

**SHB 1696** - H AMD  
By Representative Sump

1 Beginning on page 5, line 18, strike all of section 5 and  
2 insert the following:

3 "Sec. 5. RCW 77.15.420 and 1998 c 190 s 62 are each amended to  
4 read as follows:

5 (1) If a person is convicted of violating RCW 77.15.410 and  
6 that violation results in the death of wildlife listed in this  
7 section, the court shall require payment of the following amounts  
8 for each animal killed or possessed. This shall be a criminal  
9 wildlife penalty assessment that shall be paid to the clerk of the  
10 court and distributed each month to the state treasurer for deposit  
11 in the ((~~public safety and education account~~)) fish and wildlife  
12 enforcement reward account created in section 1 of this act.

- 13 (aMoose, mountain sheep,
- 14 ) mountain goat, and all  
wildlife species classified  
as endangered by rule of  
the commission, except for  
mountain caribou and  
grizzly bear as listed  
under (d) of this  
subsection . . . . . \$4,000
- 15 (bElk, deer, black bear, and \$2,000
- 16 ) cougar . . . . .
- 17 (cTrophy animal elk and deer . \$6,000
- 18 )
- 19 (dMountain caribou, grizzly
- 20 ) bear, and trophy animal  
mountain sheep . . . . . \$12,000

1 (2) No forfeiture of bail may be less than the amount of the bail  
2 established for hunting during closed season plus the amount of the  
3 criminal wildlife penalty assessment in subsection (1) of this section.

4 (3) For the purpose of this section a "trophy animal" is:

5 (a) A buck deer with four or more antler points on both sides, not  
6 including eyeguards;

7 (b) A bull elk with five or more antler points on both sides, not  
8 including eyeguards; or

9 (c) A mountain sheep with a horn curl of three-quarter curl or  
10 greater.

11 For purposes of this subsection, "eyeguard" means an antler  
12 protrusion on the main beam of the antler closest to the eye of the  
13 animal.

14 (4) If two or more persons are convicted of illegally possessing  
15 wildlife in subsection (1) of this section, the criminal wildlife  
16 penalty assessment shall be imposed on them jointly and separately.

17 (5) The criminal wildlife penalty assessment shall be imposed  
18 regardless of and in addition to any sentence, fines, or costs  
19 otherwise provided for violating any provision of this title. The  
20 criminal wildlife penalty assessment shall be included by the court in  
21 any pronouncement of sentence and may not be suspended, waived,  
22 modified, or deferred in any respect. This section may not be  
23 construed to abridge or alter alternative rights of action or remedies  
24 in equity or under common law or statutory law, criminal or civil.

25 (6) A defaulted criminal wildlife penalty assessment may be  
26 collected by any means authorized by law for the enforcement of orders  
27 of the court or collection of a fine or costs, including but not  
28 limited to vacation of a deferral of sentencing or vacation of a  
29 suspension of sentence.

30 (7) A person assessed a criminal wildlife penalty assessment under  
31 this section shall have his or her hunting license revoked and all  
32 hunting privileges suspended until the penalty assessment is paid  
33 through the registry of the court in which the penalty assessment was  
34 assessed.

35 (8) The criminal wildlife penalty assessments provided in  
36 subsection (1) of this section shall be doubled in the following  
37 instances:

38 (a) When a person is convicted of spotlighting big game under RCW  
39 77.15.450;

1       (b) When a person has a previous conviction of a misdemeanor, gross  
2 misdemeanor, or a felony violation under this title;

3       (c) When the person killed the animal in question with the intent  
4 of bartering, selling, or otherwise deriving economic profit from the  
5 animal or the animal's parts; or

6       (d) When a person kills the animal under the supervision of a  
7 licensed guide."

8       On page 7, after line 24, insert the following:

9       "(4) A person convicted under this section shall be assessed a  
10 criminal wildlife penalty assessment as provided in RCW 77.15.420."

11       EFFECT:     Doubles the criminal wildlife penalty assessments only  
12 for persons convicted of spotlighting big game, persons participating  
13 in a guided hunt with a licensed guide, persons that intend to derive  
14 economic profit from the killed animal, and persons with past  
15 convictions of the Fish and Wildlife Code.