
HOUSE BILL 1121

State of Washington

53rd Legislature

1993 Regular Session

By Representatives King, Orr, Chappell and Ludwig

Read first time 01/15/93. Referred to Committee on Fisheries & Wildlife.

1 AN ACT Relating to the departments of wildlife and fisheries;
2 amending RCW 77.08.010, 77.12.010, 77.12.040, 77.12.055, 77.12.060,
3 77.12.070, 77.12.080, 77.12.101, 77.12.325, 77.16.020, 77.16.040,
4 77.16.050, 77.16.060, 77.16.090, 77.16.095, 77.16.100, 77.16.110,
5 77.16.120, 77.16.150, 77.16.190, 77.16.250, 77.16.260, 77.16.310,
6 77.21.010, 77.21.020, 77.21.030, 77.32.010, 77.32.211, and 77.32.350;
7 reenacting and amending RCW 9A.82.010; adding new sections to chapter
8 77.16 RCW; adding new sections to chapter 77.21 RCW; adding a new
9 section to chapter 75.10 RCW; repealing RCW 77.12.105, 77.16.130,
10 77.16.160, 77.16.180, 77.16.320, and 77.16.330; and prescribing
11 penalties.

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

13 **Sec. 1.** RCW 77.08.010 and 1989 c 297 s 7 are each amended to read
14 as follows:

15 As used in this title or rules adopted pursuant to this title,
16 unless the context clearly requires otherwise:

- 17 (1) "Director" means the director of wildlife.
18 (2) "Department" means the department of wildlife.
19 (3) "Commission" means the state wildlife commission.

1 (4) "Person" means and includes an individual, a corporation, or a
2 group of two or more individuals acting with a common purpose whether
3 acting in an individual, representative, or official capacity.

4 (5)(a) "Wildlife agent" means a person appointed and commissioned
5 by the director, with authority to enforce laws of the state and rules
6 ~~((adopted pursuant to this title, and other statutes as prescribed by~~
7 ~~the legislature))~~ of the department.

8 (b) "Wildlife agent" also means peace officer.

9 (6) ~~(("Ex officio wildlife agent" means a commissioned officer of~~
10 ~~a municipal, county, state, or federal agency having as its primary~~
11 ~~function the enforcement of criminal laws in general, while the officer~~
12 ~~is in the appropriate jurisdiction. The term "ex officio wildlife~~
13 ~~agent" includes fisheries patrol officers, special agents of the~~
14 ~~national marine fisheries commission, state parks commissioned~~
15 ~~officers, United States fish and wildlife special agents, department of~~
16 ~~natural resources enforcement officers, and United States forest~~
17 ~~service officers, while the agents and officers are within their~~
18 ~~respective jurisdictions.~~

19 ~~(7))~~ "Deputy wildlife agent" means a person appointed and
20 commissioned by the director with authority to enforce the provisions
21 of this title and the rules of the department and other statutes as
22 prescribed by the director.

23 (7) "Law enforcement officer" means any duly commissioned state,
24 county, or municipal peace officer. This term also includes fisheries
25 patrol officers, special agents of the national marine service, special
26 agents of the United States fish and wildlife service, special agents
27 of the United States forest service, and commissioned officers of the
28 department of natural resources.

29 (8) "To hunt" and its derivatives means ~~((an))~~ any effort to kill,
30 injure, pursue, capture, or harass a wild animal or wild bird
31 regardless of whether that effort was or would have been successful.

32 ~~((+8))~~ (9) "To trap" and its derivatives means a method of hunting
33 using traps or other devices to capture wild animals or wild birds.

34 ~~((+9))~~ (10) "To fish" and its derivatives means ~~((an))~~ any effort
35 to kill, injure, harass, or catch a game fish regardless of whether
36 that effort was or would have been successful.

37 ~~((+10))~~ (11) "Open season" means those dates, times, ((manners))
38 places, sexes, and methods of taking((_) wildlife and places or waters
39 established by rule of the commission for the lawful hunting, trapping,

1 or fishing~~((, or possession of game animals, game birds, or game fish))~~
2 for wildlife. "Open season" includes the first and last days of the
3 established ~~((time))~~ dates.

4 ~~((11))~~ (12) "Closed season" means ~~((all))~~ those dates, times,
5 ~~((manners))~~ places, sexes, and methods of taking~~((, and places or~~
6 ~~waters))~~ wildlife other than those ~~((established))~~ designated as an
7 open season.

8 ~~((12))~~ (13) "Closed area" means a place where the hunting or
9 taking of some ~~((species of wild animals or wild birds is prohibited))~~
10 or all types of wildlife, including age, sex, and species is prohibited
11 as prescribed by rule of the department and described in current season
12 regulations.

13 ~~((13))~~ (14) "Closed waters" means all or part of a lake, river,
14 stream, or other body of water, where fishing for game fish is
15 prohibited.

16 ~~((14—"Game"))~~ (15) "Wildlife reserve" means a closed area where
17 the hunting ~~((for))~~ of all wild animals ~~((and))~~ or wild birds is
18 prohibited.

19 ~~((15))~~ (16) "Bag limit" means the maximum number of game animals,
20 game birds, or game fish and types which may be taken, caught, killed,
21 or possessed by a person, as specified by rule of the commission ~~((for~~
22 ~~a particular period of time, or as to size, sex, or species))~~.

23 ~~((16))~~ (17) "Wildlife" means all species of the animal kingdom
24 whose members exist in Washington in a wild state regardless of whether
25 an actual animal involved in any violation of this title was found in
26 a wild state in Washington. This includes but is not limited to
27 mammals, birds, reptiles, amphibians, fish, and invertebrates. The
28 term "wildlife" does not include feral domestic mammals, the family
29 Muridae of the order Rodentia (old world rats and mice), or those fish,
30 shellfish, and marine invertebrates classified by the director of
31 fisheries. The term "wildlife" includes all stages of development and
32 the bodily parts of wildlife members.

33 ~~((17))~~ (18) "Wild animals" means ~~((those))~~ wildlife species of
34 the class Mammalia ~~((whose members exist in Washington in a wild~~
35 ~~state))~~ and the species *Rana catesbeiana* (bullfrog). The term "wild
36 animal" does not include feral domestic mammals or the family Muridae
37 of the order Rodentia (old world rats and mice).

38 ~~((18))~~ (19) "Wild birds" means ~~((those))~~ wildlife species of the
39 class Aves ~~((whose members exist in Washington in a wild state))~~.

1 (~~(19)~~) (20) "Protected wildlife" means wildlife designated by the
2 commission that shall not be hunted or fished.

3 (~~(20)~~) (21) "Endangered species" means wildlife designated by the
4 commission or by federal law or regulation as seriously threatened with
5 extinction.

6 (~~(21)~~) (22) "Game animals" means wild animals that (~~shall not~~)
7 may be hunted (~~except as~~) when authorized by the commission.

8 (~~(22)~~) (23) "Fur-bearing animals" means game animals that (~~shall~~
9 ~~not~~) may be trapped (~~except as~~) when authorized by the commission.

10 (~~(23)~~) (24) "Game birds" means wild birds that (~~shall not~~) may
11 be hunted (~~except as~~) when authorized by the commission.

12 (~~(24)~~) (25) "Predatory birds" means wild birds that may be hunted
13 throughout the year as authorized by the commission.

14 (~~(25)~~) (26) "Deleterious exotic wildlife" means species of the
15 animal kingdom not native to Washington and designated as dangerous to
16 the environment or wildlife of the state.

17 (~~(26)~~) (27) "Game farm" means property on which wildlife is held
18 or raised for commercial purposes, trade, or gift. The term "game
19 farm" does not include publicly owned facilities.

20 (~~(27)~~) (28) "Person of disability" means a permanently disabled
21 person who is not ambulatory without the assistance of a wheelchair,
22 crutches, or similar devices.

23 (29) "Valid license, permit, tag, stamp, or catch record card"
24 means a license, permit, tag, stamp, or catch record card that is
25 correctly and properly issued to the bearer by the department and does
26 not contain false information, is signed, legible, and has not been
27 altered or modified except as provided by rule of the department. The
28 terms "valid license" or "license" when used by themselves means a
29 valid license, permit, tag, stamp, or catch record card.

30 (30) "Trafficking" in wildlife and its derivatives means the
31 activity of:

32 (a) Purchasing, selling, brokering, bartering, trading, exchanging,
33 shipping, delivering; or

34 (b) Offering for purchase, sale, broker, barter, trade, exchange,
35 shipment, delivery; or

36 (c) Soliciting for sale, purchase, broker, barter, trade, exchange,
37 shipment, delivery; or

38 (d) Possession with intent to sell, purchase, barter, broker,
39 deliver, trade, exchange, or ship.

1 (31) "To take" and its derivatives means killing, wounding,
2 capturing, or catching any wildlife.

3 (32) "To possess" and its derivatives means possession or control
4 of wildlife, actual or constructive.

5 (33) "Taxidermy" means the act of processing, treating, stuffing,
6 or mounting a wildlife specimen or part thereof into a lifelike
7 recreation or any wildlife artifact and shall include assisting,
8 brokering, finding, or reselling wildlife specimens on behalf of a
9 taxidermist.

10 (34) "Fur dealing" means the business of buying, selling, trading,
11 bartering, or brokering of raw furs or hides of wildlife.

12 (35) "Original receiver" means the first person in possession of
13 anadromous game fish after the anadromous game fish have been lawfully
14 taken for commercial purposes by a treaty Indian.

15 (36) "Snag, gaff, or spear" or their derivatives mean any effort to
16 impale a game fish on any part of its body other than its mouth.

17 (37) "Wildlife locker plant" means an enterprize or business
18 engaged in the cutting, wrapping, processing, or storing of edible
19 portions of wildlife for a client.

20 (38) "Pursuit season" means any season where hunting dogs are
21 allowed to pursue wildlife but the wildlife may not be killed.
22 "Pursuit season" does not include the use of dogs in field trials for
23 game birds.

24 (39) "Rule of the department" means any regulation lawfully
25 enacted or promulgated, by the commission or the director of the
26 department of wildlife, or other person delegated such authority by the
27 legislature, under the authority of this title.

