

2 **SSB 5638** - H COMM AMD **ADOPTED 4/6/99**  
3 By Committee on Natural Resources

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 **"Sec. 1.** RCW 77.15.030 and 1998 c 190 s 4 are each amended to read  
8 as follows:

9 Where it is unlawful to hunt, take, fish, ~~((or))~~ possess, or  
10 traffic in big game or protected or endangered fish or wildlife, then  
11 each individual animal unlawfully taken or possessed is a separate  
12 offense.

13 **Sec. 2.** RCW 77.15.400 and 1998 c 190 s 9 are each amended to read  
14 as follows:

15 (1) A person is guilty of unlawful hunting of ~~((game))~~ wild birds  
16 in the second degree if the person:

17 (a) Hunts for, takes, or possesses a ~~((game))~~ wild bird and the  
18 person does not have and possess all licenses, tags, stamps, and  
19 permits required under this title;

20 (b) Maliciously destroys, takes, or harms the eggs or nests of a  
21 game bird except when authorized by permit; ~~((or))~~

22 (c) Violates any rule of the commission or director regarding  
23 seasons, bag or possession limits but less than two times the bag or  
24 possession limit, closed areas ~~((including game reserves))~~, closed  
25 times, or other rule addressing the manner or method of hunting or  
26 possession of ~~((game))~~ wild birds; or

27 (d) Possesses a wild bird taken during a closed season for that  
28 wild bird or taken from a closed area for that wild bird.

29 (2) A person is guilty of unlawful hunting of ~~((game))~~ wild birds  
30 in the first degree if the person ~~((hunts game birds and the person))~~  
31 takes or possesses two times or more than the possession or bag limit  
32 for ~~((such))~~ game birds allowed by rule of the commission or director.

33 (3)(a) Unlawful hunting of ~~((game))~~ wild birds in the second degree  
34 is a misdemeanor.

1 (b) Unlawful hunting of (~~game~~) wild birds in the first degree is  
2 a gross misdemeanor.

3 **Sec. 3.** RCW 77.15.410 and 1998 c 190 s 10 are each amended to read  
4 as follows:

5 (1) A person is guilty of unlawful hunting of big game in the  
6 second degree if the person:

7 (a) Hunts for, takes, or possesses big game and the person does not  
8 have and possess all licenses, tags, or permits required under this  
9 title; (~~or~~)

10 (b) Violates any rule of the commission or director regarding  
11 seasons, bag or possession limits, closed areas including game  
12 reserves, closed times, or any other rule governing the hunting,  
13 taking, or possession of big game; or

14 (c) Possesses big game taken during a closed season for that big  
15 game or taken from a closed area for that big game.

16 (2) A person is guilty of unlawful hunting of big game in the first  
17 degree if the person was previously convicted of any crime under this  
18 title involving unlawful hunting, killing, possessing, or taking big  
19 game, and within five years of the date that the prior conviction was  
20 entered the person:

21 (a) Hunts for big game and(~~+~~  
22 ~~(a) The person~~) does not have and possess all licenses, tags, or  
23 permits required under this title; (~~or~~)

24 (b) (~~The act was~~) Acts in violation of any rule of the commission  
25 or director regarding seasons, bag or possession limits, closed areas  
26 including game reserves, or closed times; or

27 (c) Possesses big game taken during a closed season for that big  
28 game or taken from a closed area for that big game.

29 (3)(a) Unlawful hunting of big game in the second degree is a gross  
30 misdemeanor.

31 (b) Unlawful hunting of big game in the first degree is a class C  
32 felony. Upon conviction, the department shall revoke all licenses or  
33 tags involved in the crime and the department shall order the person's  
34 hunting privileges suspended for two years.

35 **Sec. 4.** RCW 77.15.430 and 1998 c 190 s 11 are each amended to read  
36 as follows:

1 (1) A person is guilty of unlawful hunting of ((game)) wild animals  
2 in the second degree if the person:

3 (a) Hunts for, takes, or possesses a ((game)) wild animal that is  
4 not classified as big game, and does not have and possess all licenses,  
5 tags, or permits required by this title; ((or))

6 (b) Violates any rule of the commission or director regarding  
7 seasons, bag or possession limits but less than two times the bag or  
8 possession limit, closed areas including game reserves, closed times,  
9 or other rule addressing the manner or method of hunting or possession  
10 of ((game)) wild animals not classified as big game; or

11 (c) Possesses a wild animal that is not classified as big game  
12 taken during a closed season for that wild animal or from a closed area  
13 for that wild animal.

14 (2)((+a)) A person is guilty of unlawful hunting of ((game)) wild  
15 animals in the first degree if the person ((~~hunts a game animal that is~~  
16 ~~not classified as big game; and~~

17 ~~(b) The person~~) takes or possesses two times or more than the  
18 possession or bag limit for ((~~such game~~) wild animals that are not  
19 classified as big game animals as allowed by rule of the commission or  
20 director.

