

SENATE BILL REPORT

SB 5029

As of February 13, 2003

Title: An act relating to fish and wildlife infractions.

Brief Description: Changing specified fish and wildlife crimes into infractions.

Sponsors: Senator Morton.

Brief History:

Committee Activity: Parks, Fish & Wildlife: 2/18/03.

SENATE COMMITTEE ON PARKS, FISH & WILDLIFE

Staff: Genevieve Pisarski (786-7488)

Background: Under the fish and wildlife code, violations are generally criminal offenses, although the Fish and Wildlife Commission and the Department of Fish and Wildlife have discretion to make violations of rules punishable as infractions rather than crimes. Violations of the code are generally either misdemeanors, punishable by up to 90 days of confinement and a \$1,000 fine, or gross misdemeanors, punishable by up to one year of confinement and a \$5,000 fine. Infractions are punishable by fines of \$35 to \$500, and court proceedings are less formal than for the criminal offenses. Repeat criminal violations can result in loss of a license; repeat infractions do not.

Summary of Bill: When unlawful, the following are infractions rather than misdemeanors: taking of protected or unclassified fish or wildlife; trapping; posting; use of department lands or facilities; use of dogs; transport of aquatic plants; holding of a hunting or fishing contest; use of weapons, traps or dogs on a game reserve; and possession of a loaded firearm in a motor vehicle.

When unlawful and in the second degree, the following are infractions rather misdemeanors: interference with fishing and hunting gear, transportation of fish or wildlife, recreational fishing, hunting of wild birds or animals, and waste of fish and wildlife.

Violation of reporting rules that require a harvest log report of commercial fish or shellfish catch or a trapper's report or taxidermist ledger is a violation in the first degree and a misdemeanor.

Violation of reporting rules that require submitting any portion of a big game animal for inspection or returning a catch record card or wildlife harvest report is a violation in the second degree and an infraction.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.