
SUBSTITUTE SENATE BILL 5201

State of Washington

62nd Legislature

2011 Regular Session

By Senate Natural Resources & Marine Waters (originally sponsored by Senators Hargrove, Swecker, Regala, Fraser, and Parlette; by request of Department of Fish and Wildlife)

READ FIRST TIME 02/10/11.

1 AN ACT Relating to fish and wildlife management; amending RCW
2 77.15.650, 77.15.110, 77.15.280, 77.08.010, 77.65.110, 77.65.130,
3 77.15.720, 77.15.130, 77.15.120, 77.15.160, 77.95.090, 69.50.320,
4 77.04.080, 77.12.071, 77.12.154, 77.15.070, 77.15.075, 77.15.080,
5 77.15.085, 77.15.092, 77.15.094, 77.15.480, 77.15.710, 77.32.014,
6 77.75.110, and 77.75.120; adding new sections to chapter 77.15 RCW;
7 adding a new section to chapter 77.12 RCW; adding a new section to
8 chapter 77.08 RCW; creating a new section; and prescribing penalties.

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

10 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.15 RCW
11 to read as follows:

12 (1) It is unlawful to willfully start a fire on lands owned or
13 controlled by the department that are not forest lands as that term is
14 defined in RCW 76.04.005.

15 (2) Nothing in this section prohibits the use of campfires as
16 defined by rule of the commission, fires in stoves, lanterns and
17 barbeques, and fire used by the department or other federal, state, or
18 local agencies for habitat management or firefighting efforts.

19 (3) A violation of this section is a gross misdemeanor.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.12 RCW
2 to read as follows:

3 (1) Any person whose negligence is responsible for the starting of
4 a fire on land owned or controlled by the department or whose
5 negligence is responsible for starting or allowing an existing fire to
6 spread onto land owned or controlled by the department is liable for
7 any reasonable expenses incurred by the state, a municipality, or any
8 fire protection agency of the United States.

9 (2) The department or agency incurring any reasonable expenses has
10 a lien for the same against any property of the person, firm, or
11 corporation liable under subsection (1) of this section by filing a
12 claim of lien naming the person, firm, or corporation describing the
13 property against which the lien is claimed, specifying the amount
14 expended on the lands on which the firefighting took place and the
15 period during which the reasonable expenses were incurred, and signing
16 the claim with a post office address. No claim of lien is valid unless
17 filed, with the county auditor of the county in which the property
18 sought to be charged is located, within a period of one hundred twenty
19 days after the reasonable expenses of the claimant are incurred. The
20 lien may be foreclosed in the same manner as a mechanic's lien is
21 foreclosed under chapter 60.04 RCW.

22 (3) For the purposes of this section:

23 (a) "Reasonable expenses" includes the costs associated with
24 fighting the fire, together with the costs of investigation and
25 litigation including reasonable attorneys' fees and court costs.

26 (b) "Land owned or controlled by the department" means lands that
27 are not included within the definition of forest land as that term is
28 defined in RCW 76.04.005.

29 (4) This section does not apply in any case where recovery is
30 provided under RCW 76.04.495.

31 **Sec. 3.** RCW 77.15.650 and 2008 c 10 s 2 are each amended to read
32 as follows:

33 (1) A person is guilty of unlawful purchase or use of a license in
34 the second degree if the person buys, holds, uses, displays, transfers,
35 or obtains any license, tag, permit, or approval required by this title
36 and the person:

1 (a) Uses false information to buy, hold, use, display, or obtain a
2 license, permit, tag, or approval;

3 (b) Acquires, holds, or buys in excess of one license, permit, or
4 tag for a license year if only one license, permit, or tag is allowed
5 per license year;

6 (c) Except as authorized under RCW 77.32.565, uses or displays a
7 license, permit, tag, or approval that was issued to another person;

8 (d) Except as authorized under RCW 77.32.565, permits or allows a
9 license, permit, tag, or approval to be used or displayed by another
10 person not named on the license, permit, tag, or approval;

11 (e) Acquires or holds a license while privileges for the license
12 are revoked or suspended;

13 (f) Holds a resident license from another state or country. This
14 subsection (1)(f) only applies if the Washington license, tag, permit,
15 or approval that the person buys, holds, uses, displays, transfers, or
16 obtains is a resident license. It is prima facie evidence of a
17 violation of this section if any person who has a resident license from
18 another state or country purchases a resident license, tag, permit, or
19 approval in Washington. This subsection does not apply to individuals
20 who meet the definition of "resident" in section 8 (2) and (3) of this
21 act.

22 (2) A person is guilty of unlawful purchase or use of a license in
23 the first degree if the person commits the act described by subsection
24 (1) of this section and the person was acting with intent that the
25 license, permit, tag, or approval be used for any commercial purpose.
26 A person is presumed to be acting with such intent if the violation
27 involved obtaining, holding, displaying, or using a license or permit
28 for participation in any commercial fishery issued under this title or
29 a license authorizing fish or wildlife buying, trafficking, or
30 wholesaling.

31 (3)(a) Unlawful purchase or use of a license in the second degree
32 is a gross misdemeanor. Upon conviction, the department shall revoke
33 any unlawfully used or held licenses and order a two-year suspension of
34 participation in the activities for which the person unlawfully
35 obtained, held, or used a license, permit, tag, or approval.

36 (b) Unlawful purchase or use of a license in the first degree is a
37 class C felony. Upon conviction, the department shall revoke any

1 unlawfully used or held licenses and order a five-year suspension of
2 participation in any activities for which the person unlawfully
3 obtained, held, or used a license, permit, tag, or approval.

4 (4) For purposes of this section, a person "uses" a license,
5 permit, tag, or approval if the person engages in any activity
6 authorized by the license, permit, tag, or approval held or possessed
7 by the person. Such uses include but are not limited to fishing,
8 hunting, taking, trapping, delivery or landing fish or wildlife, and
9 selling, buying, or wholesaling of fish or wildlife.

10 (5) Any license obtained in violation of this section is void upon
11 issuance and is of no legal effect.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 77.15 RCW
13 to read as follows:

14 (1) A taxidermist, fur dealer, or wildlife meat cutter is guilty of
15 failing to maintain business records and report if the person acts for
16 commercial purposes, processes, holds, or stores wildlife; and:

17 (a) Fails to maintain records as required under subsections (2)
18 through (5) of this section; or

19 (b) Violates any rule of the department by failing to report
20 information from these records.

21 (2) A taxidermist, fur dealer, or wildlife meat cutter who
22 processes, holds, or stores wildlife must keep a record of each
23 wildlife carcass or part received.

24 (3) All records of receipt of wildlife must be maintained at the
25 location where the wildlife is being processed, held, or stored, or at
26 the principal place of business of the wildlife meat cutter,
27 taxidermist, or fur dealer.

28 (4) Records of the receipt of wildlife that are required to be kept
29 under this section must be in the English language and be maintained
30 for three years from the date the wildlife is processed, held, or
31 stored.

32 (5) The form and content of records maintained by taxidermists, fur
33 dealers, and wildlife meat cutters who process, hold, or store wildlife
34 must be determined by the commission by rule. However, the records
35 must include:

36 (a) The name, address, and phone number of the person or company
37 from whom each carcass or part was received;

- 1 (b) The date of receipt; and
2 (c) The number and species of wildlife carcasses or parts received.
3 (6) Taxidermists, fur dealers, and wildlife meat cutters who fail
4 to maintain business records in accordance with this section or fail to
5 report information from the records as required by rule of the
6 department are guilty of a misdemeanor.

