

SENATE BILL REPORT

SB 5688

As of February 22, 2011

Title: An act relating to shark finning activities.

Brief Description: Concerning shark finning activities.

Sponsors: Senators Ranker, Swecker, Rockefeller, Litzow, Shin and Kline.

Brief History:

Committee Activity: Natural Resources & Marine Waters: 2/14/11.

SENATE COMMITTEE ON NATURAL RESOURCES & MARINE WATERS

Staff: Curt Gavigan (786-7437)

Background: Shark Finning Defined. The National Oceanic and Atmospheric Administration explains shark finning as the practice of cutting off a shark's fins and returning the remainder of the shark to the water.

Current Shark Finning Prohibitions. Currently, rules of the Department of Fish and Wildlife (DFW) make it illegal to fin a shark in state waters. A commercial fisher must retain the entire shark in order to retain a fin. Once a shark has been delivered to a dealer and the sale recorded on a fish ticket, the shark fin may be dealt with separately from the carcass.

The practice of shark finning is also prohibited under federal law.

Summary of Bill: Creates the Crime of Unlawful Trade in Shark Fins. A person is guilty of unlawful shark trade in the second degree if that person (1) offers to or does buy or sell a shark fin or derivative product; or (2) prepares or processes a shark fin or derivative product for human or animal consumption. A violation constitutes a gross misdemeanor, and triggers suspension of commercial fishing privileges for one year.

A person is guilty of a violation in the first degree if the violation (1) involves shark fins or a derivative product worth more than \$250; (2) is committed with knowledge the shark was illegal caught; or (3) is committed within five years of a conviction of this or other specified fish and wildlife crimes. A violation constitutes a class C felony, and triggers suspension of commercial fishing privileges for one year.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Provides Certain Exemptions. A person may conduct scientific or educational activities under a DFW permit without being liable for unlawful trade in shark fins. Additionally, prior to August 1, 2012, a person may trade, prepare, or process shark fins lawfully caught before the act takes effect.

An intent section is included, and terms are defined.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES & MARINE WATERS COMMITTEE (Proposed First Substitute): The proposed substitute bill provides that an action must be for commercial purposes to constitute unlawful trade in shark fins.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill addresses the issue of trafficking in shark fins, not the act of shark finning itself. Currently it is unlawful to fin sharks in Washington. There is precedent for this bill in Hawaii. You cannot protect sharks without eliminating the market for shark fins, which is the driving force behind their harvest. Shark finning devastates the shark population for only one small part of the animal.

Persons Testifying: PRO: Dan Paul, Humane Society of the United States; Michele Westmorland, International League of Conservation Photographers; Mike Cenci, DFW; Will Anderson, Animal Welfare Inst., Green Vegans.