28 (40) "Valid taxidermy license" means either a taxidermist business
29 license or an associate taxidermist license issued under the authority
30 of RCW 77.32.211.

31 (41) "Reporting offense" means any offense under this title or rule
32 of the department which involves as its elements the failure to deliver
33 to the department of wildlife any document, record, or license and
34 shall include treaty Indian game fish receiving tickets.

35 **Sec. 2.** RCW 77.12.010 and 1985 c 438 s 1 are each amended to read
36 as follows:

37 (1) Wildlife is the property of the state.

1 (2)(a) The department shall preserve, protect, and perpetuate
2 wildlife and its habitat.

3 (b) In order to carry out this basic mandate the department shall
4 operate effective and scientifically based programs in wildlife
5 species, wildlife habitat, and game fish management. The department
6 shall operate an effective program of fish and wildlife oriented
7 recreation management, consistent with the goal of preserving fish and
8 wildlife. The department shall attempt to maximize the public
9 recreational fishing opportunities of all citizens, particularly
10 juveniles, handicapped, and senior citizens.

11 (~~Game animals, game birds, and game fish~~) (3) Wildlife may be
12 taken only at times or places, or in manners or quantities as in the
13 judgment of the commission maximizes public recreational opportunities
14 without impairing the supply of wildlife.

15 (~~The commission shall not adopt rules that categorically prohibit~~
16 ~~fishing with bait or artificial lures in streams, rivers, beaver ponds,~~
17 ~~and lakes except that the commission may adopt rules and regulations~~
18 ~~restricting fishing methods upon a determination by the director that~~
19 ~~an individual body of water or part thereof clearly requires a fishing~~
20 ~~method prohibition to conserve or enhance the fisheries resource or to~~
21 ~~provide selected fishing alternatives. The commission shall attempt to~~
22 ~~maximize the public recreational fishing opportunities of all citizens,~~
23 ~~particularly juvenile, handicapped, and senior citizens.))~~

24 (4) Nothing contained ((herein)) in this title shall be construed
25 to infringe on the right of a private property owner to control
26 trespass on the owner's private property nor shall anything contained
27 in this title grant anyone engaged in hunting or fishing for game fish
28 the right to enter the private property of another without the owner's
29 permission.

30 **Sec. 3.** RCW 77.12.040 and 1987 c 506 s 15 are each amended to read
31 as follows:

32 The commission shall adopt, amend, or repeal, and enforce
33 reasonable rules prohibiting or governing the date, time, place, and
34 ((manner)) method of taking ((or possessing game animals, game birds,
35 or game fish)) wildlife. The commission's rule-making authority shall
36 be exercised to provide recreational opportunities for the public and
37 preserve and enhance wildlife and its habitat. The commission may
38 specify the quantities, species, subspecies, sex, and size of ((game

1 animals, ~~game birds, or game fish~~) wildlife that may be taken or
2 possessed. The commission shall regulate the taking, sale, possession,
3 and distribution of wildlife and deleterious exotic wildlife. The
4 director may adopt emergency rules under RCW 77.12.150. The commission
5 rule-making powers shall be exercised to further the purpose in RCW
6 77.12.010. No wildlife may be taken, possessed, hunted, trapped, or
7 fished unless authorized by the commission.

8 The commission may establish by rule (~~game~~) wildlife reserves and
9 closed areas where hunting for wild animals or wild birds may be
10 prohibited and closed waters where fishing for game fish may be
11 prohibited.

12 **Sec. 4.** RCW 77.12.055 and 1988 c 36 s 50 are each amended to read
13 as follows:

14 (1) (~~Jurisdiction and authority granted under RCW 77.12.060,~~
15 ~~77.12.070, and 77.12.080 to the director, wildlife agents, and ex~~
16 ~~officio wildlife agents is limited to the laws and rules adopted~~
17 ~~pursuant to this title pertaining to wildlife or to the management,~~
18 ~~operation, maintenance, or use of or conduct on real property used,~~
19 ~~owned, leased, or controlled by the department and other statutes as~~
20 ~~prescribed by the legislature. However, when acting within the scope~~
21 ~~of these duties and when an offense occurs in the presence of the~~
22 ~~wildlife agent who is not an ex officio wildlife agent, the wildlife~~
23 ~~agent may enforce all criminal laws of the state. The wildlife agent~~
24 ~~must have successfully completed the basic law enforcement academy~~
25 ~~course sponsored by the criminal justice training commission, or a~~
26 ~~supplemental course in criminal law enforcement as approved by the~~
27 ~~department and the criminal justice training commission and provided by~~
28 ~~the department or the criminal justice training commission, prior to~~
29 ~~enforcing the criminal laws of the state.~~

30 (2) ~~Wildlife agents are peace officers.~~

31 (3)) A wildlife agent is a peace officer and may enforce all laws
32 of the state. The wildlife agent must have successfully completed the
33 basic law enforcement academy course sponsored by the criminal justice
34 training commission, or a supplemental course in criminal law
35 enforcement as approved by the department and the criminal justice
36 training commission and provided by the department or the criminal
37 justice training commission, prior to enforcing the laws of the state.

1 (2) Any liability or claim of liability which arises out of the
2 exercise or alleged exercise of authority by a wildlife agent rests
3 with the department unless the wildlife agent acts under the direction
4 and control of another agency or unless the liability is otherwise
5 assumed under a written agreement between the department of wildlife
6 and another agency.

7 (~~((4) Wildlife agents may serve and execute warrants and processes~~
8 ~~issued by the courts))~~ (3) Any law enforcement officer duly
9 commissioned within this state, acting within his or her jurisdiction,
10 shall also have authority to enforce this title and any rules of the
11 department adopted under this title. Any law enforcement officer
12 observing a violation of this title or rule of the department outside
13 of his or her jurisdiction, may briefly detain the suspect and summon
14 a wildlife agent, deputy wildlife agent, or any law enforcement officer
15 from the jurisdiction the act occurred in to assume responsibility for
16 the investigation of the violation and custody of the suspect.

17 **Sec. 5.** RCW 77.12.060 and 1987 c 506 s 17 are each amended to read
18 as follows:

19 (1) The director, wildlife agents, and (~~(ex officio wildlife~~
20 ~~agents)) other law enforcement officers may serve and execute warrants
21 and process issued by the courts to enforce (~~(the law))~~ this title,
22 laws of the state, and rules adopted ((pursuant to)) under this title.~~

23 (2) To enforce these laws or rules, they may call to their aid any
24 (~~(ex officio wildlife agent))~~ other law enforcement officer or citizen
25 and that person shall render aid.

26 **Sec. 6.** RCW 77.12.070 and 1987 c 506 s 18 are each amended to read
27 as follows:

28 Wildlife agents and (~~(ex officio wildlife agents))~~ other law
29 enforcement officers within their respective jurisdictions shall
30 enforce the law and rules adopted (~~(pursuant to))~~ under this title.

31 **Sec. 7.** RCW 77.12.080 and 1987 c 506 s 19 are each amended to read
32 as follows:

33 Wildlife agents and (~~(ex officio wildlife agents))~~ other law
34 enforcement officers may arrest without warrant any person((s found
35 violating the law)) they have probable cause to believe is in violation

1 of this title or rules (~~(adopted pursuant to this title)~~) of the
2 department.

3 **Sec. 8.** RCW 77.12.101 and 1989 c 314 s 2 are each amended to read
4 as follows:

5 (1) (~~Wildlife agents and ex officio wildlife agents may seize~~
6 ~~without a warrant wildlife, as defined in RCW 77.08.010(16), they have~~
7 ~~probable cause to believe have been taken, killed, transported, or~~
8 ~~possessed in violation of this title or rule of the commission or~~
9 ~~director. Agents may also seize without warrant boat(s), vehicle(s),~~
10 ~~all conveyances, airplane(s), motorized implement(s), gear,~~
11 ~~appliance(s), or other articles they have probable cause to believe:~~
12 ~~(a) Are held with intent to violate; or (b) were used in the violation~~
13 ~~of Title 77 RCW, or any regulation pursuant thereto when the species~~
14 ~~involved is one which is listed in RCW 77.21.070, or any wildlife~~
15 ~~involved in trafficking under RCW 77.16.040 or illegal netting of game~~
16 ~~fish under RCW 77.16.060. However, agents may not seize any item or~~
17 ~~article, other than evidence, from a violator if under the~~
18 ~~circumstances it is reasonable to conclude that the violation was~~
19 ~~inadvertent. The articles seized shall be forfeited to the state, upon~~
20 ~~conviction, plea of guilty, or bail forfeiture. Articles seized may be~~
21 ~~recovered by their owner by depositing into court a cash bond equal to~~
22 ~~the value of the seized articles. The cash bond is subject to~~
23 ~~forfeiture in lieu of the seized articles.~~

24 (2)(a) In the event of a seizure of an article under subsection (1)
25 of this section, proceedings for forfeiture shall be deemed commenced
26 by bail forfeiture, plea of guilty, or upon conviction. The seizing
27 authority shall serve notice within fifteen days following the seizure
28 on the owner of the property seized and on any person having any known
29 right or interest in the property seized. Notice may be served by any
30 method authorized by law or court rule, including service by certified
31 mail with return receipt requested, and service by such mail shall be
32 deemed complete upon mailing within the fifteen day period following
33 the seizure.

34 (b) If no person notifies the department in writing of the person's
35 claim of ownership or right to possession of articles seized pursuant
36 to subsection (1) of this section within forty five days of the
37 seizure, the articles shall be deemed forfeited.

1 (c) If any person notifies the department in writing within forty-
2 five days of the seizure, the person shall be afforded an opportunity
3 to be heard as to the claim or right. The hearing shall be before the
4 director or his designee, or before an administrative law judge
5 appointed under chapter 34.12 RCW, except that any person asserting a
6 claim or right may remove the matter to a court of competent
7 jurisdiction. The department hearing and any appeal therefrom shall be
8 under Title 34 RCW. The burden of producing evidence shall be upon the
9 person claiming to be the lawful owner or person claiming lawful right
10 of possession of the articles seized. The department shall promptly
11 return the seized articles to the claimant upon a determination by the
12 director or designee, an administrative law judge, or a court that the
13 claimant is the present lawful owner or is lawfully entitled to
14 possession of the articles seized, and that the seized articles were
15 improperly seized.

