
HOUSE BILL 2534

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By Representatives R. King, Wilson, R. Meyers, Orr, Haugen and Kremen;
by request of Department of Wildlife

Read first time 01/20/92. Referred to Committee on Fisheries &
Wildlife.

1 AN ACT Relating to the wildlife violator compact; adding a new
2 section to chapter 77.21 RCW; adding a new section to chapter 75.10
3 RCW; and adding a new chapter to Title 77 RCW.

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

5 NEW SECTION. **Sec. 1.** The wildlife violator compact is hereby
6 established in the form substantially as follows, and the Washington
7 state department of wildlife is authorized to enter into such compact
8 on behalf of the state with all other jurisdictions legally joining
9 therein:

10 ARTICLE I

11 FINDINGS, DECLARATION OF POLICY, AND PURPOSE

12 (a) The party states find that:

1 (1) Wildlife resources are managed in trust by the respective
2 states for the benefit of all residents and visitors.

3 (2) The protection of their respective wildlife resources can be
4 materially affected by the degree of compliance with state statute,
5 law, regulation, ordinance, or administrative rule relating to the
6 management of those resources.

7 (3) The preservation, protection, management, and restoration of
8 wildlife contributes immeasurably to the aesthetic, recreational, and
9 economic aspects of these natural resources.

10 (4) Wildlife resources are valuable without regard to political
11 boundaries, therefore, all persons should be required to comply with
12 wildlife preservation, protection, management, and restoration laws,
13 ordinances, and administrative rules and regulations of all party
14 states as a condition precedent to the continuance or issuance of any
15 license to hunt, fish, trap, or possess wildlife.

16 (5) Violation of wildlife laws interferes with the management of
17 wildlife resources and may endanger the safety of persons and property.

18 (6) The mobility of many wildlife law violators necessitates the
19 maintenance of channels of communications among the various states.

20 (7) In most instances, a person who is cited for a wildlife
21 violation in a state other than the person's home state:

22 (i) Must post collateral or bond to secure appearance for a trial
23 at a later date; or

24 (ii) If unable to post collateral or bond, is taken into custody
25 until the collateral or bond is posted; or

26 (iii) Is taken directly to court for an immediate appearance.

27 (8) The purpose of the enforcement practices described in paragraph
28 (7) of this subdivision is to ensure compliance with the terms of a
29 wildlife citation by the person who, if permitted to continue on the
30 person's way after receiving the citation, could return to the person's

1 home state and disregard the person's duty under the terms of the
2 citation.

3 (9) In most instances, a person receiving a wildlife citation in
4 the person's home state is permitted to accept the citation from the
5 officer at the scene of the violation and to immediately continue on
6 the person's way after agreeing or being instructed to comply with the
7 terms of the citation.

8 (10) The practice described in paragraph (7) of this subdivision
9 causes unnecessary inconvenience and, at times, a hardship for the
10 person who is unable at the time to post collateral, furnish a bond,
11 stand trial, or pay the fine, and thus is compelled to remain in
12 custody until some alternative arrangement can be made.

13 (11) The enforcement practices described in paragraph (7) of this
14 subdivision consume an undue amount of law enforcement time.

15 (b) It is the policy of the party states to:

16 (1) Promote compliance with the statutes, laws, ordinances,
17 regulations, and administrative rules relating to management of
18 wildlife resources in their respective states.

19 (2) Recognize the suspension of wildlife license privileges of any
20 person whose license privileges have been suspended by a party state
21 and treat this suspension as if it had occurred in their state.

22 (3) Allow violators to accept a wildlife citation, except as
23 provided in subdivision (b) of Article III, and proceed on the
24 violator's way without delay whether or not the person is a resident in
25 the state in which the citation was issued, provided that the
26 violator's home state is party to this compact.

27 (4) Report to the appropriate party state, as provided in the
28 compact manual, any conviction recorded against any person whose home
29 state was not the issuing state.

1 (5) Allow the home state to recognize and treat convictions
2 recorded for their residents which occurred in another party state as
3 if they had occurred in the home state.

4 (6) Extend cooperation to its fullest extent among the party states
5 for obtaining compliance with the terms of a wildlife citation issued
6 in one party state to a resident of another party state.

7 (7) Maximize effective use of law enforcement personnel and
8 information.

9 (8) Assist court systems in the efficient disposition of wildlife
10 violations.