7 **Sec. 5.** RCW 77.15.110 and 2002 c 127 s 2 are each amended to read
8 as follows:

9 (1) For purposes of this chapter, a person acts for commercial
10 purposes if the person engages in conduct that relates to commerce in
11 fish, seaweed, shellfish, or wildlife or any parts thereof. Commercial
12 conduct may include taking, delivering, selling, buying, or trading
13 fish, seaweed, shellfish, or wildlife where there is present or future
14 exchange of money, goods, or any valuable consideration. Evidence that
15 a person acts for commercial purposes includes, but is not limited to,
16 the following conduct:

17 (a) Using gear typical of that used in commercial fisheries;

18 (b) Exceeding the bag or possession limits for personal use by
19 taking or possessing more than three times the amount of fish, seaweed,
20 shellfish, or wildlife allowed;

21 (c) Delivering or attempting to deliver fish, seaweed, shellfish,
22 or wildlife to a person who sells or resells fish, seaweed, shellfish,
23 or wildlife including any licensed or unlicensed wholesaler;

24 (d) Taking fish or shellfish using a vessel designated on a
25 commercial fishery license or using gear not authorized in a personal
26 use fishery;

27 (e) Using a commercial fishery license;

28 (f) Selling or dealing in raw furs for a fee or in exchange for
29 goods or services; ((~~or~~))

30 (g) Performing taxidermy service on fish, shellfish, or wildlife
31 belonging to another person for a fee or receipt of goods or services;
32 or

33 (h) Packs, cuts, processes, or stores the meat of wildlife for
34 consumption, for a fee or in exchange for goods or services.

35 (2) For purposes of this chapter, the value of any fish, seaweed,
36 shellfish, or wildlife may be proved based on evidence of legal or
37 illegal sales involving the person charged or any other person, of

1 offers to sell or solicitation of offers to sell by the person charged
2 or by any other person, or of any market price for the fish, seaweed,
3 shellfish, or wildlife including market price for farm-raised game
4 animals. The value assigned to specific fish, seaweed, shellfish, or
5 wildlife by RCW 77.15.420 may be presumed to be the value of such fish,
6 seaweed, shellfish, or wildlife. It is not relevant to proof of value
7 that the person charged misrepresented that the fish, seaweed,
8 shellfish, or wildlife was taken in compliance with law if the fish,
9 seaweed, shellfish, or wildlife was unlawfully taken and had no lawful
10 market value.

11 **Sec. 6.** RCW 77.15.280 and 2008 c 244 s 2 are each amended to read
12 as follows:

13 (1) A person is guilty of violating rules requiring reporting of
14 fish or wildlife harvest if the person:

15 (a) Fails to make a harvest log report of a commercial fish or
16 shellfish catch in violation of any rule of the commission or the
17 director;

18 (b) Fails to maintain a trapper's report (~~(or taxidermist ledger)~~)
19 in violation of any rule of the commission or the director;

20 (c) Fails to submit any portion of a big game animal for a required
21 inspection required by rule of the commission or the director; or

22 (d) Fails to return a catch record card to the department as
23 required by rule of the commission or director, except for catch record
24 cards officially endorsed for Puget Sound Dungeness crab.

25 (2) Violating rules requiring reporting of fish or wildlife harvest
26 is a misdemeanor.

27 **Sec. 7.** RCW 77.08.010 and 2009 c 333 s 12 are each amended to read
28 as follows:

29 The definitions in this section apply throughout this title or
30 rules adopted under this title unless the context clearly requires
31 otherwise.

32 (1) "Angling gear" means a line attached to a rod and reel capable
33 of being held in hand while landing the fish or a hand-held line
34 operated without rod or reel.

35 (2) "Aquatic invasive species" means any invasive, prohibited,
36 regulated, unregulated, or unlisted aquatic animal or plant species as

1 defined under subsections (3), (~~(28), (40), (44), (58), and (59)~~)
2 (26), (38), (42), (56), and (57) of this section, aquatic noxious weeds
3 as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as
4 defined under RCW 77.60.130(1).

5 (3) "Aquatic plant species" means an emergent, submersed, partially
6 submersed, free-floating, or floating-leaving plant species that grows
7 in or near a body of water or wetland.

8 (4) "Bag limit" means the maximum number of game animals, game
9 birds, or game fish which may be taken, caught, killed, or possessed by
10 a person, as specified by rule of the commission for a particular
11 period of time, or as to size, sex, or species.

12 (5) "Closed area" means a place where the hunting of some or all
13 species of wild animals or wild birds is prohibited.

14 (6) "Closed season" means all times, manners of taking, and places
15 or waters other than those established by rule of the commission as an
16 open season. "Closed season" also means all hunting, fishing, taking,
17 or possession of game animals, game birds, game fish, food fish, or
18 shellfish that do not conform to the special restrictions or physical
19 descriptions established by rule of the commission as an open season or
20 that have not otherwise been deemed legal to hunt, fish, take, harvest,
21 or possess by rule of the commission as an open season.

22 (7) "Closed waters" means all or part of a lake, river, stream, or
23 other body of water, where fishing or harvesting is prohibited.

24 (8) "Commercial" means related to or connected with buying,
25 selling, or bartering.

26 (9) "Commission" means the state fish and wildlife commission.

27 (10) "Concurrent waters of the Columbia river" means those waters
28 of the Columbia river that coincide with the Washington-Oregon state
29 boundary.

30 (11) "Contraband" means any property that is unlawful to produce or
31 possess.

32 (12) "Deleterious exotic wildlife" means species of the animal
33 kingdom not native to Washington and designated as dangerous to the
34 environment or wildlife of the state.

35 (13) "Department" means the department of fish and wildlife.

36 (14) "Director" means the director of fish and wildlife.

37 (15) "Endangered species" means wildlife designated by the
38 commission as seriously threatened with extinction.

1 ~~(("Ex officio fish and wildlife officer" means a commissioned~~
2 ~~officer of a municipal, county, state, or federal agency having as its~~
3 ~~primary function the enforcement of criminal laws in general, while the~~
4 ~~officer is in the appropriate jurisdiction. The term "ex officio fish~~
5 ~~and wildlife officer" includes special agents of the national marine~~
6 ~~fisheries service, state parks commissioned officers, United States~~
7 ~~fish and wildlife special agents, department of natural resources~~
8 ~~enforcement officers, and United States forest service officers, while~~
9 ~~the agents and officers are within their respective jurisdictions.~~

10 ~~(+17))~~ "Fish" includes all species classified as game fish or food
11 fish by statute or rule, as well as all fin fish not currently
12 classified as food fish or game fish if such species exist in state
13 waters. The term "fish" includes all stages of development and the
14 bodily parts of fish species.

15 ~~((+18) "Fish and wildlife officer" means a person appointed and~~
16 ~~commissioned by the director, with authority to enforce this title and~~
17 ~~rules adopted pursuant to this title, and other statutes as prescribed~~
18 ~~by the legislature. Fish and wildlife officer includes a person~~
19 ~~commissioned before June 11, 1998, as a wildlife agent or a fisheries~~
20 ~~patrol officer.~~

21 ~~(+19))~~ (17) "Fish broker" means a person whose business it is to
22 bring a seller of fish and shellfish and a purchaser of those fish and
23 shellfish together.