16 (d)(i) No conveyance, including vessels, vehicles, or aircraft, is
17 subject to forfeiture under this section by reason of any act or
18 omission established by the owner of the conveyance to have been
19 committed or omitted without his knowledge or consent.

20 (ii) A forfeiture of a conveyance encumbered by a bona fide
21 security interest is subject to the interest of the secured party if
22 the secured party neither had knowledge nor consented to the act or
23 omission.

24 (e) When seized property is forfeited under this section the
25 department may retain it for official use unless the property is
26 required to be destroyed, or upon application by any law enforcement
27 agency of the state, release such property to such agency for the use
28 of enforcing Title 77 RCW, or sell such property, and deposit the
29 proceeds to the wildlife fund in the state treasury, as provided for in
30 RCW 77.12.170)) (a) Wildlife agents and other law enforcement officers
31 may seize personal property including but not limited to vehicles, air
32 craft, or boats for forfeiture to the state of Washington if they have
33 probable cause to believe that the property was held with intent to
34 violate or was used in violation of this title or department rule under
35 the following circumstances:

36 (i) If the use or intended use involves big game or any species
37 designated as endangered or threatened under state or federal law; or

38 (ii) If the use or intended use involves the taking of any fish in
39 violation of RCW 77.16.060.

1 (b)(i) Wildlife agents and other law enforcement officers may seize
2 without warrant wildlife or any evidence they have probable cause to
3 believe has been taken, killed, transported, utilized, or possessed in
4 violation of this title or department rule.

5 (ii) A court may forfeit, after notice to interested parties,
6 articles or devices held with intent to violate or used in violation of
7 this title or department rule.

8 (2) Wildlife agents and other law enforcement officers may seize
9 for subsequent intended administrative forfeiture articles, devices,
10 equipment, vehicles, aircraft, or boats they have probable cause to
11 believe were held with intent to violate or were used in violation of
12 this title or department rule under the following circumstances:

13 (a) When the violation involves big game;

14 (b) When the violation involves the taking or attempting to take
15 any fish in violation of RCW 77.16.060; or

16 (c) When the violation involves any offense contained in chapter
17 77.16 RCW, involving the unlawful possession, sale, purchase, or
18 trafficking in wildlife.

19 (3) Seizures shall not be made under subsection (2) of this section
20 if the violation reasonably appears to be inadvertent.

21 (4) In the event of a seizure of articles or devices under
22 subsection (2) of this section, proceedings for forfeiture shall be
23 deemed commenced by the seizure.

24 (5) At the time of seizure or within fifteen days thereafter the
25 department or seizing agency shall serve notice upon the owner of the
26 articles or devices seized and on any person having any known right or
27 interest in the articles or devices seized. Notice may be served by
28 any method authorized by law or court rule, including service by
29 certified mail with return receipt requested. Service by mail shall be
30 deemed complete by mailing within the fifteen-day period following the
31 seizure.

32 (6) If no person notifies the department in writing of the person's
33 claim of ownership or right to possession of the articles or devices
34 seized under subsection (2) of this section within forty-five days of
35 the seizure, the articles and devices shall be deemed forfeited.

36 (7) If any person notifies the department in writing within the
37 forty-five days of the seizure, the person shall be afforded an
38 opportunity to be heard as to the claim or right. The hearing shall be
39 before the director or the director's designee, or before an

1 administrative law judge appointed under chapter 34.12 RCW, except that
2 a person asserting a claim or right may remove the matter to a court of
3 competent jurisdiction if the aggregate value of the articles seized is
4 more than five thousand dollars. The department hearing and subsequent
5 appeal shall be as provided for in Title 34 RCW. The burden of
6 producing evidence shall be on the person claiming to be the lawful
7 owner or person claiming the lawful right of possession of the articles
8 or devices seized. The department shall promptly return the articles
9 and devices seized upon a determination by the director or the
10 director's designee, an administrative law judge, or a court of
11 competent jurisdiction, that a claimant is the present lawful owner or
12 is lawfully entitled to possession of the articles or devices seized,
13 or that the articles and devices in question were improperly seized.

14 (8)(a) No article or device is subject to forfeiture under this
15 section by reason of any act or omission established by the owner of
16 the articles or devices to have been committed without the owner's
17 knowledge or consent.

18 (b) A forfeiture of articles or devices encumbered by a perfected
19 security interest is subject to the interest of the secured party if
20 the secured party neither had knowledge nor consented to the act or
21 omission.

22 (9) When seized property is forfeited under this section the
23 department may retain it for official use unless the property is
24 required to be destroyed, or upon application by any law enforcement
25 agency of the state, release such property to the agency for the
26 purpose of enforcing this title, or sell such property, and deposit the
27 proceeds in the state treasury credited to the wildlife fund as
28 provided by RCW 77.12.170.

29 (10)(a) A wildlife agent or other law enforcement officer may apply
30 to a court of record for a search warrant in the event an asset subject
31 to forfeiture under this section has been concealed or otherwise made
32 unavailable by the possessor of the asset.

33 (b) A court of record shall issue such writ if probable cause
34 exists to seize the asset as provided by this section.

35 (c) The person holding the asset shall surrender it promptly to the
36 agent or be subject to contempt of court proceedings.

37 **Sec. 9.** RCW 77.12.325 and 1980 c 78 s 52 are each amended to read
38 as follows:

1 (~~The commission may cooperate with the Oregon fish and wildlife~~
2 ~~commission in the adoption of rules to assure an annual yield of~~
3 ~~wildlife on the Columbia river and to prevent the taking of wildlife at~~
4 ~~places or times that might endanger wildlife~~)) (1)(a) The purpose of
5 this section is to avoid the conflict, confusion, and difficulty of
6 locating the state boundary in or on the boundary waters or islands of
7 the Columbia river.

8 (b) This section does not authorize the holder of a Washington
9 license to take or attempt to take wildlife from the shoreline,
10 sloughs, or tributaries on the Oregon side, nor allow the holder of an
11 Oregon license to take or attempt to take wildlife from the shoreline,
12 sloughs, or tributaries on the Washington side.

13 (2) The department may cooperate with the Oregon department of fish
14 and wildlife in the adoption of rules to assure an annual yield of
15 wildlife on that portion of the Columbia river that forms the boundary
16 between the two states, and to prevent the taking of wildlife at places
17 or times that might endanger wildlife in boundary waters.

18 (3) The courts in the counties contiguous to the boundary waters,
19 wildlife agents, and any other law enforcement officer have
20 jurisdiction over the boundary waters to the furthest shoreline.
21 This jurisdiction is concurrent with the courts and law enforcement
22 officers of Oregon.

23 (4)(a) The taking of wildlife from the boundary waters and islands
24 of the Columbia river shall be in accordance with the wildlife laws of
25 the respective states, except when the wildlife laws and rules are in
26 conflict.

27 (b) When the rules are in conflict each state's rules must be
28 obeyed in that state's portion of the boundary waters or islands.

29 (c) Wildlife agents and other law enforcement officers shall honor
30 valid licenses, tags, permits, and permit cards issued by the Oregon
31 department of fish and wildlife and the privilege of the holder to
32 take wildlife from the boundary waters and islands of the Columbia
33 river.

34 (d) Washington residents are not authorized to take or attempt to
35 take wildlife under the authority of an Oregon license on the boundary
36 waters or islands.

37 (5) The provisions of this section shall be effective only to the
38 extent that the state of Oregon recognizes concurrent jurisdiction of

1 the state of Washington and grants similar privileges to Washington
2 residents on the boundary waters and islands of the Columbia river.

3 **Sec. 10.** RCW 77.16.020 and 1987 c 506 s 59 are each amended to
4 read as follows:

5 ~~((1) It is unlawful to hunt, fish, possess, or control a species~~
6 ~~of game bird, game animal, or game fish during the closed season for~~
7 ~~that species except as provided in RCW 77.12.105.~~

8 ~~(2) It is unlawful to kill, take, catch, possess, or control these~~
9 ~~species in excess of the number fixed as the bag limit for each~~
10 ~~species.~~

11 ~~(3) It is unlawful to hunt within a game reserve or to fish for~~
12 ~~game fish within closed waters.~~

13 ~~(4) It is unlawful to hunt wild birds or wild animals within a~~
14 ~~closed area except as authorized by rule of the commission.~~

15 ~~(5) It is unlawful to hunt or fish for wildlife, practice taxidermy~~
16 ~~for profit, deal in raw furs for profit, act as a fishing guide, or~~
17 ~~operate a game farm, stock game fish, or collect wildlife for research~~
18 ~~or display, without having in possession the license, permit, tag,~~
19 ~~stamp, or punchcard required by chapter 77.32 RCW or rule of the~~
20 ~~department. The activities described in this subsection shall be~~
21 ~~conducted in accordance with rules adopted pursuant to this title)) A~~
22 person is guilty of unlawful hunting, trapping, or taking wildlife in
23 the first degree when he or she:

24 (1) Hunts, traps, or takes a big game animal; and

25 (2) Either;

26 (a) Does not have a valid license and/or tag, permit, stamp, catch
27 record card, or combination thereof, for that species or subspecies or;

28 (b) Is in violation of any rule of the department; or

29 (c) Exceeds the bag limit for that species or subspecies as set by
30 rule of the department; or

31 (d) It is during the closed season for that species or subspecies;
32 or

33 (3) Has a prior big game conviction within five years of the date
34 of the violation.

35 A person convicted under this section is guilty of a class C
36 felony.

1 NEW SECTION. **Sec. 11.** A new section is added to chapter 77.16 RCW
2 to read as follows:

3 A person is guilty of unlawful hunting, fishing, or taking a
4 species of wildlife in the second degree when he or she:

5 (1) Hunts, traps, fishes, or takes a big game animal or steelhead
6 trout; and

7 (2)(a) Does not have a valid license and/or tag, permit, stamp,
8 catch record card, or combination thereof, for that species or
9 subspecies; or

10 (b) Is in violation of any rule of the department; or

11 (c) Exceeds the bag limit for that species or subspecies as set by
12 rule of the department.

