDED, That enforce the provisions of this chapter through its animal control officers subject to the limitations in sections 3 and 5 of this act. 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.

NEW SECTION. Sec. 5. A new section is added to chapter 16.52 RCW to read as follows:

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 the effective date of this section 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 section 3 of this act. 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 the effective date of this section, 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 section 3 of this act.

Sec. 6. RCW 16.52.085 and 1987 c 335 s 1 are each amended to read as follows:

(1) If the county sheriff or other a law enforcement officer shall find or animal control officer has probable cause to believe that said an owner of a domestic animal has been neglected by its owner, he or she violated this chapter 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 proper pasture or other suitable place for feeding and restoring to health. 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 an a domestic animal allegedly neglected domestic animal 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 to a suitable place 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 law enforcement officer shall make a good faith effort to contact the animal's owner before removal ~~unless the animal is in a life threatening condition or unless the officer reasonably believes that the owner would remove the animal from the jurisdiction.~~

(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 renew a bond or security for the agency's continuing costs for the animal's care.

(5) ~~If no criminal case is filed within seventy two hours~~ fourteen business days of the removal of the animal animal's removal, the owner may petition the district court of the county where the ~~removal of the animal occurred~~ was removed for the ~~return of the animal~~ animal's return. The petition shall be filed with the court, with copies served to 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 deliver 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 animal is returned, the petition shall be joined with the criminal matter.

~~(5)(6)~~ (6) In a motion or petition for the ~~return of the removed animal~~ 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.

~~(6)(7)~~ (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.

Sec. 7. RCW 16.52.095 and Code 1881 s 840 are each amended to read as follows:

It shall not be lawful 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 dog, and any person cutting off more than one-half of the ear or ears of any such animals, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum less than twenty dollars. This section does not apply if cutting off more than one-half of the ear of the animal is a customary husbandry practice.

NEW SECTION. Sec. 8. A new section is added to chapter 16.52 RCW to read as follows:

(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.

NEW SECTION. Sec. 9. A new section is added to chapter 16.52 RCW to read as follows:

(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.

Sec. 10. RCW 16.52.100 and 1982 c 114 s 6 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~~ If any domestic animal shall be is impounded or confined as aforesaid and shall ~~continue to be~~ without necessary food and water for more than ~~twenty-four~~ thirty-six consecutive hours, it shall be lawful for any person may, from time to time, as it shall be ~~deemed~~ is necessary to, enter into and open any pound or place of confinement in which any domestic animal shall be is confined, and supply it with necessary food and water so long as it shall be is confined. Such The person shall not be liable to action for such the entry, and may collect from the animal's owner the reasonable cost of such the food and water ~~may be collected by him of the owner of such animal, and the said.~~ The animal shall be subject to attachment ~~therefor~~ for the costs 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 confined animals with food and water, the officer may remove the animals to protective custody for that purpose.

Sec. 11. RCW 16.52.117 and 1982 c 114 s 9 are each amended to read as follows:

(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 animal with the intent that the dog animal shall be engaged in an exhibition of fighting with another dog animal;

(b) For amusement or gain causes any dog animal to fight with another dog animal, or causes any dogs animals 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 or her charge or control, or promotes 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 animals, 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 animals or the use of equipment in the training of dogs animals for any purpose not prohibited by law.

Sec. 12. RCW 16.52.180 and 1901 c 146 s 18 are each amended to read as follows:

No part of ~~RCW 16.52.010 through 16.52.050, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180~~ this chapter shall be deemed to interfere with any of the laws of this state known as the "game laws," nor shall ~~RCW 16.52.010 through 16.52.050, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180~~ 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.



Sec. 13. RCW 16.52.190 and 1941 c 105 s 1 are each amended to read as follows:

~~It shall be unlawful for any person to wilfully or maliciously poison any domestic animal or domestic bird. PROVIDED, That the provisions~~ (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 the killing euthanizing by poison such an animal or bird in a lawful and humane manner by the animal's owner thereof, or by a duly authorized servant or agent of such 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.

Sec. 14. RCW 16.52.200 and 1987 c 335 s 2 are each amended to read as follows:

(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 ~~cruel~~ 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 ~~owner~~ defendant, only if convicted or in agreement, shall be liable for reasonable costs incurred pursuant to this chapter by the 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 ~~owner~~ defendant shall also pay a civil penalty of one hundred 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 contributing to the violation's commission. The defendant shall bear the costs of the program or treatment.

Sec. 15. RCW 16.52.300 and 1990 c 226 s 1 are each amended to read as follows:

(1) If any person who ~~uses~~ 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, in such a fashion as to torture, torment, deprive of necessary sustenance, cruelly beat, or mutilate such animals, shall be guilty of a misdemeanor.

(2) Any person who violates the provisions of subsection (1) of this section, and whose actions result in the death of the animal, shall be guilty of a gross misdemeanor.