11 (c) The purpose of this compact is to:

12 (1) Provide a means through which the party states may participate
13 in a reciprocal program to effectuate policies enumerated in
14 subdivision (b) of this article in a uniform and orderly manner.

15 (2) Provide for the fair and impartial treatment of wildlife
16 violators operating within party states in recognition of the person's
17 right of due process and the sovereign status of a party state.

18 ARTICLE II

19 DEFINITIONS

20 Unless the context requires otherwise, the definitions in this
21 article apply through this compact and are intended only for the
22 implementation of this compact:

23 (a) "Citation" means any summons, complaint, ticket, penalty
24 assessment, or other official document issued by a wildlife officer or
25 other peace officer for a wildlife violation containing an order which
26 requires the person to respond.

27 (b) "Collateral" means any cash or other security deposited to
28 secure an appearance for trial, in connection with the issuance by a

1 wildlife officer or other peace officer of a citation for a wildlife
2 violation.

3 (c) "Compliance" with respect to a citation means the act of
4 answering the citation through appearance at a court, a tribunal, or
5 payment of fines, costs, and surcharges, if any, or both such
6 appearance and payment.

7 (d) "Conviction" means a conviction, including any court
8 conviction, of any offense related to the preservation, protection,
9 management, or restoration of wildlife which is prohibited by state
10 statute, law, regulation, ordinance, or administrative rule, or a
11 forfeiture of bail, bond, or other security deposited to secure
12 appearance by a person charged with having committed any such offense,
13 or payment of a penalty assessment, or a plea of nolo contendere, or
14 the imposition of a deferred or suspended sentence by the court.

15 (e) "Court" means a court of law, including Magistrate's Court and
16 the Justice of the Peace Court.

17 (f) "Home state" means the state of primary residence of a person.

18 (g) "Issuing state" means the party state which issues a wildlife
19 citation to the violator.

20 (h) "License" means any license, permit, or other public document
21 which conveys to the person to whom it was issued the privilege of
22 pursuing, possessing, or taking any wildlife regulated by statute, law,
23 regulation, ordinance, or administrative rule of a party state.

24 (i) "Licensing authority" means the department or division within
25 each party state which is authorized by law to issue or approve
26 licenses or permits to hunt, fish, trap, or possess wildlife.

27 (j) "Party state" means any state which enacts legislation to
28 become a member of this wildlife compact.

1 (k) "Personal recognizance" means an agreement by a person made at
2 the time of issuance of the wildlife citation that the person will
3 comply with the terms of that citation.

4 (l) "State" means any state, territory, or possession of the United
5 States, the District of Columbia, Commonwealth of Puerto Rico,
6 Provinces of Canada, or other countries.

7 (m) "Suspension" means any revocation, denial, or withdrawal of any
8 or all license privileges, including the privilege to apply for,
9 purchase, or exercise the benefits conferred by any license.

10 (n) "Terms of the citation" means those conditions and options
11 expressly stated upon the citation.

12 (o) "Wildlife" means all species of animals, including but not
13 necessarily limited to mammals, birds, fish, reptiles, amphibians,
14 mollusks, and crustaceans, which are defined as "wildlife" and are
15 protected or otherwise regulated by statute, law, regulation,
16 ordinance, or administrative rule in a party state. "Wildlife" also
17 means food fish and shellfish as defined by statute, law, regulation,
18 ordinance, or administrative rule in a party state. Species included
19 in the definition of "wildlife" vary from state to state and
20 determination of whether a species is "wildlife" for the purposes of
21 this compact shall be based on local law.

22 (p) "Wildlife law" means any statute, law, regulation, ordinance,
23 or administrative rule developed and enacted to manage wildlife
24 resources and the use thereof.

25 (q) "Wildlife officer" means any individual authorized by a party
26 state to issue a citation for a wildlife violation.

27 (r) "Wildlife violation" means any cited violation of a statute,
28 law, regulation, ordinance, or administrative rule developed and
29 enacted to manage wildlife resources and the use thereof.

1 ARTICLE III

2 PROCEDURES FOR ISSUING STATE

3 (a) When issuing a citation for a wildlife violation, a wildlife
4 officer shall issue a citation to any person whose primary residence is
5 in a party state in the same manner as if the person were a resident of
6 the home state and shall not require the person to post collateral to
7 secure appearance, subject to the exceptions contained in subdivision
8 (b) of this article, if the officer receives the person's personal
9 recognizance that the person will comply with the terms of the
10 citation.