21 (3)(a) Unlawful hunting of ((game)) wild animals in the second  
22 degree is a misdemeanor.

23 (b) Unlawful hunting of ((game)) wild animals in the first degree  
24 is a gross misdemeanor.

25 **Sec. 5.** RCW 77.15.170 and 1998 c 190 s 21 are each amended to read  
26 as follows:

27 (1) A person is guilty of waste of fish and wildlife in the second  
28 degree if:

29 (a) The person kills, takes, or possesses fish, shellfish, or  
30 wildlife and the value of the fish, shellfish, or wildlife is greater  
31 than twenty dollars but less than two hundred fifty dollars; and

32 (b) The person recklessly allows such fish, shellfish, or wildlife  
33 to be wasted.

34 (2) A person is guilty of waste of fish and wildlife in the first  
35 degree if:

36 (a) The person kills, takes, or possesses ((~~food~~) fish, shellfish,  
37 ((~~game fish, game birds,~~)) or ((~~game animals~~)) wildlife having a value

1 of two hundred fifty dollars or more or wildlife classified as big  
2 game; and

3 (b) The person recklessly allows such fish, shellfish, or wildlife  
4 to be wasted.

5 (3)(a) Waste of fish and wildlife in the second degree is a  
6 misdemeanor.

7 (b) Waste of fish and wildlife in the first degree is a gross  
8 misdemeanor. Upon conviction, the department shall revoke any license  
9 or tag used in the crime and shall order suspension of the person's  
10 privileges to engage in the activity in which the person committed  
11 waste of fish and wildlife in the first degree for a period of one  
12 year.

13 (4) It is prima facie evidence of waste if a processor purchases or  
14 engages a quantity of food fish, shellfish, or game fish that cannot be  
15 processed within sixty hours after the food fish, game fish, or  
16 shellfish are taken from the water, unless the food fish, game fish, or  
17 shellfish are preserved in good marketable condition.

18 **Sec. 6.** RCW 77.15.230 and 1998 c 190 s 26 are each amended to read  
19 as follows:

20 (1) A person is guilty of unlawful use of department lands or  
21 facilities if the person enters upon, uses, or remains upon department\_  
22 owned or department-controlled lands or facilities in violation of any  
23 rule of the department.

24 (2) Unlawful use of department lands or facilities is a  
25 misdemeanor.

26 **Sec. 7.** RCW 77.15.460 and 1998 c 190 s 28 are each amended to read  
27 as follows:

28 (1) A person is guilty of unlawful possession of a loaded firearm  
29 in a motor vehicle if:

30 (a) The person carries, transports, conveys, possesses, or controls  
31 a rifle or shotgun in or on a motor vehicle; and

32 (b) The rifle or shotgun contains shells or cartridges in the  
33 magazine or chamber, or is a muzzle-loading firearm that is loaded and  
34 capped or primed.

35 (2) A person is guilty of unlawful use of a loaded firearm if the  
36 person negligently shoots a firearm from, across, or along the  
37 maintained portion of a public highway.

1 (3) Unlawful possession of a loaded firearm in a motor vehicle or  
2 unlawful use of a loaded firearm is a misdemeanor.

3 (4) This section does not apply if the person:

4 (a) Is a law enforcement officer who is authorized to carry a  
5 firearm and is on duty within the officer's respective jurisdiction;

6 (b) Possesses a disabled hunter's permit as provided by RCW  
7 77.32.237 and complies with all rules of the department concerning  
8 hunting by persons with disabilities.

9 (5) For purposes of this section, a firearm shall not be considered  
10 loaded if the detachable clip or magazine is not inserted in or  
11 attached to the firearm.

12 **Sec. 8.** RCW 77.15.600 and 1998 c 190 s 32 are each amended to read  
13 as follows:

14 (1) A person is guilty of engaging in commercial wildlife activity  
15 without a license if the person:

16 (a) Deals in raw furs for commercial purposes and does not hold a  
17 fur dealer license required by chapter 77.32 RCW; or

18 (b) Practices taxidermy for (~~profit~~) commercial purposes and does  
19 not hold a taxidermy license required by chapter 77.32 RCW(~~or~~

20 ~~(c) Operates a game farm without a license required by chapter~~  
21 ~~77.32 RCW~~)).

22 (2) Engaging in commercial wildlife activities without a license is  
23 a gross misdemeanor.