13 A person convicted under this section is guilty of a gross
14 misdemeanor.

15 NEW SECTION. **Sec. 12.** A new section is added to chapter 77.16 RCW
16 to read as follows:

17 A person is guilty of unlawful hunting, fishing, trapping, or
18 taking a species of wildlife in the third degree when:

19 (1) He or she hunts, traps, fishes, or takes a species of wildlife;
20 and

21 (2)(a) Does not have a valid license and/or tag, permit, stamp,
22 catch record card, or combination thereof, for that species or
23 subspecies; or

24 (b) Is in violation of any rule of the department; or

25 (c) Exceeds the bag limit of that species or subspecies as set by
26 rule of the department.

27 A person convicted under this section is guilty of a misdemeanor.

28 NEW SECTION. **Sec. 13.** A new section is added to chapter 77.16 RCW
29 to read as follows:

30 A person is guilty of unlawful possession of wildlife in the first
31 degree if he or she possesses, transports, or controls a species or
32 subspecies of wildlife defined as big game in violation of any rule of
33 the department or the wildlife was unlawfully hunted, taken, or
34 trapped, and he or she has a prior conviction involving big game within
35 five years of the date of violation. A person convicted under this
36 section is guilty of a class C felony.

1 NEW SECTION. **Sec. 14.** A new section is added to chapter 77.16 RCW
2 to read as follows:

3 A person is guilty of unlawful possession of wildlife in the second
4 degree if he or she possesses, transports, or controls a species or
5 subspecies of wildlife defined as big game in violation of any rule of
6 the department or the wildlife was unlawfully hunted, taken, trapped,
7 or fished. A person convicted of violating this section is guilty of
8 a gross misdemeanor.

9 NEW SECTION. **Sec. 15.** A new section is added to chapter 77.16 RCW
10 to read as follows:

11 A person is guilty of unlawful possession of wildlife in the third
12 degree if he or she possesses, transports, or controls a species or
13 subspecies of wildlife in violation of any rule of the department or
14 the wildlife was unlawfully hunted, taken, trapped, or fished. A
15 person convicted of violating this section is guilty of a misdemeanor.

16 NEW SECTION. **Sec. 16.** A new section is added to chapter 77.16 RCW
17 to read as follows:

18 It is unlawful to practice taxidermy for another with any type of
19 compensation whether or not a profit is made, without a valid
20 taxidermist license in possession, or in violation of any rule of the
21 department pertaining to the practice of taxidermy. A person convicted
22 of violating this section is guilty of a gross misdemeanor.

23 Nothing in this section shall be construed as to prevent the
24 prosecution of anyone for unlawful possession of wildlife.

25 NEW SECTION. **Sec. 17.** A new section is added to chapter 77.16 RCW
26 to read as follows:

27 It is unlawful to engage in fur dealing without a valid fur
28 dealer's license on person or in violation of any rule of the
29 department pertaining to fur dealing.

30 NEW SECTION. **Sec. 18.** A new section is added to chapter 77.16 RCW
31 to read as follows:

32 It is unlawful to operate a game farm without a valid game farm
33 license in possession or in violation of any rule of the department
34 pertaining to operating a game farm.

1 NEW SECTION. **Sec. 19.** A new section is added to chapter 77.16 RCW
2 to read as follows:

3 It is unlawful to stock game fish without a valid game fish
4 stocking permit in possession or in violation of any rule of the
5 department pertaining to the stocking of game fish.

6 NEW SECTION. **Sec. 20.** A new section is added to chapter 77.16 RCW
7 to read as follows:

8 It is unlawful to offer to perform or perform the services of a
9 professional fishing guide without a valid fishing guide license in
10 possession or in violation of any rule of the department as it pertains
11 to fishing guides.

12 NEW SECTION. **Sec. 21.** A new section is added to chapter 77.16 RCW
13 to read as follows:

14 It is unlawful to collect wildlife for research or public display
15 without a valid scientific collection permit in possession or in
16 violation of any rule of the department pertaining to collecting
17 wildlife for research or public display.

18 NEW SECTION. **Sec. 22.** A new section is added to chapter 77.16 RCW
19 to read as follows:

20 It is unlawful for an original receiver to engage in the business
21 of dealing in anadromous game fish without a valid anadromous game fish
22 dealer's license in his or her possession. Violation of this section
23 is a gross misdemeanor.

24 **Sec. 23.** RCW 77.16.040 and 1987 c 506 s 60 are each amended to
25 read as follows:

26 (~~Except as authorized by law or rule, it is unlawful to bring into~~
27 ~~this state, offer for sale, sell, possess, exchange, buy, transport, or~~
28 ~~ship wildlife or articles made from an endangered species. It is~~
29 ~~unlawful for a common or contract carrier knowingly to ship or receive~~
30 ~~for shipment wildlife or articles made from an endangered species)) A
31 person commits the crime of trafficking in wildlife in the first degree
32 when:~~

33 (1) He or she purchases, sells, offers for sale, possesses with
34 intent to sell, or exchanges for any valuable consideration, any
35 wildlife; and

- 1 (2) The act was not permitted by law or rule of the department; and
2 (3)(a) The wildlife has a wholesale value of more than two hundred
3 fifty dollars; or
4 (b) The wildlife is an endangered species.

5 For purposes of this section, it is prima facie evidence of the
6 value of the wildlife of either the actual wholesale market price of
7 the wildlife or by value assigned to specific wildlife by the wildlife
8 commission by rule of the department after a fact-finding hearing.
9 Trafficking in wildlife in the first degree is a class C felony.

10 NEW SECTION. Sec. 24. A new section is added to chapter 77.16 RCW
11 to read as follows:

12 A person commits the crime of trafficking in wildlife in the second
13 degree when:

14 (1) He or she purchases, sells, offers for sale, possesses with
15 intent to sell, or exchanges for any valuable consideration, any
16 wildlife and the act was not permitted by law or rule of the
17 department;

18 (2) He or she brings into this state or transports within this
19 state or transports from this state any wildlife in violation of law or
20 rule of the department; or

21 (3) When a common carrier or contract carrier ships or receives
22 wildlife for shipment in violation of law or rule of the department and
23 the common carrier or contract carrier knew or should have known that
24 the shipment contained wildlife or articles made from an endangered
25 species.

26 Trafficking in wildlife in the second degree is a gross
27 misdemeanor.

28 NEW SECTION. Sec. 25. A new section is added to chapter 77.16 RCW
29 to read as follows:

30 (1) It shall be an affirmative defense to a prosecution for
31 trafficking in anadromous game fish if the anadromous game fish was
32 caught by:

33 (a) A member of an Indian tribe that has treaty Indian fishing
34 rights to take anadromous game fish; and

35 (b) The member took the anadromous game fish from his or her
36 tribe's usual and accustomed fishing area as that term is used in
37 Indian treaty fishing rights.

1 The defendant has the burden of proving this affirmative defense by
2 a preponderance of the evidence.

3 (2) It shall be an affirmative defense to a prosecution for
4 purchasing anadromous game fish if the purchaser:

5 (a) Complied with all laws that require reporting of the catch,
6 sale, or purchase of anadromous game fish; and

7 (b) Reasonably believed that the seller had complied with all laws
8 that require reporting of the catch, sale, or purchase of anadromous
9 game fish; and

10 (c) Reasonably believed that the anadromous game fish were caught
11 by a member of an Indian tribe pursuant to treaty Indian fishing rights
12 from a place subject to the treaty Indian fishing rights.

13 The defendant has the burden of proving this affirmative defense by
14 a preponderance of the evidence.

15 NEW SECTION. Sec. 26. A new section is added to chapter 77.16 RCW
16 to read as follows:

17 It is unlawful to use department lands or facilities without having
18 a valid license or permit on possession issued by the director
19 authorizing the use of such lands or facilities or in violation of any
20 rule of the department.

21 NEW SECTION. Sec. 27. A new section is added to chapter 77.16 RCW
22 to read as follows:

23 It is unlawful to own or operate a wildlife locker plant without a
24 valid permit issued by the department in possession or in violation of
25 any rule of the department. Violation of this section is a gross
26 misdemeanor.

27 Sec. 28. RCW 77.16.050 and 1980 c 78 s 73 are each amended to read
28 as follows:

29 ~~((It is unlawful to hunt big game with a spotlight or other
30 artificial light. It is prima facie evidence of a violation of this
31 section to be found with a spotlight or other artificial light and with
32 a firearm, bow and arrow, or crossbow, after sunset, in a place where
33 big game may reasonably be expected))~~ (1) A person is guilty of
34 spotlighting wildlife in the first degree if he or she hunts big game,
35 or other wildlife classified under this title, with the aid of a
36 spotlight or other artificial light unless expressly authorized by law

1 or rule of the department or a permit issued by the director, and the
2 person has a prior conviction involving big game within the previous
3 five years.

4 (2) It is prima facie evidence of a violation of this section to be
5 found with a spotlight or other artificial light and with a firearm or
6 other weapon after sunset, in an area where big game or other
7 classified wildlife may reasonably be expected.

8 (3) A person violating this section is guilty of a class C felony.

9 NEW SECTION. Sec. 29. A new section is added to chapter 77.16 RCW
10 to read as follows:

11 (1) It is unlawful to hunt big game or other wildlife classified
12 under this title with the aid of a spotlight or other artificial light
13 unless expressly authorized by law or by rule of the department or a
14 permit issued by the director.

15 (2) It is prima facie evidence of a violation of this section to be
16 found with a spotlight or other artificial light and with a firearm or
17 other weapon after sunset, in an area where big game or other
18 classified wildlife may reasonably be expected.

19 (3) A person violating this section is guilty of a gross
20 misdemeanor.