24 ~~((+20))~~ (18) "Fishery" means the taking of one or more particular
25 species of fish or shellfish with particular gear in a particular
26 geographical area.

27 ~~((+21))~~ (19) "Freshwater" means all waters not defined as
28 saltwater including, but not limited to, rivers upstream of the river
29 mouth, lakes, ponds, and reservoirs.

30 ~~((+22))~~ (20) "Fur-bearing animals" means game animals that shall
31 not be trapped except as authorized by the commission.

32 ~~((+23))~~ (21) "Game animals" means wild animals that shall not be
33 hunted except as authorized by the commission.

34 ~~((+24))~~ (22) "Game birds" means wild birds that shall not be
35 hunted except as authorized by the commission.

36 ~~((+25))~~ (23) "Game farm" means property on which wildlife is held
37 ~~((or)),~~ confined, propagated, hatched, fed, or otherwise raised for

1 commercial purposes, trade, or gift. The term "game farm" does not
2 include publicly owned facilities.

3 ~~((+26+))~~ (24) "Game reserve" means a closed area where hunting for
4 all wild animals and wild birds is prohibited.

5 ~~((+27+))~~ (25) "Illegal items" means those items unlawful to be
6 possessed.

7 ~~((+28+))~~ (26) "Invasive species" means a plant species or a
8 nonnative animal species that either:

9 (a) Causes or may cause displacement of, or otherwise threatens,
10 native species in their natural communities;

11 (b) Threatens or may threaten natural resources or their use in the
12 state;

13 (c) Causes or may cause economic damage to commercial or
14 recreational activities that are dependent upon state waters; or

15 (d) Threatens or harms human health.

16 ~~((+29+))~~ (27) "License year" means the period of time for which a
17 recreational license is valid. The license year begins April 1st, and
18 ends March 31st.

19 ~~((+30+))~~ (28) "Limited-entry license" means a license subject to a
20 license limitation program established in chapter 77.70 RCW.

21 ~~((+31+))~~ (29) "Money" means all currency, script, personal checks,
22 money orders, or other negotiable instruments.

23 ~~((+32+))~~ (30) "Nonresident" means a person who has not fulfilled
24 the qualifications of a resident.

25 ~~((+33+))~~ (31) "Offshore waters" means marine waters of the Pacific
26 Ocean outside the territorial boundaries of the state, including the
27 marine waters of other states and countries.

28 ~~((+34+))~~ (32) "Open season" means those times, manners of taking,
29 and places or waters established by rule of the commission for the
30 lawful hunting, fishing, taking, or possession of game animals, game
31 birds, game fish, food fish, or shellfish that conform to the special
32 restrictions or physical descriptions established by rule of the
33 commission or that have otherwise been deemed legal to hunt, fish,
34 take, harvest, or possess by rule of the commission. "Open season"
35 includes the first and last days of the established time.

36 ~~((+35+))~~ (33) "Owner" means the person in whom is vested the
37 ownership dominion, or title of the property.

1 ((+36+)) (34) "Person" means and includes an individual; a
2 corporation; a public or private entity or organization; a local,
3 state, or federal agency; all business organizations, including
4 corporations and partnerships; or a group of two or more individuals
5 acting with a common purpose whether acting in an individual,
6 representative, or official capacity.

7 ((+37+)) (35) "Personal property" or "property" includes both
8 corporeal and incorporeal personal property and includes, among other
9 property, contraband and money.

10 ((+38+)) (36) "Personal use" means for the private use of the
11 individual taking the fish or shellfish and not for sale or barter.

12 ((+39+)) (37) "Predatory birds" means wild birds that may be hunted
13 throughout the year as authorized by the commission.

14 ((+40+)) (38) "Prohibited aquatic animal species" means an invasive
15 species of the animal kingdom that has been classified as a prohibited
16 aquatic animal species by the commission.

17 ((+41+)) (39) "Protected wildlife" means wildlife designated by the
18 commission that shall not be hunted or fished.

19 ((+42+)) (40) "Raffle" means an activity in which tickets bearing
20 an individual number are sold for not more than twenty-five dollars
21 each and in which a permit or permits are awarded to hunt or for access
22 to hunt big game animals or wild turkeys on the basis of a drawing from
23 the tickets by the person or persons conducting the raffle.

24 ((+43+)) (41) "Recreational and commercial watercraft" includes the
25 boat, as well as equipment used to transport the boat, and any
26 auxiliary equipment such as attached or detached outboard motors.

27 ((+44+)) (42) "Regulated aquatic animal species" means a
28 potentially invasive species of the animal kingdom that has been
29 classified as a regulated aquatic animal species by the commission.

30 ((+45+)) (43) "Resident" ~~((means+~~
31 ~~(a) A person who has maintained a permanent place of abode within~~
32 ~~the state for at least ninety days immediately preceding an application~~
33 ~~for a license, has established by formal evidence an intent to continue~~
34 ~~residing within the state, and who is not licensed to hunt or fish as~~
35 ~~a resident in another state; and~~

36 ~~(b) A person age eighteen or younger who does not qualify as a~~
37 ~~resident under (a) of this subsection, but who has a parent that~~

1 ~~qualifies as a resident under (a) of this subsection))~~ has the same
2 meaning as defined in section 8 of this act.

3 ~~((46))~~ (44) "Retail-eligible species" means commercially
4 harvested salmon, crab, and sturgeon.

5 ~~((47))~~ (45) "Saltwater" means those marine waters seaward of
6 river mouths.

7 ~~((48))~~ (46) "Seaweed" means marine aquatic plant species that are
8 dependent upon the marine aquatic or tidal environment, and exist in
9 either an attached or free floating form, and includes but is not
10 limited to marine aquatic plants in the classes Chlorophyta,
11 Phaeophyta, and Rhodophyta.

12 ~~((49))~~ (47) "Senior" means a person seventy years old or older.

13 ~~((50))~~ (48) "Shellfish" means those species of marine and
14 freshwater invertebrates that have been classified and that shall not
15 be taken except as authorized by rule of the commission. The term
16 "shellfish" includes all stages of development and the bodily parts of
17 shellfish species.

18 ~~((51))~~ (49) "State waters" means all marine waters and fresh
19 waters within ordinary high water lines and within the territorial
20 boundaries of the state.

21 ~~((52))~~ (50) "To fish," "to harvest," and "to take," and their
22 derivatives means an effort to kill, injure, harass, or catch a fish or
23 shellfish.

24 ~~((53))~~ (51) "To hunt" and its derivatives means an effort to
25 kill, injure, capture, or harass a wild animal or wild bird.

26 ~~((54))~~ (52) "To process" and its derivatives mean preparing or
27 preserving fish, wildlife, or shellfish.

28 ~~((55))~~ (53) "To trap" and its derivatives means a method of
29 hunting using devices to capture wild animals or wild birds.

30 ~~((56))~~ (54) "Trafficking" means offering, attempting to engage,
31 or engaging in sale, barter, or purchase of fish, shellfish, wildlife,
32 or deleterious exotic wildlife.

33 ~~((57))~~ (55) "Unclaimed" means that no owner of the property has
34 been identified or has requested, in writing, the release of the
35 property to themselves nor has the owner of the property designated an
36 individual to receive the property or paid the required postage to
37 effect delivery of the property.