11 (b) Personal recognizance is acceptable:

12 (1) If not prohibited by local law or the compact manual; and

13 (2) If the violator provides adequate proof of the violator's
14 identification to the wildlife officer.

15 (c) Upon conviction or failure of a person to comply with the terms
16 of a wildlife citation, the appropriate official shall report the
17 conviction or failure to comply to the licensing authority of the party
18 state in which the wildlife citation was issued. The report shall be
19 made in accordance with procedures specified by the issuing state and
20 shall contain the information specified in the compact manual as
21 minimum requirements for effective processing by the home state.

22 (d) Upon receipt of the report of conviction or noncompliance
23 required by subdivision (c) of this article, the licensing authority of
24 the issuing state shall transmit to the licensing authority in the home
25 state of the violator the information in a form and content as
26 contained in the compact manual.

27 ARTICLE IV

28 PROCEDURES FOR HOME STATE

1 (a) Upon receipt of a report of failure to comply with the terms of
2 a citation from the licensing authority of the issuing state, the
3 licensing authority of the home state shall notify the violator, shall
4 initiate a suspension action in accordance with the home state's
5 suspension procedures and shall suspend the violator's license
6 privileges until satisfactory evidence of compliance with the terms of
7 the wildlife citation has been furnished by the issuing state to the
8 home state licensing authority. Due process safeguards will be
9 accorded.

10 (b) Upon receipt of a report of conviction from the licensing
11 authority of the issuing state, the licensing authority of the home
12 state shall enter such conviction in its records and shall treat such
13 conviction as if it occurred in the home state for the purposes of the
14 suspension of license privileges.

15 (c) The licensing authority of the home state shall maintain a
16 record of actions taken and make reports to issuing states as provided
17 in the compact manual.

18 ARTICLE V

19 RECIPROCAL RECOGNITION OF SUSPENSION

20 All party states shall recognize the suspension of license
21 privileges of any person by any state as if the violation on which the
22 suspension is based had in fact occurred in their state and could have
23 been the basis for suspension of license privileges in their state.

24 ARTICLE VI

25 APPLICABILITY OF OTHER LAWS

26 Except as expressly required by provisions of this compact, nothing
27 herein shall be construed to affect the right of any party state to
28 apply any of its laws relating to license privileges to any person or

1 circumstance, or to invalidate or prevent any agreement or other
2 cooperative arrangements between a party state and a nonparty state
3 concerning wildlife law enforcement.

4 ARTICLE VII

5 COMPACT ADMINISTRATOR PROCEDURES

6 (a) For the purpose of administering the provisions of this compact
7 and to serve as a governing body for the resolution of all matters
8 relating to the operation of this compact, a board of compact
9 administrators is established. The board shall be composed of one
10 representative from each of the party states to be known as the compact
11 administrator. The compact administrator shall be appointed by the
12 head of the licensing authority of each party state and will serve and
13 be subject to removal in accordance with the laws of the state the
14 administrator represents. A compact administrator may provide for the
15 discharge of the administrator's duties and the performance of the
16 administrator's functions as a board member by an alternate. An
17 alternate may not be entitled to serve unless written notification of
18 the alternate's identity has been given to the board.

19 (b) Each member of the board of compact administrators shall be
20 entitled to one vote. No action of the board shall be binding unless
21 taken at a meeting at which a majority of the total number of votes on
22 the board are cast in favor thereof. Action by the board shall be only
23 at a meeting at which a majority of the party states are represented.

24 (c) The board shall elect annually, from its membership, a
25 chairperson and vice-chairperson.

26 (d) The board shall adopt bylaws, not inconsistent with the
27 provisions of this compact or the laws of a party state, for the
28 conduct of its business and shall have the power to amend and rescind
29 its bylaws.

1 (e) The board may accept for any of its purposes and functions
2 under this compact all donations and grants of money, equipment,
3 supplies, materials, and services, conditional or otherwise, from any
4 state, the United States, or any governmental agency, and may receive,
5 utilize, and dispose of the same.

6 (f) The board may contract with or accept services or personnel
7 from any governmental or intergovernmental agency, individual, firm,
8 corporation, or any private nonprofit organization or institution.

9 (g) The board shall formulate all necessary procedures and develop
10 uniform forms and documents for administering the provisions of this
11 compact. All procedures and forms adopted pursuant to board action
12 shall be contained in the compact manual.

13 ARTICLE VIII

14 ENTRY INTO COMPACT AND WITHDRAWAL

15 (a) This compact shall become effective when it has been adopted by
16 at least two states.