21 **Sec. 30.** RCW 77.16.060 and 1987 c 506 s 61 are each amended to
22 read as follows:

23 ~~((It is unlawful to lay, set, or use a net or other device capable~~
24 ~~of taking game fish in the waters of this state except as authorized by~~
25 ~~the commission or director of fisheries. Game fish taken incidental to~~
26 ~~a lawful season established by the director of fisheries shall be~~
27 ~~returned immediately to the water.~~

28 ~~A landing net may be used to land fish otherwise legally hooked))~~
29 A person is guilty of unlawful use of nets if he or she lays, sets,
30 uses, or controls a net, set line, or other device or equipment capable
31 of taking wildlife or game fish from or on the waters of this state
32 except as expressly authorized by law, rule of the commission, or
33 director of fisheries and he or she has a prior violation of this
34 section or one involving big game or steelhead under this title, or he
35 or she acts with intent to commercially harvest game fish. Violation
36 of this section is a class C felony. It shall be prima facie evidence
37 of intent to commercially harvest game fish if the net, set line, or

1 other device is used without any legal authority by the department of
2 fisheries of the United States government, or that any game fish is
3 concealed in such a manner as to avoid detection by any law enforcement
4 officer.

5 NEW SECTION. Sec. 31. A new section is added to chapter 77.16 RCW
6 to read as follows:

7 A person is guilty of unlawful use of nets in the second degree if
8 he or she lays, sets, uses, or controls a net, set line, or other
9 device or equipment capable of taking wildlife or game fish from or on
10 the waters of this state and except as expressly authorized by law,
11 rule of the commission, or director of fisheries, or negligently fails
12 to return to the water any game fish caught by mistake in a lawfully
13 set device. Violation of this section is a gross misdemeanor.

14 NEW SECTION. Sec. 32. A new section is added to chapter 77.16 RCW
15 to read as follows:

16 It shall be an affirmative defense to violations of either RCW
17 77.16.060 or section 31 of this act if the person using the net is
18 exercising treaty Indian fishing rights in his or her usual and
19 accustomed areas and he or she is in compliance with the applicable
20 tribal regulations.

21 **Sec. 33.** RCW 77.16.090 and 1980 c 78 s 77 are each amended to read
22 as follows:

23 It is unlawful for a person (~~((who kills or possesses))~~) taking or
24 possessing game animals, game birds, or game fish to cause or
25 negligently allow them to (~~((needlessly))~~) go to waste except as
26 expressly authorized by law, rule of the department, or by a permit
27 issued by the director.

28 **Sec. 34.** RCW 77.16.095 and 1987 c 506 s 63 are each amended to
29 read as follows:

30 (~~((It is unlawful to mutilate wildlife so that the size, species, or~~
31 ~~sex cannot be determined visually in the field or while being~~
32 ~~transported. The director may prescribe specific criteria for field~~
33 ~~identification to satisfy this section))~~) A person commits the crime of
34 mutilation of wildlife in the first degree if he or she mutilates
35 wildlife so that the size, sex, or species cannot be determined

1 visually in the field or while being transported, the wildlife is a big
2 game animal, and the act is committed with intent to conceal an illegal
3 kill or possession. A person convicted of violating this section is
4 guilty of a gross misdemeanor.

5 NEW SECTION. Sec. 35. A new section is added to chapter 77.16 RCW
6 to read as follows:

7 A person commits the offense of mutilation of wildlife in the
8 second degree if he or she mutilates wildlife so that the size, sex, or
9 species cannot be determined visually in the field or while being
10 transported or possesses wildlife in the field or while being
11 transported when the size, sex, or species cannot be visually
12 determined.

13 A person convicted of violating this section shall be guilty of a
14 misdemeanor.

15 The director may prescribe specific criteria for field
16 identification to satisfy this section.

17 **Sec. 36.** RCW 77.16.100 and 1980 c 78 s 79 are each amended to read
18 as follows:

19 (1) It is unlawful for the owner of a dog or a person harboring or
20 otherwise in control of a dog to ((directly or negligently permit))
21 cause or allow the dog to pursue or injure ((deer or elk or to
22 accompany a person who is hunting deer or elk.

23 During the closed season for a species of game animal or game bird,
24 a dog found pursuing that species, molesting its young, or destroying
25 the nest of a game bird may be declared a public nuisance)) any species
26 of wildlife unless expressly authorized by law, rule of the department,
27 or by a permit issued by the director.

28 (2) It is unlawful to hunt deer or elk accompanied by or with the
29 aid of a dog.

30 (3) It is unlawful for the owner of a hunting dog or a person
31 harboring or otherwise in control of a hunting dog to cause or allow
32 the dog to roam at large in nesting or brooding areas of wildlife from
33 April 1 through July 31.

34 (4) Except for an open season for a particular species of wildlife
35 which allows the use of hunting dogs, any dog found in the act of
36 pursuing any species, molesting the young, or destroying nests or eggs,
37 may be declared a public nuisance, and any wildlife officer, or other

1 law enforcement officer may destroy any dog found pursuing wildlife,
2 molesting the young of wildlife, or destroying the nests or eggs of
3 wildlife, by any humane method. Neither the department nor the officer
4 is civilly liable unless the officer acts negligently.

5 **Sec. 37.** RCW 77.16.110 and 1987 c 506 s 64 are each amended to
6 read as follows:

7 ~~((It is unlawful to carry firearms, other hunting weapons, or traps~~
8 ~~or to allow directly or negligently a dog upon a game reserve, except~~
9 ~~on public highways or as authorized by rule of the director)) It is~~

10 unlawful to possess a firearm, other hunting weapon, or trapping
11 equipment upon or to cause or allow a dog upon a wildlife reserve,
12 except within the right of way of a public highway or as authorized by
13 rule of the director.

14 **Sec. 38.** RCW 77.16.120 and 1980 c 78 s 81 are each amended to read
15 as follows:

16 ~~((Except as authorized by rule of the commission, it is unlawful to~~
17 ~~hunt, fish for, possess, or control protected wildlife, or endangered~~
18 ~~species or to destroy or possess the nests or eggs of game birds or~~
19 ~~protected wildlife)) A person commits the crime of criminal taking of~~

20 endangered wildlife in the first degree when:

21 (1) He or she intentionally kills, injures, traps, catches, causes
22 the death of, or harasses wildlife and the wildlife is an endangered
23 species or protected wildlife; or

24 (2) He or she commits criminal taking of wildlife in the second
25 degree and has been convicted of criminal taking of wildlife in the
26 first or second degree anytime during the previous five years.

27 Criminal taking of endangered wildlife in the first degree is a
28 class C felony.

29 **NEW SECTION. Sec. 39.** A new section is added to chapter 77.16 RCW
30 to read as follows:

31 A person commits the crime of criminal taking of endangered
32 wildlife in the second degree when:

33 (1) He or she hunts for, fishes for, possesses, or controls
34 wildlife that is an endangered species or protected wildlife; or

35 (2) He or she destroys or possesses the nests or eggs of game
36 birds.

1 Criminal taking of endangered wildlife in the second degree is a
2 gross misdemeanor and shall be prosecuted and punished under RCW
3 9A.20.020.

4 **Sec. 40.** RCW 77.16.150 and 1987 c 506 s 66 are each amended to
5 read as follows:

6 ~~((Except as authorized by the director, consistent with criteria
7 established by the commission,))~~ It is unlawful to release wildlife or
8 to plant aquatic plants or their seeds within the state except as
9 expressly authorized by law or by a permit issued by the director.
10 Violation of this section is a gross misdemeanor. In addition, upon
11 conviction, the sentencing court shall order restitution for the
12 reasonable costs to any state agency to repair the damage the release
13 caused.

14 **Sec. 41.** RCW 77.16.190 and 1980 c 78 s 87 are each amended to read
15 as follows:

16 ~~((It is unlawful for a person to wilfully post signs or warn
17 against or otherwise prevent hunting or fishing on any land not owned
18 or leased by that person))~~ It is unlawful for a person to willfully
19 post signs, warn against, or otherwise prevent a person from hunting or
20 fishing on any land not owned or leased by that person and when not
21 acting in the capacity of an authorized agent of the owner or lessee.

22 **Sec. 42.** RCW 77.16.250 and 1989 c 297 s 5 are each amended to read
23 as follows:

24 ~~((Except as provided in RCW 77.16.290 and 77.32.238,))~~ (1) It is
25 unlawful to carry, transport, ((convey,)) possess, or control in or on
26 a motor vehicle a shotgun or rifle containing shells or cartridges in
27 the magazine or chamber, or a muzzle-loading firearm loaded and capped
28 or primed except as expressly authorized by law or by a permit issued
29 by the director.

30 (2) It is unlawful to carry, possess, transport, or control in or
31 on a motor vehicle, any bow with the arrow nocked ready for discharge.

32 **Sec. 43.** RCW 77.16.260 and 1980 c 78 s 94 are each amended to read
33 as follows:

34 ~~((Except as provided in RCW 77.16.290, it is unlawful to shoot a
35 firearm from, across, or along the maintained portion of a public~~

1 highway)) (1) It is unlawful to shoot or discharge a firearm, or any
2 bow and arrow from, across, or along a public highway except as
3 expressly authorized by law or by rule of the department.

4 (2) For the purpose of this section the term "public highway" shall
5 mean the entire width between the boundary lines of every way publicly
6 maintained by public funds.

7 **Sec. 44.** RCW 77.16.310 and 1981 c 310 s 4 are each amended to read
8 as follows:

9 ~~((It is unlawful to purchase, obtain, or possess or to attempt to~~
10 ~~purchase or obtain a license, permit, or tag required by this title:~~

11 ~~(1) By using false information; or~~

12 ~~(2) After notice of the revocation or forfeiture of an existing~~
13 ~~license, permit, or tag, except that a person may purchase a license~~
14 ~~that does not grant the privilege that was revoked; or~~

15 ~~(3) In excess of one license, permit, tag, stamp, or punchcard for~~
16 ~~a license year except as authorized by RCW 77.32.256 or other law or~~

17 ~~rule of the commission)) (1) It is unlawful to purchase, obtain,~~
18 ~~display, or possess, or to attempt to obtain a license, permit, tag,~~
19 ~~stamp, or catch record card required by this title or rule of the~~
20 ~~department:~~

21 (a) Containing materially false information relating to age,
22 identity, address, or residency status; or

23 (b) In excess of one license, permit, tag, stamp, or catch record
24 card per license year except as expressly authorized by department
25 rule; or

26 (c) With notice of the revocation, forfeiture, or suspension of an
27 existing license, permit, tag, stamp, or catch record card, or the
28 privilege to engage in activities authorized by chapter 77.32 RCW.