1 ((+58+)) (56) "Unlisted aquatic animal species" means a nonnative
2 animal species that has not been classified as a prohibited aquatic
3 animal species, a regulated aquatic animal species, or an unregulated
4 aquatic animal species by the commission.

5 ((+59+)) (57) "Unregulated aquatic animal species" means a
6 nonnative animal species that has been classified as an unregulated
7 aquatic animal species by the commission.

8 ((+60+)) (58) "Wholesale fish dealer" means a person who, acting
9 for commercial purposes, takes possession or ownership of fish or
10 shellfish and sells, barter, or exchanges or attempts to sell, barter,
11 or exchange fish or shellfish that have been landed into the state of
12 Washington or entered the state of Washington in interstate or foreign
13 commerce.

14 ((+61+)) (59) "Wild animals" means those species of the class
15 Mammalia whose members exist in Washington in a wild state (~~and the~~
16 ~~species Rana catesbeiana (bullfrog)~~). The term "wild animal" does not
17 include feral domestic mammals or old world rats and mice of the family
18 Muridae of the order Rodentia.

19 ((+62+)) (60) "Wild birds" means those species of the class Aves
20 whose members exist in Washington in a wild state.

21 ((+63+)) (61) "Wildlife" means all species of the animal kingdom
22 whose members exist in Washington in a wild state. This includes but
23 is not limited to mammals, birds, reptiles, amphibians, fish, and
24 invertebrates. The term "wildlife" does not include feral domestic
25 mammals, old world rats and mice of the family Muridae of the order
26 Rodentia, or those fish, shellfish, and marine invertebrates classified
27 as food fish or shellfish by the director. The term "wildlife"
28 includes all stages of development and the bodily parts of wildlife
29 members.

30 ((+64+)) (62) "Youth" means a person fifteen years old for fishing
31 and under sixteen years old for hunting.

32 (63) "Fur dealer" means a person who purchases, receives, or
33 resells raw furs for commercial purposes.

34 (64) "Natural person" means a human being.

35 (65) "Taxidermist" means a person who, for commercial purposes,
36 creates lifelike representations of fish and wildlife using fish and
37 wildlife parts and various supporting structures.

1 (66) "Wildlife meat cutter" means a person who packs, cuts,
2 processes, or stores wildlife for consumption for another for
3 commercial purposes.

4 NEW SECTION. Sec. 8. A new section is added to chapter 77.08 RCW
5 to read as follows:

6 For the purposes of this title or rules adopted under this title,
7 "resident" means:

8 (1) A natural person who has maintained a permanent place of abode
9 within the state for at least ninety days immediately preceding an
10 application for a license, has established by formal evidence an intent
11 to continue residing within the state, is not licensed to hunt or fish
12 as a resident in another state or country, and is not receiving
13 resident benefits of another state or country.

14 (a) For purposes of this section, "permanent place of abode" means
15 a residence in this state that a person maintains for personal use.

16 (b) A natural person can demonstrate that he or she has maintained
17 a permanent place of abode in Washington by showing that he or she:

18 (i) Uses a Washington state address for federal income tax or state
19 tax purposes;

20 (ii) Designates this state as his or her residence for obtaining
21 eligibility to hold a public office or for judicial actions;

22 (iii) Is a registered voter in the state of Washington; or

23 (iv) Is a custodial parent with a child attending prekindergarten,
24 kindergarten, elementary school, middle school, or high school in this
25 state.

26 (c) A natural person can demonstrate the intent to continue
27 residing within the state by showing that he or she:

28 (i) Has a valid Washington state driver's license; or

29 (ii) Has a valid Washington state identification card, if he or she
30 is not eligible for a Washington state driver's license; and

31 (iii) Has registered his or her vehicle or vehicles in Washington
32 state.

33 (2) The spouse of a member of the United States armed forces if the
34 member qualifies as a resident under subsection (1), (3), or (4) of
35 this section, or a natural person age eighteen or younger who does not
36 qualify as a resident under subsection (1) of this section, but who has

1 a parent or legal guardian who qualifies as a resident under subsection
2 (1), (3), or (4) of this section.

3 (3) A member of the United States armed forces temporarily
4 stationed in Washington state on predeployment orders. A copy of the
5 person's military orders is required to meet this condition.

6 (4) A member of the United States armed forces who is permanently
7 stationed in Washington state or who designates Washington state on
8 their military "state of legal residence certificate" or enlistment or
9 re-enlistment documents, and who does not have a license to hunt or
10 fish as a resident in another state or country. A copy of the person's
11 "state of legal residence certificate" or enlistment or re-enlistment
12 documents is required to meet the conditions of this subsection.

13 **Sec. 9.** RCW 77.65.110 and 2001 c 105 s 4 are each amended to read
14 as follows:

15 This section applies to all commercial fishery licenses(~~(, charter~~
16 ~~boat license[s],)~~) and delivery licenses.

17 (1) A person designated as an alternate operator must possess an
18 alternate operator license issued under RCW 77.65.130, and be
19 designated on the license prior to engaging in the activities
20 authorized by the license. The holder of the commercial fishery
21 license(~~(, charter boat license,)~~) or delivery license may designate up
22 to two alternate operators for the license, except:

23 (a) Whiting--Puget Sound fishery licensees may not designate
24 alternate operators;

25 (b) Emergency salmon delivery licensees may not designate alternate
26 operators;

27 (c) Shrimp pot-Puget Sound fishery licensees may designate no more
28 than one alternate operator at a time; and

29 (d) Shrimp trawl-Puget Sound fishery licensees may designate no
30 more than one alternate operator at a time.

31 (2) The fee to change the alternate operator designation is twenty-
32 two dollars.

33 **Sec. 10.** RCW 77.65.130 and 2005 c 82 s 2 are each amended to read
34 as follows:

35 (1) A person who holds a commercial fishery license or a delivery

1 license may operate the vessel designated on the license. A person who
2 is not the license holder may operate the vessel designated on the
3 license only if:

4 (a) The person is operating a charter boat; or

5 (b) The person holds an alternate operator license issued by the
6 director((+)) and ((+b)) the person is designated as an alternate
7 operator on the underlying commercial fishery license or delivery
8 license under RCW 77.65.110.

9 (2) Only an individual at least sixteen years of age may hold an
10 alternate operator license.

11 (3) No individual may hold more than one alternate operator
12 license. An individual who holds an alternate operator license may be
13 designated as an alternate operator on an unlimited number of
14 commercial fishery licenses or delivery licenses under RCW 77.65.110.

15 (4) An individual who holds two Dungeness crab--Puget Sound fishery
16 licenses may operate the licenses on one vessel if the license holder
17 or alternate operator is on the vessel. The department shall allow a
18 license holder to operate up to one hundred crab pots for each license.

19 (5) Two persons owning separate Dungeness crab--Puget Sound fishery
20 licenses may operate both licenses on one vessel if the license holders
21 or their alternate operators are on the vessel.

22 (6) As used in this section, to "operate" means to control the
23 deployment or removal of fishing gear from state waters while aboard a
24 vessel or to operate a vessel delivering food fish or shellfish taken
25 in offshore waters to a port within the state.

