

HOUSE BILL 1806

State of Washington 55th Legislature 1997 Regular Session

By Representatives Alexander, Grant, Mastin, Buck, Johnson, Butler, Hatfield, Kessler, Sheldon, Chandler, Thompson, Regala, Anderson, Pennington, Clements, Kenney, Sullivan, Blalock, Conway, Mulliken, Tokuda, Constantine, Mason and Schoesler

Read first time 02/10/97. Referred to Committee on Natural Resources.

1 AN ACT Relating to the illegal killing and possession of wildlife;
2 amending RCW 77.21.070; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that wildlife is of
5 great ecological, recreational, esthetic, and economic value to the
6 people of this state. It further finds that the illegal taking and
7 possession of certain valuable wildlife species is increasing at an
8 alarming rate and the state should be reimbursed for the loss of the
9 individual wildlife of these species.

10 **Sec. 2.** RCW 77.21.070 and 1989 c 11 s 28 are each amended to read
11 as follows:

12 (1) Whenever a person is convicted of illegal killing or possession
13 of wildlife listed in this subsection, the convicting court shall order
14 the person to reimburse the state in the following amounts for each
15 animal killed or possessed:

16 (a) Moose, antelope, mountain sheep, mountain goat, mountain
17 caribou, grizzly bear, and all wildlife species classified as
18 endangered by rule of the commission . . . (~~(\$2,000)~~) \$5,000.00

1	(b) Elk, deer, black bear, and cougar	((\\$1,000)) <u>\$2,000.00</u>
2	(c) ((Mountain caribou and grizzly bear	(\$5,000))
3	<u>Trophy animal elk and deer</u>	<u>\$6,000.00</u>
4	<u>(d) Trophy animal mountain sheep</u>	<u>\$20,000.00</u>

5 (2) For the purpose of this section, the term "convicted" includes
6 a plea of guilty, a finding of guilt regardless of whether the
7 imposition of the sentence is deferred or any part of the penalty is
8 suspended, and the payment of a fine. No court may establish bail for
9 illegal possession of wildlife listed in subsection (1) of this section
10 in an amount less than the bail established for hunting during the
11 closed season plus the reimbursement value of wildlife set forth in
12 subsection (1) of this section.

13 (3) For the purpose of this section a "trophy animal" is:
14 (a) A buck deer with four or more antler points on either side;
15 (b) A bull elk with five or more antler points on either side; or
16 (c) A mountain sheep with a horn curl of three-quarter curl or
17 greater.

18 (4) If two or more persons are convicted of illegally possessing
19 wildlife listed in this section, the reimbursement amount shall be
20 imposed upon them jointly and separately.

21 ~~((+4))~~ (5) The reimbursement amount provided in this section shall
22 be imposed in addition to and regardless of any penalty, including
23 fines, or costs, that is provided for violating any provision of Title
24 77 RCW. The reimbursement required by this section shall be included
25 by the court in any pronouncement of sentence and may not be suspended,
26 waived, modified, or deferred in any respect. The court may retain
27 fifteen percent of the amount of a penalty collected under subsection
28 (1) of this section to offset collection costs. Nothing in this
29 section may be construed to abridge or alter alternative rights of
30 action or remedies in equity or under common law or statutory law,
31 criminal or civil.

32 ~~((+5))~~ (6) A defaulted reimbursement or any installment payment
33 thereof may be collected by any means authorized by law for the
34 enforcement of orders of the court or collection of a fine or costs,
35 including vacation of a deferral of sentencing or of a suspension of
36 sentence.

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