29 (d) A person may purchase a license for a privilege that has not
30 been revoked, forfeited, or suspended.

31 (e) Notice as provided in (c) of this subsection shall be deemed to
32 have been given when the notice of revocation is sent certified mail to
33 the last known address of record, as reflected in the records of the
34 department or the department of licensing.

35 (2) It is unlawful for a person to transfer, sell, barter, trade,
36 or solicit the purchase or sale of a license, permit, tag, stamp, or
37 catch record card except as expressly provided by department rule.

1 (3) It is unlawful for a person to display or possess another
2 person's license, permit, stamp, tag, or catch record card for the
3 purpose of representing it as their own.

4 (4) It is unlawful for a person to engage in conduct or activities
5 authorized by this title or department rule during a period of
6 revocation, forfeiture, or suspension as provided for in this title or
7 by court order.

8 (5) Licenses, permits, tags, stamps, or catch record cards
9 possessed, obtained, displayed, or transferred in violation of this
10 title or rule of the director remain the property of the state and are
11 null and void and of no effect.

12 (6) Persons obtaining, possessing, displaying, or transferring
13 licenses, permits, stamps, tags, or catch record cards in violation of
14 this title or rule of the director are not entitled to a refund of fees
15 paid.

16 (7) It is unlawful for an ineligible person to willfully submit an
17 application for a license, permit, tag, stamp, or catch record card.

18 (8) It is unlawful for a person to display or possess a license,
19 permit, tag, stamp, or catch record card that is altered other than in
20 a manner authorized by this title or rule of the director.

21 (9) It is unlawful for a person to fail to submit to the department
22 within ten days after the effective date of the forfeiture, revocation,
23 or suspension; a license, permit, tag, stamp, or catch record card
24 which has been forfeited, revoked, or suspended as provided by law or
25 rule of the department.

26 NEW SECTION. Sec. 45. A new section is added to chapter 77.16 RCW
27 to read as follows:

28 (1) It is unlawful to snag, gaff, or spear for, attempt to take or
29 possess game fish taken by such means except as expressly authorized by
30 law or rule of the department.

31 (2) It is unlawful to take or attempt to take or possess game fish
32 by means of a firearm, bow and arrow, or crossbow.

33 NEW SECTION. Sec. 46. A new section is added to chapter 77.16 RCW
34 to read as follows:

35 (1) It is unlawful for a person to fail to submit a required treaty
36 Indian fish receiving ticket to the department in a manner and within
37 the time frame established by law, rule of the director, or a permit

1 issued by the director. Nothing in this section shall be construed as
2 to require any person to violate his or her rights under the
3 Constitutions of the United States or the state of Washington.

4 (2) It is unlawful for a person to submit a report required by the
5 department that is falsified.

6 **Sec. 47.** RCW 77.21.010 and 1988 c 265 s 3 are each amended to read
7 as follows:

8 (1) (~~(A person violating RCW 77.16.040, 77.16.050, 77.16.060,~~
9 ~~77.16.080, 77.16.210, 77.16.220, 77.16.310, 77.16.320, or 77.32.211, or~~
10 ~~committing a violation of RCW 77.16.020 or 77.16.120 involving~~
11 ~~77.16.210, 77.16.220, 77.16.310, 77.16.320, 77.16.340, or 77.32.211, or~~
12 ~~committing a violation of RCW 77.16.020 or 77.16.120 involving big game~~
13 ~~or an endangered species is guilty of a gross misdemeanor and shall be~~
14 ~~punished by a fine of not less than two hundred fifty dollars and not~~
15 ~~more than one thousand dollars or by imprisonment in the county jail~~
16 ~~for not less than thirty days and not more than one year or by both the~~
17 ~~fine and imprisonment. Each subsequent violation within a five year~~
18 ~~period of RCW 77.16.040, 77.16.050, or 77.16.060, or of RCW 77.16.020~~
19 ~~or 77.16.120 involving big game or an endangered species, as defined by~~
20 ~~the commission under the authority of RCW 77.04.090, shall be~~
21 ~~prosecuted and punished as a class C felony as defined in RCW~~
22 ~~9A.20.020.)) Failure to submit funds to the department that are derived
23 from the sale of licenses, permits, tags, stamps, or catch record cards
24 by an authorized license dealer within the time and in the manner
25 required by the director constitutes theft as defined in chapter 9A.56
26 RCW.~~

27 (2) In connection with (~~each such~~) any felony prosecution under
28 this title, the director shall provide the court with an inventory of
29 (~~all~~) articles (~~or devices~~) seized (~~under this title in connection~~
30 ~~with the violation. Inventoried articles or devices shall be disposed~~
31 ~~of pursuant to RCW 77.21.040)) and the court shall forfeit the articles
32 as provided in RCW 77.12.101.~~

33 (~~(2)~~) (3)(a) A person violating or failing to comply with this
34 title or rules (~~adopted pursuant to this title for which no penalty is~~
35 ~~otherwise provided is guilty of a misdemeanor and shall be punished for~~
36 ~~each offense by a fine of five hundred dollars or by imprisonment for~~
37 ~~not more than ninety days in the county jail or by both the fine and~~

1 imprisonment)) of the department for which no penalty is otherwise
2 provided is guilty of a misdemeanor.

3 (b) The commission may provide, when not inconsistent with
4 applicable statutes, that violation of a specific rule of the
5 department is an infraction under chapter 7.84 RCW.

6 ~~((3) A person placing traps on private property without permission~~
7 ~~of the owner, lessee, or tenant where the land is improved and~~
8 ~~apparently used, or where the land is fenced or enclosed in a manner~~
9 ~~designed to exclude intruders or to indicate a property boundary line,~~
10 ~~or where notice is given by posting in a conspicuous manner, is guilty~~
11 ~~of the misdemeanor of trespass as defined and established in RCW~~
12 ~~9A.52.010 and 9A.52.080 and shall be punished for each offense by a~~
13 ~~fine of not less than two hundred fifty dollars)) (4) The term
14 "convicted" as used in this title or rule of the department means a
15 plea of guilty, a finding of guilt or the imposition of a fine, an
16 unvacated forfeiture of bail or collateral deposited to secure the
17 defendant's appearance, a determination that an infraction has been
18 committed, regardless of whether the imposition of a sentence,
19 monetary penalty, or fine is deferred or suspended in whole or in part.
20 A person has been convicted under the provisions of this title or rules
21 of the department at such time as any of the provisions of this section
22 are entered in the court records regarding the violations
23 notwithstanding the pendency of any future proceedings including but
24 not limited to sentencing, posttrial motions, and appeals.~~

25 ~~((4)) (5) Persons convicted of a violation shall pay the costs of~~
26 ~~prosecution and ((the)) any penalty assessment in addition to ((the))~~
27 ~~any fine or imprisonment.~~

28 ~~((5)) (6) The unlawful ((killing,)) taking, killing, or~~
29 ~~possession of each wildlife member constitutes a separate offense.~~

30 ~~((6)) (7) District courts have ((jurisdiction)) concurrent~~
31 ~~jurisdiction with the superior courts ((of misdemeanors and gross~~
32 ~~misdemeanors committed in)) over violation of this title ((or)) and
33 ~~((adopted pursuant to this title)) of the department and may~~
34 ~~impose ((the)) punishment provided for these offenses consistent with~~
35 ~~Title 3 RCW.~~~~

36 (8) Superior courts have jurisdiction over felonies committed in
37 violation of this title.

1 **Sec. 48.** RCW 77.21.020 and 1987 c 506 s 70 are each amended to
2 read as follows:

3 ~~((In addition to other penalties provided by law, the director
4 shall revoke the hunting license of a person who is convicted of a
5 violation of RCW 77.16.020 involving big game or RCW 77.16.050.
6 Forfeiture of bail twice during a five-year period for these violations
7 constitutes the basis for a revocation under this section.~~

8 ~~A hunting license shall not be issued to the person for two years
9 from the revocation.~~

10 ~~A person who has had a license revoked or has been denied issuance
11 pursuant to this section or RCW 77.21.030, may appeal the decision as
12 provided in chapter 34.05 RCW))~~ (1) In addition to other penalties
13 provided by law, the director may revoke the license of a person
14 convicted of a violation of this title. The director shall revoke the
15 license of a person who is convicted of a gross misdemeanor or felony
16 under this title.

17 (2) Any license, issued under the authority of this title, shall
18 not be issued to the person for two years from the revocation.

19 (3) A person revoked under this section shall not be issued another
20 license, permit, tag, stamp, or catch record card for any activity
21 described in chapter 77.32 RCW until those privileges are restored by
22 the director. The director shall base his or her judgment on whether
23 to restore the privileges under chapter 77.32 RCW on whether the
24 violator has reformed and may take into consideration the violator's
25 criminal record, seriousness of the offense, and facts pertaining to
26 the original charge and may impose requirements such as hunter safety
27 classes and alcohol treatment as a condition precedent to restoration
28 of the license. In situations where the director has discretion to
29 revoke a license, that discretion shall be based on the same criteria.

30 **Sec. 49.** RCW 77.21.030 and 1987 c 506 s 71 are each amended to
31 read as follows:

32 The director shall revoke the hunting license of a person who
33 shoots another person or domestic (~~livestock~~) animal while hunting.
34 A hunting license shall not be issued to that person unless the
35 director authorizes the issuance of a license, only after three years
36 have passed and only then, after determining that the shooting was
37 accidental and that the person has taken steps, including but not

1 limited to a hunter's safety course, and that damages caused by the
2 wrongful shooting have been paid.

3 NEW SECTION. Sec. 50. A new section is added to chapter 77.21 RCW
4 to read as follows:

5 (1) An offense committed under this title shall be prosecuted in
6 the county where committed.

7 (2) An offense under this title committed on a body of water that
8 constitutes the boundary between two or more counties may be charged or
9 prosecuted in any county where the body of water constitutes the
10 boundary.