26 **Sec. 11.** RCW 77.15.720 and 2000 c 107 s 258 are each amended to
27 read as follows:

28 (1) If a person ((shoots)) discharges a firearm, bow, or crossbow
29 while hunting and in a manner that injures, or that a reasonable person
30 would believe is likely to injure, another person or domestic livestock
31 ((while hunting)) or kills domestic livestock, the director shall
32 revoke all of the shooter's hunting licenses and suspend all hunting
33 privileges for three years. If the shooting ((of another person or
34 livestock is the result of criminal negligence or reckless or
35 intentional conduct, then the person's)) kills or results in the death
36 of another person, then the director shall revoke all of the shooter's
37 hunting licenses and suspend all of the person's hunting privileges

1 (~~shall be suspended~~) for ten years. The suspension shall be
2 continued beyond these periods if damages owed to the victim or
3 livestock owner have not been paid by the suspended person. ((A)) In
4 such a case, no hunting license shall (~~not~~) be reissued to the
5 suspended person unless authorized by the director.

6 (2) (~~Within twenty days of service of an order suspending~~
7 ~~privileges or imposing conditions under this section or RCW 77.15.710,~~
8 ~~a person may petition for administrative review under chapter 34.05 RCW~~
9 ~~by serving the director with a petition for review. The order is final~~
10 ~~and unappealable if there is no timely petition for administrative~~
11 ~~review.)) A person who is notified of a license revocation under this
12 section may request an appeal hearing under chapter 34.05 RCW.~~

13 (3) The commission may by rule authorize petitions for
14 reinstatement of administrative suspensions and define circumstances
15 under which such a reinstatement will be allowed.

16 **Sec. 12.** RCW 77.15.130 and 1998 c 190 s 14 are each amended to
17 read as follows:

18 (1) A person is guilty of unlawful taking of protected fish or
19 wildlife if:

20 (a) The person hunts, fishes, possesses, or maliciously kills
21 protected fish or wildlife, or the person possesses or maliciously
22 destroys the eggs or nests of protected fish or wildlife, and the
23 taking has not been authorized by rule of the commission; or

24 (b) The person violates any rule of the commission regarding the
25 taking, harming, harassment, possession, or transport of protected fish
26 or wildlife.

27 (2) Unlawful taking of protected fish or wildlife is a misdemeanor.

28 (3) In addition to the penalties set forth in subsections (1) and
29 (2) of this section, if a person is convicted of violating this section
30 and the violation results in the death of wildlife listed in this
31 subsection, the court shall require payment of the following amounts
32 for each animal killed or possessed. This is a criminal wildlife
33 penalty assessment that must be paid to the clerk of the court and
34 distributed each month to the state treasurer for deposit in the fish
35 and wildlife enforcement reward account created in RCW 77.15.425.

36 (a) Ferruginous hawk \$2,000

37 (b) Common loon \$2,000

1 (c) Bald eagle \$2,000

2 (d) Peregrine falcon \$2,000

3 (4) If two or more persons are convicted of illegally possessing
4 wildlife in subsection (1) of this section, the criminal wildlife
5 penalty assessment must be imposed against them jointly and separately.

6 (5)(a) The criminal wildlife penalty assessment must be imposed
7 regardless of and in addition to any sentence, fines, or costs
8 otherwise provided for violating any provision of this section. The
9 criminal wildlife penalty assessment must be included by the court in
10 any pronouncement of sentence and may not be suspended, waived,
11 modified, or deferred in any respect.

12 (b) This subsection may not be construed to abridge or alter
13 alternative rights of action or remedies in equity or under common law
14 or statutory law, criminal or civil.

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

20 (7) The department shall revoke any licenses or tags used in
21 connection with a violation of this section and order the person's
22 privileges to hunt, fish, trap, and obtain licenses under this title to
23 be suspended for three years.

24 **Sec. 13.** RCW 77.15.120 and 2000 c 107 s 236 are each amended to
25 read as follows:

26 (1) A person is guilty of unlawful taking of endangered fish or
27 wildlife in the second degree if the person hunts, fishes, possesses,
28 maliciously harasses or kills fish or wildlife, or maliciously destroys
29 the nests or eggs of fish or wildlife and the fish or wildlife is
30 designated by the commission as endangered, and the taking has not been
31 authorized by rule of the commission.

32 (2) A person is guilty of unlawful taking of endangered fish or
33 wildlife in the first degree if the person has been:

34 (a) Convicted under subsection (1) of this section or convicted of
35 any crime under this title involving the killing, possessing,
36 harassing, or harming of endangered fish or wildlife; and

1 (b) Within five years of the date of the prior conviction the
2 person commits the act described by subsection (1) of this section.

3 (3)(a) Unlawful taking of endangered fish or wildlife in the second
4 degree is a gross misdemeanor.

5 (b) Unlawful taking of endangered fish or wildlife in the first
6 degree is a class C felony. The department shall revoke any licenses
7 or tags used in connection with the crime and order the person's
8 privileges to hunt, fish, trap, or obtain licenses under this title to
9 be suspended for ((two)) three years.

10 NEW SECTION. **Sec. 14.** It is the intent of the legislature to
11 prevent predatory wildlife from becoming habituated to humans and to
12 protect the public against the serious health and safety risk posed by
13 predatory wildlife who are drawn into contact with humans and related
14 infrastructure by individuals who feed predatory wildlife negligently
15 or intentionally.

16 NEW SECTION. **Sec. 15.** A new section is added to chapter 77.15 RCW
17 to read as follows:

18 (1) A person may not negligently feed or attempt to feed predatory
19 wildlife or negligently attract predatory wildlife to land or a
20 building.

21 (2) If a fish and wildlife officer or animal control authority as
22 defined in RCW 16.30.010, has probable cause to believe that a person
23 is negligently feeding, attempting to feed, or attracting predatory
24 wildlife to a land or building by placing or locating food, food waste,
25 or another substance in, upon, or about any land or building, and the
26 food, food waste, or other substance poses a risk to the safety of any
27 person because it is attracting or could attract predatory wildlife to
28 the land or building, the officer may issue an infraction under RCW
29 77.15.160.

30 (3) This section does not apply to:

31 (a) A person who is engaging in forest practices in accordance with
32 chapter 76.09 RCW or in hunting or trapping wildlife in accordance with
33 all other applicable provisions of this title or rules of the
34 commission or the director;

35 (b) A person who is engaging in a farming operation that is using
36 generally accepted farming practices;

1 (c) Waste disposal facilities that are operating in accordance with
2 applicable federal, state, and municipal laws;

3 (d) Zoos, lawfully operated wildlife refuges, and state licensed
4 wildlife rehabilitators; or

5 (e) A fish and wildlife officer, or employee or agent of the
6 department operating under the authority of or upon request from an
7 officer, conducting wildlife capture activities to address a threat to
8 human safety or a wildlife interaction as defined in RCW 77.36.010.

9 (4) The definitions in this subsection apply throughout this
10 section unless the context clearly requires otherwise.

11 (a) "Building" means a private domicile or home or public or
12 commercial building.

13 (b) "Predatory wildlife" means bear, cougar, and wolf.

14 (c) "Food, food waste, or other substance" means human and pet
15 food, or other waste or garbage that could attract wildlife.