(3) Any person who ~~captures by trap a domestic dog or cat to be used as bait, prey, or targets for the purpose of training dogs or other animals to track, fight, or hunt, in such a~~

~~fashion as to torture, torment, deprive of necessary sustenance, cruelly beat, or mutilate such animals, shall be guilty of a misdemeanor.~~

~~(4) Any person who violates the provisions of subsection (3) of this section, and whose actions result in the death of the animal, shall be guilty of a gross misdemeanor.~~

~~(5) If a person violates this section, law enforcement authorities officers or animal control officers shall seize and hold the animals being trained. Such The seized animals shall be disposed of by the court pursuant to the provisions of RCW 16.52.200(3).~~

~~(6)(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.~~

Sec. 16. RCW 9.94A.030 and 1994 c 1 s 3 (Initiative Measure No. 593), 1993 c 338 s 2, 1993 c 251 s 4, and 1993 c 164 s 1 are each reenacted and amended to read as follows:

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

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an



emergency response to the incident resulting in the conviction, subject to the provisions in RCW 38.52.430.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(12)(a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" shall always include juvenile convictions for sex offenses and shall also include a defendant's other prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(6)(a)(9); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(13) "Department" means the department of corrections.

(14) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, or partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(15) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(16) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(17) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(18) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(19) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(20)(a) "First-time offender" means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug or the selling for profit of any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction except for adjudications of sex offenses.

(21) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under this section;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection.

(22) "Nonviolent offense" means an offense which is not a violent offense.

(23) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(24) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community.

Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.

(25) "Persistent offender" is an offender who:

(a) Has been convicted in this state of any felony considered a most serious offense; and

(b) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted.

(26) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(27) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(28) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(29) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(30) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(31) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(32) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(33) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(34) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(35) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(36) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(37) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (31) of this section are not eligible for the work crew program.

(38) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(39) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

(40) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, any drug offense, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, assault of a child in the third degree, unlawful imprisonment as defined in RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention may be imposed for offenders convicted of possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403) if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by treatment alternatives to street crime (TASC) or a comparable court or agency-referred program.

(a) Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender: (i) successfully completing twenty-one days in a work release program, (ii) having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary, (iii) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense, (iv) having no prior charges of escape, and (v) fulfilling the other conditions of the home detention program.

(b) Participation in a home detention program shall be conditioned upon: (i) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender, (ii) abiding by the rules of the home detention program, and (iii) compliance with court-ordered legal financial obligations. The home

detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.

Sec. 17. RCW 9A.48.080 and 1979 c 145 s 2 are each amended to read as follows:

(1) A person is guilty of malicious mischief in the second degree if he or she knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding two hundred fifty dollars; or

(b) Creates a substantial risk of interruption or impairment of service rendered to the public, by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication; or

~~(c) Notwithstanding RCW 16.52.070, causes physical damage, destruction, or injury by amputation, mutilation, castration, or other malicious act to a horse, mule, cow, heifer, bull, steer, swine, goat, or sheep which is the property of another.~~

(2) Malicious mischief in the second degree is a class C felony.

Sec. 18. RCW 13.40.020 and 1993 c 373 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

(a) A class A felony, or an attempt to commit a class A felony;

(b) Manslaughter in the first degree; or

(c) Assault in the second degree, extortion in the first degree, child molestation in the second degree, kidnapping in the second degree, robbery in the second degree, residential burglary, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(4) Community-based sanctions may include one or more of the following:

(a) A fine, not to exceed one hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

(5) "Community-based rehabilitation" means one or more of the following: Attendance of information classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. ~~Placement in community-based rehabilitation programs is subject to available funds:~~



(6) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(7) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court and may be served in a detention group home, detention foster home, or with electronic monitoring. Detention group homes and detention foster homes used for confinement shall not also be used for the placement of dependent children. Confinement in detention group homes and detention foster homes and electronic monitoring are subject to available funds;

(8) "Court", when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(9) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;

(10) "Department" means the department of social and health services;

(11) "Detention facility" means a county facility for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order;

(12) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person or entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter;

(13) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court;

(15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(16) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(17) "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

(18) "Minor or first offender" means a person sixteen years of age or younger whose current offense(s) and criminal history fall entirely within one of the following categories:

(a) Four misdemeanors;

(b) Two misdemeanors and one gross misdemeanor;

- (c) One misdemeanor and two gross misdemeanors;
- (d) Three gross misdemeanors;
- (e) One class C felony except manslaughter in the second degree and one misdemeanor or gross misdemeanor;
- (f) One class B felony except: Any felony which constitutes an attempt to commit a class A felony; manslaughter in the first degree; assault in the second degree; extortion in the first degree; indecent liberties; kidnapping in the second degree; robbery in the second degree; burglary in the second degree; residential burglary; vehicular homicide; or arson in the second degree.

For purposes of this definition, current violations shall be counted as misdemeanors;

(19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(20) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(21) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(22) "Secretary" means the secretary of the department of social and health services;

(23) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(24) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(25) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(26) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(27) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration.

