
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-4808.1/02

ATTY/TYPIST: ML:seg

BRIEF DESCRIPTION:

2 ESSB 5831 - H AMD
3 By Representative

4

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

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 77.12 RCW
8 to read as follows:

9 (1) The legislature finds that a professionally managed and
10 regulated trapping program is not only vital to the health of
11 Washington's wildlife populations, but is also consistent with the
12 state's obligations under the public trust doctrine to manage all
13 natural resources for the common good of all citizens.

14 (2) The legislature further finds that it is in the interest of all
15 of the citizens of Washington to ensure that all trapping is done in
16 accordance with sound scientific wildlife management principles using
17 humane methods as set forth in this act. It is the legislature's
18 intent to reinstate a sound furbearer management program, administered
19 using sound science by the department of fish and wildlife, that
20 addresses mammal population dynamics and animal damage issues.

21 (3) The legislature recognizes that among the choices available for
22 the trapping of animals, some may cause pain and suffering in the
23 animals captured. The legislature further recognizes that some
24 trapping methods can capture animals that are not targeted, including
25 pets. It is the policy of the state of Washington to minimize the use
26 of all indiscriminate or painful traps when practical alternatives
27 exist, and when none do, to use traps when necessary in the most humane
28 way possible. It is also the policy of the state to favor the use of
29 nonlethal trapping methods whenever such methods are equally effective
30 as lethal trapping methods, and when lethal trapping methods are used,
31 to use such methods in the most humane way that accomplishes the goals
32 of the wildlife management program. All trappers in the state should
33 use all practicable means necessary to avoid the capture of a
34 nontargeted animal.

1 **Sec. 2.** RCW 77.15.192 and 2001 c 1 s 2 (Initiative Measure No.
2 713) are each amended to read as follows:

3 The definitions in this section apply throughout RCW 77.15.194
4 through 77.15.198.

5 (1) (~~"Animal" means any nonhuman vertebrate.~~

6 ~~(2)) "Prohibited body-gripping trap" means a steel trap that grips~~
7 ~~an animal's body or body part with teeth or serrated edges. ((Body-~~
8 ~~gripping trap includes, but is not limited to, steel-jawed leghold~~
9 ~~traps, padded jaw leghold traps, Conibear traps, neck snares, and~~
10 ~~nonstrangling foot snares. Cage and box traps, suitcase-type live~~
11 ~~beaver traps, and common rat and mouse traps are not considered body-~~
12 ~~gripping traps.~~

13 ~~(3)) (2) "Person" means a human being and, where appropriate, a~~
14 ~~public or private corporation, an unincorporated association, a~~
15 ~~partnership, a government, or a governmental instrumentality.~~

16 ~~((4)) (3) "Raw fur" means a pelt that has not been processed for~~
17 ~~purposes of retail sale.~~

18 ~~((5)) (4) "Animal problem" means any ((animal)) classified~~
19 ~~furbearing mammal or unclassified mammal that threatens or damages~~
20 ~~timber, publicly owned or private property, or threatens or injures~~
21 ~~livestock, human health or safety, or any other domestic animal or~~
22 ~~wildlife population.~~

23 **Sec. 3.** RCW 77.15.194 and 2001 c 1 s 3 (Initiative Measure No.
24 713) are each amended to read as follows:

25 It is the duty of every trapper to ensure that all trapping is done
26 in the most humane way possible. To ensure that this goal is met, all
27 trappers must abide by the following:

28 (1) It is unlawful to use or authorize the use of any steel-jawed
29 (~~leghold~~) foothold trap, neck snare, or other body-gripping trap to
30 capture any mammal for (~~recreation or commerce in fur~~) a purpose
31 other than to address an animal problem.

32 (2) It is unlawful to knowingly buy, sell, barter, or otherwise
33 exchange, or offer to buy, sell, barter, or otherwise exchange the raw
34 fur of a mammal or a mammal that has been trapped in (~~this state with~~
35 ~~a steel-jawed leghold trap or any other body-gripping trap, whether or~~
36 ~~not pursuant to permit.~~

1 ~~(3) It is unlawful to use or authorize the use of any steel-jawed~~
2 ~~leghold trap or any other body-gripping trap to capture any animal,~~
3 ~~except as provided in subsections (4) and (5) of this section.~~

4 ~~(4) Nothing in this section prohibits the use of a Conibear trap in~~
5 ~~water, a padded leghold trap, or a nonstrangling type foot snare with~~
6 ~~a special permit granted by [the] director under (a) through (d) of~~
7 ~~this subsection. Issuance of the special permits shall be governed by~~
8 ~~rules adopted by the department and in accordance with the requirements~~
9 ~~of this section. Every person granted a special permit to use a trap~~
10 ~~or device listed in this subsection shall check the trap or device at~~
11 ~~least every twenty-four hours.~~

12 ~~(a) Nothing in this section prohibits the director, in consultation~~
13 ~~with the department of social and health services or the United States~~
14 ~~department of health and human services from granting a permit to use~~
15 ~~traps listed in this subsection for the purpose of protecting people~~
16 ~~from threats to their health and safety.~~

17 ~~(b) Nothing in this section prohibits the director from granting a~~
18 ~~special permit to use traps listed in this subsection to a person who~~
19 ~~applies for such a permit in writing, and who establishes that there~~
20 ~~exists on a property an animal problem that has not been and cannot be~~
21 ~~reasonably abated by the use of nonlethal control tools, including but~~
22 ~~not limited to guard animals, electric fencing, or box and cage traps,~~
23 ~~or if such nonlethal means cannot be reasonably applied. Upon making~~
24 ~~a finding in writing that the animal problem has not been and cannot be~~
25 ~~reasonably abated by nonlethal control tools or if the tools cannot be~~
26 ~~reasonably applied, the director may authorize the use, setting,~~
27 ~~placing, or maintenance of the traps for a period not to exceed thirty~~
28 ~~days.~~