16 (d) "Negligently feed, attempt to feed, or attract" means to
17 provide, leave, or place in, upon, or about any land or building any
18 food, food waste, or other substance that attracts or could attract
19 predatory wildlife to that land or building, without the awareness that
20 a reasonable person in the same situation would have with regard to the
21 likelihood that such food, food waste, or other substance could attract
22 predatory wildlife to the land or building. The term does not include
23 keeping food, food waste, or other substance in an enclosed garbage
24 receptacle or other enclosed container unless specifically directed by
25 a fish and wildlife officer or animal control authority to secure the
26 container in another manner.

27 NEW SECTION. **Sec. 16.** A new section is added to chapter 77.15 RCW
28 to read as follows:

29 (1) A person may not intentionally feed or attempt to feed
30 predatory wildlife or intentionally attract predatory wildlife to land
31 or a building.

32 (2) A person who intentionally feeds, attempts to feed, or attracts
33 predatory wildlife to land or a building is guilty of a misdemeanor.

34 (3) A person who is issued an infraction under section 15 of this
35 act for negligently feeding, attempting to feed, or attracting
36 predatory wildlife to land or a building, and who fails to contain,

1 move, or remove the food, food waste, or other substance within twenty-
2 four hours of being issued the citation, is guilty of a misdemeanor.

3 (4) This section does not apply to:

4 (a) A person who is engaging in forest practices in accordance with
5 chapter 76.09 RCW or in hunting or trapping wildlife in accordance with
6 all other applicable provisions of this title or rules of the
7 commission or the director;

8 (b) A person who is engaging in a farming operation that is using
9 generally accepted farming practices;

10 (c) Waste disposal facilities that are operating in accordance with
11 applicable federal, state, and municipal laws;

12 (d) Zoos, lawfully operated wildlife refuges, and state licensed
13 wildlife rehabilitators; or

14 (e) A fish and wildlife officer, or employee or agent of the
15 department operating under the authority of or upon request from an
16 officer, conducting wildlife capture activities to address a threat to
17 human safety or a wildlife interaction as defined in RCW 77.36.010.

18 (5) The definitions in this subsection apply throughout this
19 section unless the context clearly requires otherwise.

20 (a) "Building" means a private domicile or home or public or
21 commercial building.

22 (b) "Predatory wildlife" means bear, cougar, and wolf.

23 (c) "Food, food waste, or other substance" means human and pet
24 food, or other waste or garbage that could attract wildlife.

25 (d) "Intentionally feed, attempt to feed, or attract" means to
26 purposefully or knowingly provide, leave, or place in, upon, or about
27 any land or building any food, food waste, or other substance that
28 attracts or could attract predatory wildlife to that land or building.
29 The term does not include keeping food, food waste, or other substance
30 in an enclosed garbage receptacle or other enclosed container unless
31 specifically directed by a fish and wildlife officer or animal control
32 authority to secure the container in another manner.

33 **Sec. 17.** RCW 77.15.160 and 2000 c 107 s 237 are each amended to
34 read as follows:

35 A person is guilty of an infraction, which shall be cited and
36 punished as provided under chapter 7.84 RCW, if the person:

1 (1) Fails to immediately record a catch of fish or shellfish on a
2 catch record card required by RCW 77.32.430, or required by rule of the
3 commission under this title; or

4 (2) Fishes for personal use using barbed hooks in violation of any
5 rule; ((or))

6 (3) Negligently feeds, attempts to feed, or attract predatory
7 wildlife in violation of section 15 of this act; or

8 (4) Violates any other rule of the commission or director that is
9 designated by rule as an infraction.

10 **Sec. 18.** RCW 77.95.090 and 2009 c 340 s 4 are each amended to read
11 as follows:

12 The dedicated regional fisheries enhancement group account is
13 created in the custody of the state treasurer. Only the commission or
14 the commission's designee may authorize expenditures from the account.
15 The account is subject to allotment procedures under chapter 43.88 RCW,
16 but no appropriation is required for expenditures.

17 A portion of each recreational fishing license fee shall be used as
18 provided in RCW 77.32.440. A surcharge of one hundred dollars shall be
19 collected on each commercial salmon fishery license, each salmon
20 delivery license, and each salmon charter license sold in the state.
21 All receipts shall be placed in the regional fisheries enhancement
22 group account and shall be used exclusively for regional fisheries
23 enhancement group projects ((for the purposes of RCW 77.95.110)) except
24 that the department may use up to twenty-percent of the account funds
25 to provide agency assistance to the groups for professional,
26 administrative and technical assistance and training, project proposal
27 compatibility review, contract management, financial management of
28 regional fisheries enhancement group funds, and provide direction and
29 training in Washington state budgeting and accounting procedures.
30 Except as provided in RCW 77.95.320, funds from the regional fisheries
31 enhancement group account shall not serve as replacement funding for
32 department operated salmon projects that exist on January 1, 1991.

33 All revenue from the department's sale of salmon carcasses and eggs
34 that return to group facilities shall be deposited in the regional
35 fisheries enhancement group account for use by the regional fisheries
36 enhancement group that produced the surplus. The commission shall
37 adopt rules to implement this section pursuant to chapter 34.05 RCW.

1 **Sec. 19.** RCW 69.50.320 and 2003 c 175 s 2 are each amended to read
2 as follows:

3 The department of fish and wildlife may apply to the department of
4 health for registration pursuant to the applicable provisions of this
5 chapter to purchase, possess, and administer controlled substances for
6 use in chemical capture programs and to euthanize injured, sick, or
7 unwanted wildlife. The department of fish and wildlife must not permit
8 a person to administer controlled substances unless the person has
9 demonstrated adequate knowledge of the potential hazards and proper
10 techniques to be used in administering controlled substances.

11 The department of health (~~may~~) must issue a limited registration
12 to carry out the provisions of this section. The board may adopt rules
13 to ensure strict compliance with the provisions of this section. The
14 board, in consultation with the department of fish and wildlife, must
15 by rule add or remove additional controlled substances for use in
16 chemical capture programs. The board shall suspend or revoke
17 registration upon determination that the person administering
18 controlled substances has not demonstrated adequate knowledge as
19 required by this section. This authority is granted in addition to any
20 other power to suspend or revoke registration as provided by law.

21 **Sec. 20.** RCW 77.04.080 and 2000 c 107 s 205 are each amended to
22 read as follows:

23 (1)(a) Persons eligible for appointment as director shall have
24 practical knowledge of the habits and distribution of fish and
25 wildlife. The director shall supervise the administration and
26 operation of the department and perform the duties prescribed by law
27 and delegated by the commission. The director shall carry out the
28 basic goals and objectives prescribed under RCW 77.04.055. The
29 director may appoint and employ necessary personnel. The director may
30 delegate, in writing, to department personnel the duties and powers
31 necessary for efficient operation and administration of the department.

32 (b) Only persons having general knowledge of the fisheries and
33 wildlife resources and of the commercial and recreational fishing
34 industry in this state are eligible for appointment as director. The
35 director shall not have a financial interest in the fishing industry or
36 a directly related industry. The director shall receive the salary
37 fixed by the governor under RCW 43.03.040.

1 (c) The director is the ex officio secretary of the commission and
2 shall attend its meetings and keep a record of its business.