24 **Sec. 9.** RCW 77.15.190 and 1998 c 190 s 34 are each amended to read  
25 as follows:

26 (1) A person is guilty of unlawful trapping if the person:

27 (a) Sets out traps that are capable of taking wild animals, game  
28 animals, or furbearing mammals and does not possess all licenses, tags,  
29 or permits required under this title; (~~or~~)

30 (b) Violates any rule of the commission or director regarding  
31 seasons, bag or possession limits, closed areas including game  
32 reserves, closed times, or any other rule governing the trapping of  
33 wild animals; or

34 (c) Fails to identify the owner of the traps or devices by neither  
35 (i) attaching a metal tag with the owner's department-assigned  
36 identification number or the name and address of the trapper legibly  
37 written in numbers or letters not less than one-eighth inch in height

1 nor (ii) inscribing into the metal of the trap such number or name and  
2 address.

3 (2) Unlawful trapping is a misdemeanor.

4 **Sec. 10.** RCW 77.15.550 and 1998 c 190 s 40 are each amended to  
5 read as follows:

6 (1) A person is guilty of violating commercial fishing area or time  
7 in the second degree if the person acts for commercial purposes and  
8 takes, fishes for, possesses, delivers, or receives food fish or  
9 shellfish:

10 (a) At a time not authorized by statute or rule; ~~((or))~~

11 (b) From an area that was closed to the taking of such food fish or  
12 shellfish for commercial purposes by statute or rule; or

13 (c) If such fish or shellfish do not conform to the special  
14 restrictions or physical descriptions established by rule of the  
15 department.

16 (2) A person is guilty of violating commercial fishing area or time  
17 in the first degree if the person commits the act described by  
18 subsection (1) of this section and:

19 (a) The person acted with knowledge that the area or time was not  
20 open to the taking or fishing of food fish or shellfish for commercial  
21 purposes; and

22 (b) The violation involved two hundred fifty dollars or more worth  
23 of food fish or shellfish.

24 (3)(a) Violating commercial fishing area or time in the second  
25 degree is a gross misdemeanor.

26 (b) Violating commercial fishing area or time in the first degree  
27 is a class C felony.

28 **Sec. 11.** RCW 77.15.670 and 1998 c 190 s 60 are each amended to  
29 read as follows:

30 (1) A person is guilty of ~~((unlawful hunting or fishing when))~~  
31 violating a suspension of department privileges ((are revoked or  
32 suspended)) in the second degree if the person ~~((hunts or fishes and~~  
33 ~~the person's privilege to engage in such hunting or fishing))~~ engages  
34 in any activity that is licensed by the department and the person's  
35 privileges to engage in that activity were revoked or suspended by any  
36 court or the department.

1 (2) A person is guilty of (~~unlawful hunting or fishing when~~)  
2 violating a suspension of department privileges (~~are revoked or~~  
3 ~~suspended~~) in the first degree if the person commits the act described  
4 by subsection (1) of this section and:

5 (a) The suspension of privileges that was violated was a permanent  
6 suspension;

7 (b) The person takes or possesses more than two hundred fifty  
8 dollars' worth of unlawfully taken food fish, wildlife, game fish,  
9 seaweed, or shellfish; or

10 (c) The violation involves the hunting, taking, or possession of  
11 fish or wildlife classified as endangered or threatened or big game.

12 (3)(a) (~~Unlawful hunting or fishing when~~) Violating a suspension  
13 of department privileges (~~are revoked or suspended~~) in the second  
14 degree is a gross misdemeanor. Upon conviction, the department shall  
15 order permanent suspension of the person's privileges to engage in such  
16 hunting or fishing activities.

17 (b) (~~Unlawful hunting or fishing when~~) Violating a suspension of  
18 department privileges (~~are revoked or suspended~~) in the first degree  
19 is a class C felony. Upon conviction, the department shall order  
20 permanent suspension of all privileges to hunt, fish, trap, or take  
21 wildlife, food fish, or shellfish.

22 (4) As used in this section, hunting includes trapping with a  
23 trapping license.

24 **Sec. 12.** RCW 77.16.070 and 1980 c 78 s 75 are each amended to read  
25 as follows:

26 (~~It is unlawful to hunt~~) (1) A person is guilty of hunting while  
27 under the influence of intoxicating liquor or drugs if the person hunts  
28 wild animals or wild birds while under the influence of intoxicating  
29 liquor or drugs.

30 (2) Hunting while under the influence of intoxicating liquor or  
31 drugs is a gross misdemeanor.

32 NEW SECTION. **Sec. 13.** The following acts or parts of acts are  
33 each repealed:

34 (1) RCW 77.15.200 (Furbearing animal traps--Failure to identify--  
35 Penalty) and 1998 c 190 s 23; and

36 (2) RCW 77.32.094 (Validity of licenses issued by department of  
37 fisheries and department of wildlife) and 1994 c 255 s 14."

1 Correct the title.

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