11 (3) A reporting offense under this title may be charged or
12 prosecuted in the county of residence of the defendant or in Thurston
13 county.

14 (4) Game fish violations in the Columbia river or any of its
15 tributaries may be charged and prosecuted in either Washington or
16 Oregon provided that the violation occurs in the water or immediately
17 adjacent to the water and the state of Oregon has a comparable
18 provision in its law.

19 NEW SECTION. Sec. 51. A new section is added to chapter 77.21 RCW
20 to read as follows:

21 (1) In addition to the other penalties imposed under this title,
22 any person unlawfully trafficking in game fish shall pay a civil
23 penalty of fifteen dollars per pound of game fish involved in the
24 illegal transaction. Moneys collected under this section shall be paid
25 to the department of wildlife enforcement division.

26 (2) In the event that it is shown that the game fish were sold for
27 an amount greater than fifteen dollars a pound, the civil penalty will
28 be twice that of the amount per pound the game fish was sold for.

29 **Sec. 52.** RCW 77.32.010 and 1987 c 506 s 76 are each amended to
30 read as follows:

31 (1) Except as otherwise provided in this chapter, a license issued
32 by the director is required to:

33 (a) Hunt for wild animals or wild birds (~~((or fish for game fish))~~);

34 (b) Practice taxidermy for (~~((profit))~~) another;

35 (c) Deal in raw furs (~~((for profit))~~); or

36 (d) (~~((Act as a fishing guide~~;

1 ~~(e)) Operate a game farm((;~~
2 ~~(f) Purchase or sell anadromous game fish; or~~
3 ~~(g) Use department managed lands or facilities as provided by rules~~
4 ~~adopted pursuant to this title)).~~

5 (2) Except as otherwise provided in this chapter, a license issued
6 by the director is required to:

7 (a) Fish in the fresh waters of the state or fish for anadromous
8 game fish in the marine waters of the state;

9 (b) Stock fish in the fresh waters of the state except when being
10 stocked under the authority of the director of fisheries;

11 (c) Deal in anadromous game fish or roe; or

12 (d) Act as a fishing guide.

13 (3) Except as otherwise provided in this chapter, a license or
14 permit issued by the director is required to use department-managed
15 lands or facilities.

16 (4) A permit issued by the director is required to:

17 (a) Conduct, hold, or sponsor hunting or fishing contests or
18 competitive field trials using live wildlife;

19 (b) Collect ((wild animals, wild birds, game fish, or protected))
20 wildlife, their eggs, or nests for research or display; or

21 (c) Stock game fish.

22 ~~((+3))~~ (5) Aquaculture as defined in RCW 15.85.020 is exempt from
23 the requirements of this section, except when game fish are being
24 stocked in public waters under contract with the department.

25 (6) It is lawful for a person to fish in fresh water areas for food
26 fish classified by the director of fisheries under Title 75 RCW if that
27 person has in possession a valid food fish license issued by the
28 director of fisheries and is in compliance with Title 75 RCW and rules
29 of the director adopted under Title 75 RCW.

30 **Sec. 53.** RCW 77.32.211 and 1991 sp.s. c 7 s 4 are each amended to
31 read as follows:

32 (1)(a) A ((taxidermy license allows the holder to practice
33 taxidermy for profit)) taxidermist business license is required to
34 practice taxidermy for another. The fee for this license is one
35 hundred ((eighty)) fifty dollars.

36 (b) An associate taxidermist license is required to practice
37 taxidermy for another as an associate, apprentice, or employee of a
38 licensed taxidermist. The fee for this license is five dollars. This

1 license does not permit the holder to operate a separate taxidermy
2 business associated with the holder of a taxidermist business license.
3 This license only allows the holder to work with the taxidermist at his
4 or her place of business.

5 (2) A fur dealer's license allows the holder to purchase, receive,
6 or resell raw furs (~~(for profit)~~). The fee for this license is one
7 hundred (~~(eighty)~~) fifty dollars.

8 (3) A fishing guide license allows the holder to offer (~~(or)~~) to
9 perform or perform the services of a professional guide in the taking
10 of game fish. The fee for this license is one hundred (~~(eighty)~~) fifty
11 dollars for a resident and (~~(six)~~) five hundred dollars for a
12 nonresident.

13 (4) A game farm license allows the holder to operate a game farm to
14 acquire, breed, grow, keep, and sell wildlife under conditions
15 prescribed by the rules adopted pursuant to this title. The fee for
16 this license is (~~(seventy-two)~~) sixty dollars for the first year and
17 forty(~~(-eight)~~) dollars for each following year.

18 (5) A game fish stocking permit allows the holder to release game
19 fish into the waters of the state as prescribed by rule of the
20 commission. The fee for this permit is twenty(~~(-four)~~) dollars.

21 (~~(A fishing or field trial permit allows the holder to promote,~~
22 ~~conduct, hold, or sponsor a fishing or field trial contest in~~
23 ~~accordance with rules of the commission. The fee for a fishing contest~~
24 ~~permit is twenty-four dollars. The fee for a field trial contest~~
25 ~~permit is twenty-four dollars)) A hunting, fishing, or field trial
26 permit allows the holder to promote, conduct, hold, or sponsor a
27 hunting, fishing, or field trial contest in accordance with rules of
28 the commission. The fee for this permit is twenty dollars.~~

29 (7) An anadromous game fish (~~(buyer's)~~) dealer's license allows the
30 holder to be an original receiver in the purchase or (~~(sell)~~) sale of
31 steelhead trout and other anadromous game fish harvested by Indian
32 fishermen lawfully exercising fishing rights reserved by federal
33 statute, treaty, or executive order, under conditions prescribed by
34 rule of the director. The fee for this license is one hundred
35 (~~(eighty)~~) fifty dollars.

36 **Sec. 54.** RCW 77.32.350 and 1992 c 41 s 1 are each amended to read
37 as follows:

1 (~~In addition to a basic hunting license, a supplemental license,~~
2 ~~permit, or stamp is required to hunt for quail, partridge, pheasant, or~~
3 ~~migratory waterfowl, to hunt with a raptor, or to hunt wild animals~~
4 ~~with a dog.~~

5 ~~(1) A hound permit is required to hunt wild animals, except rabbits~~
6 ~~and hares, with a dog. The fee for this permit is twelve dollars.~~

7 ~~(2) An eastern Washington upland game bird permit is required to~~
8 ~~hunt for quail, partridge, and pheasant in eastern Washington. The fee~~
9 ~~for this permit is ten dollars.~~

10 ~~(3) A western Washington upland game bird permit is required to~~
11 ~~hunt for quail, partridge, and pheasant in western Washington. The fee~~
12 ~~for this permit is thirty-five dollars. Western Washington upland game~~
13 ~~bird permits must contain numbered spaces for recording the location~~
14 ~~and date of harvest of each western Washington pheasant. It is~~
15 ~~unlawful to harvest a western Washington pheasant without immediately~~
16 ~~recording this information on the permit.~~

17 ~~(4) Effective January 1, 1993, the permit shall be available as a~~
18 ~~season option, a juvenile full season option, or a two-day option. The~~
19 ~~fee for this permit is:~~

20 ~~(a) For the full season option, thirty-five dollars;~~

21 ~~(b) For the juvenile full season or the two-day option, twenty~~
22 ~~dollars.~~

23 ~~For the purposes of this subsection a juvenile is defined as a~~
24 ~~person under fifteen years of age upon the opening date of the western~~
25 ~~Washington pheasant season.~~

26 ~~(5) Western Washington upland game permits are valid for the~~
27 ~~following number of pheasants and harvesting pheasants in excess of~~
28 ~~these numbers requires another permit:~~

29 ~~(a) A full season permit is valid for no more than ten pheasants;~~

30 ~~(b) A juvenile full season permit is valid for no more than six~~
31 ~~pheasants;~~

32 ~~(c) A two-day permit is valid for no more than four pheasants.~~

33 ~~(6) A falconry license is required to possess or hunt with a~~
34 ~~raptor, including seasons established exclusively for hunting in that~~
35 ~~manner. The fee for this license is thirty-six dollars.~~

36 ~~(7) A migratory waterfowl stamp affixed to a basic hunting license~~
37 ~~is required for all persons sixteen years of age or older to hunt~~
38 ~~migratory waterfowl. The fee for the stamp is six dollars.~~

1 ~~(8) The migratory waterfowl stamp shall be validated by the~~
2 ~~signature of the licensee written across the face of the stamp.~~

3 ~~(9) The migratory waterfowl stamps required by this section expire~~
4 ~~on March 31st following the date of issuance)) (1) A hound stamp is~~
5 ~~required to hunt wild animals with a dog. The fee for this stamp is~~
6 ~~ten dollars.~~

7 (2) An upland game bird stamp is required to hunt for quail,
8 partridge, and pheasant in areas designated by rule of the commission.
9 The fee for this stamp is eight dollars.

10 (3) A falconry license is required to possess or hunt with a
11 raptor, including seasons established exclusively for hunting in that
12 manner. The fee for this license is thirty dollars.

13 (4) To be valid, stamps required under this section shall be
14 permanently affixed to the licensee's appropriate hunting or fishing
15 license.

16 (5) A migratory waterfowl stamp is required for all persons sixteen
17 years of age or older to hunt migratory waterfowl. The fee for the
18 stamp is five dollars.

19 (6) The migratory waterfowl stamp shall be validated by the
20 signature of the licensee written across the face of the stamp.

21 (7) Stamps required by this section expire on March 31st following
22 the date of issuance except for hound stamps, which expire December
23 31st following the date of issuance.

24 NEW SECTION. Sec. 55. A new section is added to chapter 75.10 RCW
25 to read as follows:

26 (1) In addition to the other penalties imposed under this title,
27 any person unlawfully trafficking in food fish or shellfish shall pay
28 a civil penalty of fifteen dollars per pound of food fish or shellfish
29 involved in the illegal transaction. Moneys collected under this
30 section shall be paid to the department of fisheries patrol division.

31 (2) In the event that it is shown that the food fish or shellfish
32 were sold for an amount greater than fifteen dollars a pound, the civil
33 penalty will be twice that of the amount per pound the food fish or
34 shellfish was sold for.