Sec. 19. RCW 81.56.120 and 1961 c 14 s 81.56.120 are each amended to read as follows:

Railroad companies in carrying or transporting animals shall not permit them to be confined in cars for a longer period than forty-eight consecutive hours without unloading them for rest, water and feeding for a period of at least two consecutive hours, unless prevented from so unloading them by unavoidable accident. In estimating such confinement, the time during which the animals have been confined without such rest on connecting roads from which they are received shall be included. Animals so unloaded shall, during such rest, be properly fed, watered by the owner or person having the custody of them, or in case of his default in so doing, then by the railroad company transporting them, at the expense of said owner or person in custody thereof, and said company shall in such case have a lien upon such animals for food, care and custody furnished, and shall not be liable for such detention of such animals. If animals are transported where they can and do have proper food, water, space and opportunity for rest, the foregoing provision in regard to their being unloaded shall not apply. Violators of this section shall be punished by fine not exceeding one ~~hundred~~ thousand dollars per animal.

*Sections 20 and 21 were vetoed by the Governor*

~~NEW SECTION Sec 22 A new section is added to chapter 9A.02 RCW to read as follows:~~

~~A person may kill a bear or cougar that is reasonably perceived to be an unavoidable and immediate threat to human life.~~

~~Sec. 21. RCW 77.12.265 and 1987 c 506 s 35 are each amended to read as follows:~~

~~The owner or tenant of real property may trap or kill on that property wild animals or wild birds, other than an endangered species, that is threatening human life or damaging crops, domestic animals, fowl, or other property. Except in emergency situations, deer, elk, and protected wildlife shall not be killed without a permit issued and conditioned by the director. The director may delegate this authority.~~

~~For the purposes of this section, "emergency" means an unforeseen circumstance beyond the control of the landowner or tenant that presents a real and immediate threat to human life, crops, domestic animals, fowl, or other property.~~

~~Alternatively, when sufficient time for the issuance of a permit by the director is not available, verbal permission may be given by the appropriate department regional administrator to owners or tenants of real property to trap or kill on that property any cougar, bear, deer, elk, or protected wildlife which is threatening human life or damaging crops, domestic animals, fowl, or other property. The regional administrator may delegate, in writing, a member of the regional staff to give the required permission in these emergency situations. Nothing in this section authorizes in any situation the trapping, hunting, or killing of an endangered species.~~

~~Wildlife trapped or killed under this section remains the property of the state, and the person trapping or killing the wildlife shall notify the department immediately. The director shall dispose of wildlife so taken within three working days of receiving such a notification.~~

~~If the department receives recurring complaints regarding property being damaged as described in this section from the owner or tenant of real property, or receives such complaints from several such owners or tenants in a locale, the commission shall consider conducting a special hunt or special hunts to reduce the potential for such damage.~~

~~For purposes of this section, "crop" means an agricultural or horticultural product growing or harvested and includes wild shrubs and range land vegetation on privately owned cattle ranching lands. On such lands, the land owner or lessee may declare an emergency when the department has not responded within forty-eight hours after having been contacted by the land owner or lessee regarding crop damage by wild animals or wild birds. However, the department shall not allow claims for damage to wild shrubs or range land vegetation on such lands.~~

~~Deer and elk shall not be killed under the authority of this section on privately owned cattle ranching lands that were closed to public hunting during the previous hunting season, except for land closures which are coordinated with the department to protect property and livestock.~~

~~The department shall work closely with landowners and tenants suffering game damage problems to control damage without killing the animals when practical, to increase the harvest of damage-causing animals in hunting seasons, or to kill the animals when no other practical means of damage control is feasible.~~

Sec. 22. RCW 16.52.185 and 1982 c. 114 s 10 are each amended to read as follows:

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.

NEW SECTION. Sec. 23. The following acts or parts of acts are each repealed:

- (1) RCW 16.52.010 and 1901 c 146 s 17;
- (2) RCW 16.52.030 and 1982 c 114 s 2 & 1901 c 146 s 2;
- (3) RCW 16.52.040 and 1901 c 146 s 14;
- (4) RCW 16.52.050 and 1901 c 146 s 10;
- (5) RCW 16.52.055 and 1901 c 146 s 3;
- (6) RCW 16.52.060 and 1987 c 202 s 182 & 1893 c 27 s 9;
- (7) RCW 16.52.065 and 1982 c 114 s 3 & 1893 c 27 s 8;
- (8) RCW 16.52.070 and 1982 c 114 s 4, 1979 c 145 s 4, & 1901 c 146 s 4;



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- (9) RCW 16.52.113 and 1982 c 114 s 8;
- (10) RCW 16.52.120 and 1982 c 114 s 11 & 1901 c 146 s 7;
- (11) RCW 16.52.130 and 1982 c 114 s 12 & 1901 c 146 s 8;
- (12) RCW 16.52.140 and 1901 c 146 s 11; and
- (13) RCW 16.52.160 and 1901 c 146 s 9.

Approved April 1, 1994, with the exception of sections 20 and 21, which are vetoed.

Effective June 9, 1994, 90 days after date of adjournment.

*Sections 20 and 21 were vetoed by the Governor*

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