17 (b)(1) Entry into the compact shall be made by resolution of
18 ratification executed by the authorized officials of the applying state
19 and submitted to the chairperson of the board.

20 (2) The resolution shall be in a form and content as provided in
21 the compact manual and shall include statements that in substance are
22 as follows:

23 (i) A citation of the authority by which the state is empowered to
24 become a party to this compact;

25 (ii) Agreement to comply with the terms and provisions of the
26 compact; and

27 (iii) That compact entry is with all states then party to the
28 compact and with any state that legally becomes a party to the compact.

1 (3) The effective date of entry shall be specified by the applying
2 state, but shall not be less than sixty days after notice has been
3 given by the chairperson of the board of compact administrators or by
4 the secretariat of the board to each party state that the resolution
5 from the applying state
6 has been received.

7 (c) A party state may withdraw from this compact by official
8 written notice to the other party states, but a withdrawal shall not
9 take effect until ninety days after notice of withdrawal is given. The
10 notice shall be directed to the compact administrator of each member
11 state. No withdrawal shall affect the validity of this compact as to
12 the remaining party states.

13 ARTICLE IX

14 AMENDMENTS TO THE COMPACT

15 (a) This compact may be amended from time to time. Amendments
16 shall be presented in resolution form to the chairperson of the board
17 of compact administrators and may be initiated by one or more party
18 states.

19 (b) Adoption of an amendment shall require endorsement by all party
20 states and shall become effective thirty days after the date of the
21 last endorsement.

22 (c) Failure of a party state to respond to the compact chairperson
23 within one hundred twenty days after receipt of the proposed amendment
24 shall constitute endorsement.

25 ARTICLE X

26 CONSTRUCTION AND SEVERABILITY

27 This compact shall be liberally construed so as to effectuate the
28 purposes stated herein. The provisions of this compact shall be

1 severable and if any phrase, clause, sentence, or provision of this
2 compact is declared to be contrary to the constitution of any party
3 state or of the United States or the applicability thereof to any
4 government, agency, individual, or circumstance is held invalid, the
5 compact shall not be affected thereby. If this compact shall be held
6 contrary to the constitution of any party state thereto, the compact
7 shall remain in full force and effect as to the remaining states and in
8 full force and effect as to the state affected as to all severable
9 matters.

10 ARTICLE XI

11 TITLE

12 This compact shall be known as the wildlife violator compact.

13 NEW SECTION. **Sec. 2.** The director of the department of
14 wildlife shall furnish to the appropriate authorities of the
15 participating states any information or documents reasonably necessary
16 to facilitate the administration of the compact.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.21 RCW
18 to read as follows:

19 (1) Upon receipt of a report of failure to comply with the terms of
20 a citation from the licensing authority of a state that is a party to
21 the wildlife violator compact under section 1 of this act, the
22 department shall suspend the violator's license privileges under this
23 title until satisfactory evidence of compliance with the terms of the
24 wildlife citation has been furnished by the issuing state to the
25 department. The department shall adopt by rule procedures for the
26 timely notification and administrative review of such suspension of
27 licensing privileges.

1 (2) Upon receipt of a report of a conviction from the licensing
2 authority of a state that is a part to the wildlife violator compact
3 under section 1 of this act, the department shall enter such conviction
4 in its records and shall treat such conviction as if it occurred in the
5 state of Washington for the purposes of suspension, revocation, or
6 forfeiture of license privileges.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 75.10 RCW
8 to read as follows:

9 (1) The department of wildlife shall notify the department upon
10 receipt of a report of failure to comply with the terms of a citation
11 from the licensing authority of a state that is a party to the wildlife
12 violator compact under section 1 of this act. The department shall
13 suspend the violator's license privileges under this title until
14 satisfactory evidence of compliance with the terms of the wildlife
15 citation has been furnished by the department of wildlife. The
16 department shall adopt by rule procedures for the timely notification
17 and administrative review of such suspension of licensing privileges.

18 (2) The department of wildlife shall notify the department upon
19 receipt of a report of a conviction from the licensing authority of a
20 state that is a party to the wildlife violator compact under section 1
21 of this act. The department shall enter such conviction in its records
22 and shall treat such conviction as if it occurred in the state of
23 Washington for the purposes of suspension, revocation, or forfeiture of
24 license privileges.

25 NEW SECTION. **Sec. 5.** Sections 1 and 2 of this act shall
26 constitute a new chapter in Title 77 RCW.