35 **Sec. 56.** RCW 9A.82.010 and 1992 c 145 s 13 and 1992 c 210 s 6 are
36 each reenacted and amended to read as follows:

1 Unless the context requires the contrary, the definitions in this
2 section apply throughout this chapter.

3 (1) "Creditor" means a person making an extension of credit or a
4 person claiming by, under, or through a person making an extension of
5 credit.

6 (2) "Debtor" means a person to whom an extension of credit is made
7 or a person who guarantees the repayment of an extension of credit or
8 in any manner undertakes to indemnify the creditor against loss
9 resulting from the failure of a person to whom an extension is made to
10 repay the same.

11 (3) "Extortionate extension of credit" means an extension of credit
12 with respect to which it is the understanding of the creditor and the
13 debtor at the time the extension is made that delay in making repayment
14 or failure to make repayment could result in the use of violence or
15 other criminal means to cause harm to the person, reputation, or
16 property of any person.

17 (4) "Extortionate means" means the use, or an express or implicit
18 threat of use, of violence or other criminal means to cause harm to the
19 person, reputation, or property of any person.

20 (5) "To collect an extension of credit" means to induce in any way
21 a person to make repayment thereof.

22 (6) "To extend credit" means to make or renew a loan or to enter
23 into an agreement, tacit or express, whereby the repayment or
24 satisfaction of a debt or claim, whether acknowledged or disputed,
25 valid or invalid, and however arising, may or shall be deferred.

26 (7) "Repayment of an extension of credit" means the repayment,
27 satisfaction, or discharge in whole or in part of a debt or claim,
28 acknowledged or disputed, valid or invalid, resulting from or in
29 connection with that extension of credit.

30 (8) "Dealer in property" means a person who buys and sells property
31 as a business.

32 (9) "Stolen property" means property that has been obtained by
33 theft, robbery, or extortion.

34 (10) "Traffic" means to sell, transfer, distribute, dispense, or
35 otherwise dispose of stolen property to another person, or to buy,
36 receive, possess, or obtain control of stolen property, with intent to
37 sell, transfer, distribute, dispense, or otherwise dispose of the
38 property to another person.

1 (11) "Control" means the possession of a sufficient interest to
2 permit substantial direction over the affairs of an enterprise.

3 (12) "Enterprise" includes any individual, sole proprietorship,
4 partnership, corporation, business trust, or other profit or nonprofit
5 legal entity, and includes any union, association, or group of
6 individuals associated in fact although not a legal entity, and both
7 illicit and licit enterprises and governmental and nongovernmental
8 entities.

9 (13) "Financial institution" means any bank, trust company, savings
10 and loan association, savings bank, mutual savings bank, credit union,
11 or loan company under the jurisdiction of the state or an agency of the
12 United States.

13 (14) "Criminal profiteering" means any act, including any
14 anticipatory or completed offense, committed for financial gain, that
15 is chargeable or indictable under the laws of the state in which the
16 act occurred and, if the act occurred in a state other than this state,
17 would be chargeable or indictable under the laws of this state had the
18 act occurred in this state and punishable as a felony and by
19 imprisonment for more than one year, or is one of the listed crimes in
20 this section, regardless of whether the act is charged or indicted, as
21 any of the following:

- 22 (a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;
- 23 (b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;
- 24 (c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;
- 25 (d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;
- 26 (e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, and
27 9A.56.080;
- 28 (f) Child selling or child buying, as defined in RCW 9A.64.030;
- 29 (g) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and
30 9A.68.050;
- 31 (h) Gambling, as defined in RCW 9.46.220 and 9.46.230;
- 32 (i) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;
- 33 (j) Extortionate extension of credit, as defined in RCW 9A.82.020;
- 34 (k) Advancing money for use in an extortionate extension of credit,
35 as defined in RCW 9A.82.030;
- 36 (l) Collection of an extortionate extension of credit, as defined
37 in RCW 9A.82.040;
- 38 (m) Collection of an unlawful debt, as defined in RCW 9A.82.045;

1 (n) Delivery or manufacture of controlled substances or possession
2 with intent to deliver or manufacture controlled substances under
3 chapter 69.50 RCW;

4 (o) Trafficking in stolen property, as defined in RCW 9A.82.050;

5 (p) Leading organized crime, as defined in RCW 9A.82.060;

6 (q) Money laundering, as defined in RCW 9A.83.020;

7 (r) Obstructing criminal investigations or prosecutions in
8 violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130,
9 9A.76.070, or 9A.76.180;

10 (s) Fraud in the purchase or sale of securities, as defined in RCW
11 21.20.010;

12 (t) Promoting pornography, as defined in RCW 9.68.140;

13 (u) Sexual exploitation of children, as defined in RCW 9.68A.040,
14 9.68A.050, and 9.68A.060;

15 (v) Promoting prostitution, as defined in RCW 9A.88.070 and
16 9A.88.080;

17 (w) Arson, as defined in RCW 9A.48.020 and 9A.48.030;

18 (x) Assault, as defined in RCW 9A.36.011 and 9A.36.021;

19 (y) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;

20 (z) A pattern of equity skimming, as defined in RCW 61.34.020;

21 ((or))

22 (aa) Commercial telephone solicitation in violation of RCW
23 19.158.040(1); or

24 (bb)(i) Any violation of Title 77 RCW which involves the unlawful
25 trafficking of wildlife as defined in RCW 77.16.040 or section 24 of
26 this act.

27 (ii) Any violation involving the unlawful trafficking of food fish
28 or shellfish as defined in RCW 75.12.100 or any rules of the director.

29 (15) "Pattern of criminal profiteering activity" means engaging in
30 at least three acts of criminal profiteering, one of which occurred
31 after July 1, 1985, and the last of which occurred within five years,
32 excluding any period of imprisonment, after the commission of the
33 earliest act of criminal profiteering. In order to constitute a
34 pattern, the three acts must have the same or similar intent, results,
35 accomplices, principals, victims, or methods of commission, or be
36 otherwise interrelated by distinguishing characteristics including a
37 nexus to the same enterprise, and must not be isolated events.
38 However, in any civil proceedings brought pursuant to RCW 9A.82.100 by
39 any person other than the attorney general or county prosecuting

1 attorney in which one or more acts of fraud in the purchase or sale of
2 securities are asserted as acts of criminal profiteering activity, it
3 is a condition to civil liability under RCW 9A.82.100 that the
4 defendant has been convicted in a criminal proceeding of fraud in the
5 purchase or sale of securities under RCW 21.20.400 or under the laws of
6 another state or of the United States requiring the same elements of
7 proof, but such conviction need not relate to any act or acts asserted
8 as acts of criminal profiteering activity in such civil action under
9 RCW 9A.82.100.

10 (16) "Records" means any book, paper, writing, record, computer
11 program, or other material.

12 (17) "Documentary material" means any book, paper, document,
13 writing, drawing, graph, chart, photograph, phonograph record, magnetic
14 tape, computer printout, other data compilation from which information
15 can be obtained or from which information can be translated into usable
16 form, or other tangible item.

17 (18) "Unlawful debt" means any money or other thing of value
18 constituting principal or interest of a debt that is legally
19 unenforceable in the state in full or in part because the debt was
20 incurred or contracted:

21 (a) In violation of any one of the following:

22 (i) Chapter 67.16 RCW relating to horse racing;

23 (ii) Chapter 9.46 RCW relating to gambling;

24 (b) In a gambling activity in violation of federal law; or

25 (c) In connection with the business of lending money or a thing of
26 value at a rate that is at least twice the permitted rate under the
27 applicable state or federal law relating to usury.

28 (19)(a) "Beneficial interest" means:

29 (i) The interest of a person as a beneficiary under a trust
30 established under Title 11 RCW in which the trustee for the trust holds
31 legal or record title to real property;

32 (ii) The interest of a person as a beneficiary under any other
33 trust arrangement under which a trustee holds legal or record title to
34 real property for the benefit of the beneficiary; or

35 (iii) The interest of a person under any other form of express
36 fiduciary arrangement under which one person holds legal or record
37 title to real property for the benefit of the other person.

1 (b) "Beneficial interest" does not include the interest of a
2 stockholder in a corporation or the interest of a partner in a general
3 partnership or limited partnership.

4 (c) A beneficial interest shall be considered to be located where
5 the real property owned by the trustee is located.

6 (20) "Real property" means any real property or interest in real
7 property, including but not limited to a land sale contract, lease, or
8 mortgage of real property.

9 (21)(a) "Trustee" means:

10 (i) A person acting as a trustee under a trust established under
11 Title 11 RCW in which the trustee holds legal or record title to real
12 property;

13 (ii) A person who holds legal or record title to real property in
14 which another person has a beneficial interest; or

15 (iii) A successor trustee to a person who is a trustee under
16 subsection (21)(a) (i) or (ii) of this section.

17 (b) "Trustee" does not mean a person appointed or acting as:

18 (i) A personal representative under Title 11 RCW;

19 (ii) A trustee of any testamentary trust;

20 (iii) A trustee of any indenture of trust under which a bond is
21 issued; or

22 (iv) A trustee under a deed of trust.

23 NEW SECTION. **Sec. 57.** The following acts or parts of acts are
24 each repealed:

25 (1) RCW 77.12.105 and 1987 c 506 s 22, 1980 c 78 s 71, 1977 c 44 s
26 2, & 1955 c 36 s 77.16.030;

27 (2) RCW 77.16.130 and 1987 c 506 s 65, 1980 c 78 s 82, & 1955 c 36
28 s 77.16.130;

29 (3) RCW 77.16.160 and 1980 c 78 s 84 & 1955 c 36 s 77.16.160;

30 (4) RCW 77.16.180 and 1987 c 506 s 67, 1980 c 78 s 86, & 1955 c 36
31 s 77.16.180;

32 (5) RCW 77.16.320 and 1987 c 506 s 68, 1981 c 310 s 5, & 1980 c 44
33 s 1; and

34 (6) RCW 77.16.330 and 1987 c 506 s 104 & 1985 c 243 s 3.

--- END ---