3 (2)(a) The director may appoint and commission fish and wildlife
4 officers to serve as general authority Washington peace officers, as
5 defined in RCW 10.93.020. Under the interlocal cooperation act,
6 chapter 39.34 RCW, the director may contract with general authority law
7 enforcement agencies, federal law enforcement agencies, and limited
8 authority law enforcement agencies to enforce this title and the rules
9 of the department to provide mutual law enforcement assistance as
10 defined in chapter 10.93 RCW.

11 (b) Any liability or claimed liability that arises out of the
12 exercise of authority by an officer acting under the mutual aid
13 contract is the responsibility of the primary commissioning agency
14 unless the officer acts under the direction and control of the
15 department or unless the liability is otherwise allocated under a
16 written agreement between the primary commissioning agency and the
17 department.

18 **Sec. 21.** RCW 77.12.071 and 2007 c 337 s 2 are each amended to read
19 as follows:

20 (1) Department employees, in carrying out their duties under this
21 title on public lands or state waters, may:

22 (a) Collect samples of tissue, fluids, or other bodily parts of
23 fish, wildlife, or shellfish; or

24 (b) Board vessels in state waters engaged in commercial and
25 recreational harvest activities to collect samples of fish, wildlife,
26 or shellfish.

27 (i) Department employees shall ask permission from the owner or his
28 or her agent before boarding vessels in state waters.

29 (ii) If an employee of the department is denied access to any
30 vessel where access was sought for the purposes of (b) of this
31 subsection, the department employee may contact an enforcement officer
32 for assistance in applying for a search warrant authorizing access to
33 the vessel in order to carry out the department employee's duties under
34 this section.

35 (2) Department employees must have official identification,
36 announce their presence and intent, and perform their duties in a safe

1 and professional manner while carrying out the activities in this
2 section.

3 (3) This section does not apply to the harvest of private sector
4 cultured aquatic products as defined in RCW 15.85.020.

5 (4) This section does not apply to fish and wildlife officers (~~and~~
6 ~~ex officio fish and wildlife officers~~) carrying out their duties under
7 this title.

8 **Sec. 22.** RCW 77.12.154 and 1998 c 190 s 71 are each amended to
9 read as follows:

10 The director, fish and wildlife officers, (~~ex officio fish and~~
11 ~~wildlife officers~~),) and department employees may enter upon any land
12 or waters and remain there while performing their duties without
13 liability for trespass.

14 It is lawful for aircraft operated by the department to land and
15 take off from the beaches or waters of the state.

16 **Sec. 23.** RCW 77.15.070 and 2005 c 406 s 2 are each amended to read
17 as follows:

18 (1) Fish and wildlife officers (~~and ex officio fish and wildlife~~
19 ~~officers~~) may seize without warrant boats, airplanes, vehicles,
20 motorized implements, conveyances, gear, appliances, or other articles
21 they have probable cause to believe have been held with intent to
22 violate or used in violation of this title or rule of the commission or
23 director. However, fish and wildlife officers (~~or ex officio fish and~~
24 ~~wildlife officers~~) may not seize any item or article, other than for
25 evidence, if under the circumstances, it is reasonable to conclude that
26 the violation was inadvertent. The property seized is subject to
27 forfeiture to the state under this section regardless of ownership.
28 Property seized may be recovered by its owner by depositing with the
29 department or into court a cash bond or equivalent security equal to
30 the value of the seized property but not more than one hundred thousand
31 dollars. Such cash bond or security is subject to forfeiture in lieu
32 of the property. Forfeiture of property seized under this section is
33 a civil forfeiture against property and is intended to be a remedial
34 civil sanction.

35 (2) In the event of a seizure of property under this section,
36 jurisdiction to begin the forfeiture proceedings shall commence upon

1 seizure. Within fifteen days following the seizure, the seizing
2 authority shall serve a written notice of intent to forfeit property on
3 the owner of the property seized and on any person having any known
4 right or interest in the property seized. Notice may be served by any
5 method authorized by law or court rule, including service by certified
6 mail with return receipt requested. Service by mail is deemed complete
7 upon mailing within the fifteen-day period following the seizure.

8 (3) Persons claiming a right of ownership or right to possession of
9 property are entitled to a hearing to contest forfeiture. Such a claim
10 shall specify the claim of ownership or possession and shall be made in
11 writing and served on the director within forty-five days of the
12 seizure. If the seizing authority has complied with notice
13 requirements and there is no claim made within forty-five days, then
14 the property shall be forfeited to the state.

15 (4) If any person timely serves the director with a claim to
16 property, the person shall be afforded an opportunity to be heard as to
17 the person's claim or right. The hearing shall be before the director
18 or director's designee, or before an administrative law judge appointed
19 under chapter 34.12 RCW, except that a person asserting a claim or
20 right may remove the matter to a court of competent jurisdiction if the
21 aggregate value of the property seized is more than five thousand
22 dollars. The department may settle a person's claim of ownership prior
23 to the administrative hearing.

24 (5) The hearing to contest forfeiture and any subsequent appeal
25 shall be as provided for in chapter 34.05 RCW, the administrative
26 procedure act. The seizing authority has the burden to demonstrate
27 that it had reason to believe the property was held with intent to
28 violate or was used in violation of this title or rule of the
29 commission or director. The person contesting forfeiture has the
30 burden of production and proof by a preponderance of evidence that the
31 person owns or has a right to possess the property and:

32 (a) That the property was not held with intent to violate or used
33 in violation of this title; or

34 (b) If the property is a boat, airplane, or vehicle, that the
35 illegal use or planned illegal use of the boat, airplane, or vehicle
36 occurred without the owner's knowledge or consent, and that the owner
37 acted reasonably to prevent illegal uses of such boat, airplane, or
38 vehicle.

1 (6) A forfeiture of a conveyance encumbered by a perfected security
2 interest is subject to the interest of the secured party if the secured
3 party neither had knowledge of nor consented to the act or omission.
4 No security interest in seized property may be perfected after seizure.

5 (7) If seized property is forfeited under this section the
6 department may retain it for official use unless the property is
7 required to be destroyed, or upon application by any law enforcement
8 agency of the state, release such property to the agency for the use of
9 enforcing this title, or sell such property, and deposit the proceeds
10 to the fish and wildlife enforcement reward account created in RCW
11 77.15.425.

12 **Sec. 24.** RCW 77.15.075 and 2009 c 204 s 1 are each amended to read
13 as follows:

14 (1) Fish and wildlife officers (~~(and ex officio fish and wildlife~~
15 ~~officers shall enforce this title, rules of the department, and other~~
16 ~~statutes as prescribed by the legislature. Fish and wildlife officers~~
17 ~~who are not ex officio officers)) shall have and exercise, throughout~~
18 the state, such police powers and duties as are vested in sheriffs and
19 peace officers generally. Fish and wildlife officers are general
20 authority Washington peace officers.

21 (2) An applicant for a fish and wildlife officer position must be
22 a citizen of the United States of America who can read and write the
23 English language. (~~All fish and wildlife officers employed after June~~
24 ~~13, 2002, must successfully complete the basic law enforcement academy~~
25 ~~course, known as the basic course, sponsored by the criminal justice~~
26 ~~training commission, or the basic law enforcement equivalency~~
27 ~~certification, known as the equivalency course, provided by the~~
28 ~~criminal justice training commission. All officers employed on June~~
29 ~~13, 2002, must have successfully completed the basic course, the~~
30 ~~equivalency course, or the supplemental course in criminal law~~
31 ~~enforcement, known as the supplemental course, offered under chapter~~
32 ~~155, Laws of 1985. Any officer who has not successfully completed the~~
33 ~~basic course, the equivalency course, or the supplemental course must~~
34 ~~complete the basic course or the equivalency course within fifteen~~
35 ~~months of June 13, 2002.~~

36 (~~2) Fish and wildlife officers are peace officers.~~)

1 (3) Any liability or claim of liability under chapter 4.92 RCW that
2 arises out of the exercise or alleged exercise of authority by a fish
3 and wildlife officer rests with the department unless the fish and
4 wildlife officer acts under the direction and control of another agency
5 or unless the liability is otherwise assumed under an agreement between
6 the department and another agency.

