

HOUSE BILL REPORT

HB 2535

*As Passed House
February 13, 1992*

Title: An act relating to violations of Title 77 RCW involving commercial trafficking of wildlife.

Brief Description: Punishing illegal traffic of wildlife.

Sponsor(s): Representatives R. Meyers, R. King, Padden, Orr, Wilson, Haugen, Jacobsen, Paris, Kremen and Rasmussen; by request of Department of Wildlife.

Brief History:

Reported by House Committee on:
Judiciary, February 6, 1992, DP;
Passed House, February 13, 1992, 96-0.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *Do pass.* Signed by 17 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; Inslee; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; and Vance.

Staff: Margaret Allen (786-7191).

Background: A recent prosecution of defendants charged with illegal trafficking in salmon and steelhead highlighted a discrepancy between the wildlife code and fisheries code in penalties for commercial trafficking violations.

The wildlife code makes such trafficking, regardless of the value of the goods, a gross misdemeanor punishable by a fine of between \$250 and \$1,000 and or imprisonment for between 30 days and one year.

In comparison, the fisheries code makes illegal trafficking in food fish or shellfish with a wholesale value of at least \$250 a class C felony. A class C felony is punishable as provided in the criminal code, by a maximum of five years imprisonment and a \$10,000 fine.

Also, penalties prescribed by the wildlife code for misdemeanors and gross misdemeanors differ from those prescribed by criminal statutes. For example, the fine for a misdemeanor is \$500 under the wildlife code and a maximum of \$1,000 under criminal statutes. The maximum fine for a gross misdemeanor is \$1,000 under the wildlife code and \$5,000 under criminal statutes.

Summary of Bill: Illegal trafficking in wildlife having a wholesale value in excess of \$250 is made a class C felony. Illegal trafficking in wildlife having a wholesale value of \$250 or less is made a gross misdemeanor.

Penalties in the wildlife code are made consistent with those in criminal statutes.

Fiscal Note: Not requested.

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

Testimony For: The discrepancy between the fisheries and wildlife codes is especially apparent regarding salmon and steelhead. This bill will bring the illegal commercial trafficking in wildlife statute into compliance with criminal statutes regarding theft.

Testimony Against: None.

Witnesses: George A. Steele, Thurston County Prosecutor's Office and Washington Association of Prosecuting Attorneys Fish and Wildlife Committee (supports); and Dan Wyckoff, Washington Department of Wildlife (supports).