7 ~~(4) ((Fish and wildlife officers may serve and execute warrants and
8 processes issued by the courts.~~

9 ~~(5))~~ The department may utilize the services of a volunteer
10 chaplain as provided under chapter 41.22 RCW.

11 **Sec. 25.** RCW 77.15.080 and 2002 c 281 s 8 are each amended to read
12 as follows:

13 (1) Based upon articulable facts that a person is engaged in
14 fishing, harvesting, or hunting activities, fish and wildlife officers
15 have the authority to temporarily stop the person and check for valid
16 licenses, tags, permits, stamps, or catch record cards, and to inspect
17 all fish, shellfish, seaweed, and wildlife in possession as well as the
18 equipment being used to ensure compliance with the requirements of this
19 title, and may request the person to write his or her signature for
20 comparison with the signature on the license. Failure to comply with
21 the request is prima facie evidence that the person is not the person
22 named on the license. For licenses purchased over the internet or
23 telephone, fish and wildlife officers may require the person, if age
24 eighteen or older, to exhibit a driver's license or other photo
25 identification.

26 (2) Based upon articulable facts that a person is transporting a
27 prohibited aquatic animal species or any aquatic plant, fish and
28 wildlife officers ~~((and ex officio fish and wildlife officers))~~ have
29 the authority to temporarily stop the person and inspect the watercraft
30 to ensure that the watercraft and associated equipment are not
31 transporting prohibited aquatic animal species or aquatic plants.

32 **Sec. 26.** RCW 77.15.085 and 2000 c 107 s 232 are each amended to
33 read as follows:

34 Fish and wildlife officers ~~((and ex officio fish and wildlife
35 officers))~~ may seize without a warrant wildlife, fish, and shellfish

1 they have probable cause to believe have been taken, transported, or
2 possessed in violation of this title or rule of the commission or
3 director.

4 **Sec. 27.** RCW 77.15.092 and 2000 c 107 s 213 are each amended to
5 read as follows:

6 Fish and wildlife officers (~~(and ex officio fish and wildlife~~
7 ~~officers)~~) may arrest without warrant persons found violating the law
8 or rules adopted pursuant to this title.

9 **Sec. 28.** RCW 77.15.094 and 2001 c 253 s 25 are each amended to
10 read as follows:

11 Fish and wildlife officers (~~(and ex officio fish and wildlife~~
12 ~~officers)~~) may make a reasonable search without warrant of a vessel,
13 conveyances, vehicles, containers, packages, or other receptacles for
14 fish, seaweed, shellfish, and wildlife which they have reason to
15 believe contain evidence of a violation of law or rules adopted
16 pursuant to this title and seize evidence as needed for law
17 enforcement. This authority does not extend to quarters in a boat,
18 building, or other property used exclusively as a private domicile,
19 does not extend to transitory residences in which a person has a
20 reasonable expectation of privacy, and does not allow search and
21 seizure without a warrant if the thing or place is protected from
22 search without warrant within the meaning of Article I, section 7 of
23 the state Constitution. Seizure of property as evidence of a crime
24 does not preclude seizure of the property for forfeiture as authorized
25 by law.

26 **Sec. 29.** RCW 77.15.480 and 2001 c 253 s 42 are each amended to
27 read as follows:

28 Articles or devices unlawfully used, possessed, or maintained for
29 catching, taking, killing, attracting, or decoying wildlife, fish, and
30 shellfish are public nuisances. If necessary, fish and wildlife
31 officers (~~(and ex officio fish and wildlife officers)~~) may seize,
32 abate, or destroy these public nuisances without warrant or process.

33 **Sec. 30.** RCW 77.15.710 and 2000 c 107 s 257 are each amended to
34 read as follows:

1 (1) The commission shall revoke all hunting, fishing, or other
2 licenses issued under this title and order a ten-year suspension of all
3 privileges extended under the authority of the department of a person
4 convicted of assault on a fish and wildlife officer, (~~ex-officio~~
5 ~~officer,~~) employee, agent, or personnel acting for the department, if
6 the employee assaulted was on duty at the time of the assault and
7 carrying out the provisions of this title. The suspension shall be
8 continued beyond this period if any damages to the victim have not been
9 paid by the suspended person.

10 (2) For the purposes of this section, the definition of assault
11 includes:

- 12 (a) RCW 9A.32.030; murder in the first degree;
- 13 (b) RCW 9A.32.050; murder in the second degree;
- 14 (c) RCW 9A.32.060; manslaughter in the first degree;
- 15 (d) RCW 9A.32.070; manslaughter in the second degree;
- 16 (e) RCW 9A.36.011; assault in the first degree;
- 17 (f) RCW 9A.36.021; assault in the second degree; and
- 18 (g) RCW 9A.36.031; assault in the third degree.

19 **Sec. 31.** RCW 77.32.014 and 2001 c 253 s 50 are each amended to
20 read as follows:

21 Licenses, tags, and stamps issued pursuant to this chapter shall be
22 revoked and the privileges suspended for any period in which a person
23 is certified by the department of social and health services or a court
24 of competent jurisdiction as a person in noncompliance with a support
25 order. Fish and wildlife officers (~~and ex-officio fish and wildlife~~
26 ~~officers~~) shall enforce this section through checks of the department
27 of licensing's computer database. A listing on the department of
28 licensing's database that an individual's license is currently
29 suspended pursuant to RCW 46.20.291(8) shall be prima facie evidence
30 that the individual is in noncompliance with a support order.
31 Presentation of a written release issued by the department of social
32 and health services stating that the person is in compliance with an
33 order shall serve as prima facie proof of compliance with a support
34 order.

35 **Sec. 32.** RCW 77.75.110 and 2000 c 107 s 222 are each amended to
36 read as follows:

1 To enforce RCW 77.75.120 and 77.75.130, courts in the counties
2 contiguous to the boundary waters(~~(, and ex officio fish and wildlife~~
3 ~~officers(, and ex officio fish and wildlife officers))~~ and fish and wildlife
4 jurisdiction over the boundary waters to the furthestmost shoreline.
5 This jurisdiction is concurrent with the courts and law enforcement
6 officers of Idaho.

7 **Sec. 33.** RCW 77.75.120 and 2000 c 107 s 223 are each amended to
8 read as follows:

9 The taking of wildlife from the boundary waters or islands of the
10 Snake river shall be in accordance with the wildlife laws of the
11 respective states. Fish and wildlife officers (~~(and ex officio fish~~
12 ~~and wildlife officers))~~ shall honor the license of either state and the
13 right of the holder to take wildlife from the boundary waters and
14 islands in accordance with the laws of the state issuing the license.

15 NEW SECTION. **Sec. 34.** If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

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