29 ~~(c) Nothing in this section prohibits the director from granting a~~
30 ~~special permit to department employees or agents to use traps listed in~~
31 ~~this subsection where the use of the traps is the only practical means~~
32 ~~of protecting threatened or endangered species as designated under RCW~~
33 ~~77.08.010.~~

34 ~~(d) Nothing in this section prohibits the director from issuing a~~
35 ~~permit to use traps listed in this subsection, excluding Conibear~~
36 ~~traps, for the conduct of legitimate wildlife research.~~

37 ~~(5) Nothing in this section prohibits the United States fish and~~
38 ~~wildlife service, its employees or agents, from using a trap listed in~~
39 ~~subsection (4) of this section where the fish and wildlife service~~

1 ~~determines, in consultation with the director, that the use of such~~
2 ~~traps is necessary to protect species listed as threatened or~~
3 ~~endangered under the federal endangered species act (16 U.S.C. Sec.~~
4 ~~1531 et seq.)) violation of subsection (1) of this section.~~

5 (3)(a) All trapping of wild animals may only be conducted by
6 trappers licensed by the department under RCW 77.65.450 for the
7 management of animal problems and in accordance with the rules
8 developed by the commission as they relate to wildlife trapping.
9 However, nothing in this section prohibits the use of commonly used
10 traps by property owners or their agents to control mice, rats, moles,
11 gophers, or other rodents.

12 (b) Furbearing mammals may not be taken from the wild and held
13 alive for sale or personal use. All trapping must be conducted in
14 furtherance of a wildlife trapping program being implemented by the
15 department for an animal problem, as that term is defined in RCW
16 77.15.192.

17 (c) Wildlife trapped for a purpose other than to manage animal
18 problems must, if possible, be released unharmed immediately upon
19 discovery. The commission may adopt by rule or guideline procedures
20 for the handling of any animal that is unable to be released unharmed.

21 (d) Lawfully trapped wild animals must be humanely dispatched or
22 immediately released. The commission may adopt by rule or guideline
23 procedures for the humane dispatch of captured animals.

24 (4)(a) It is unlawful for a licensed trapper to fail to complete
25 and submit to the department a report of catch postmarked on or before
26 April 20th of each year. The report must be submitted to the
27 department regardless of trapping success, and indicate the number,
28 general location, and species of all animals captured, including those
29 animals captured that were not part of an animal problem. Trappers who
30 fail to submit an accurate report of catch shall have their trapping
31 privileges suspended for one year. False reports are considered
32 failure to report. It is the responsibility of each licensed trapper
33 to obtain and submit a report of catch on forms provided by the
34 department.

35 (b) The department shall maintain and analyze all catch reports
36 received pursuant to (a) of this subsection. Data collected on catch
37 reports must be presented to the appropriate legislative committees by
38 November 30th of each year. All data presented to the legislature must

1 indicate the catch rates of nontargeted species by all licensed
2 trappers.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 77.12 RCW
4 to read as follows:

5 The commission shall adopt appropriate rules regarding the types of
6 traps and bait for use in capturing wildlife to ensure the humane
7 treatment of captured animals. In adopting these rules, the commission
8 may take into consideration the effectiveness of various trap sizes and
9 the habitats in which the traps may be used. These rules must address
10 the time intervals during which specific traps must be checked and
11 animals removed. These rules may not allow for the use of a prohibited
12 body-gripping trap, as that term is defined in RCW 77.15.192, or a neck
13 or body snare attached to a spring pole or any spring pole type device.
14 The commission must also adopt rules for the appropriate disposal of
15 carcasses.

16 NEW SECTION. **Sec. 5.** A new section is added to chapter 77.12 RCW
17 to read as follows:

18 The department shall institute a furbearer management program that
19 addresses mammal population dynamics and problem animals, and shall
20 only issue trapping licenses and adopt rules consistent with the
21 program.

22 **Sec. 6.** RCW 77.65.450 and 1991 sp.s. c 7 s 3 are each amended to
23 read as follows:

24 A state trapping license allows the holder to trap fur-bearing
25 animals throughout the state in accordance with the rules adopted by
26 the commission under section 4 of this act; however, a trapper may not
27 place traps on private property without permission of the owner,
28 lessee, or tenant where the land is improved and apparently used, or
29 where the land is fenced or enclosed in a manner designed to exclude
30 intruders or to indicate a property boundary line, or where notice is
31 given by posting in a conspicuous manner. A state trapping license is
32 void on April 1st following the date of issuance. The fee for this
33 license is thirty-six dollars for residents sixteen years of age or
34 older, fifteen dollars for residents under sixteen years of age, and
35 one hundred eighty dollars for nonresidents. The department may only

1 issue trapping licenses for the control of animal problems, as that
2 term is defined in RCW 77.15.192.

3 **Sec. 7.** RCW 77.65.460 and 1987 c 506 s 82 are each amended to read
4 as follows:

5 Persons purchasing a state trapping license for the first time
6 shall present certification of completion of a course of instruction in
7 safe, humane, and proper trapping techniques or pass an examination to
8 establish that the applicant has the requisite knowledge.

9 The director shall establish a program for training persons in
10 trapping techniques and responsibilities in urban, suburban, and rural
11 settings, including the use of trapping devices designed to painlessly
12 capture or instantly kill. The director shall cooperate with national
13 and state animal, humane, hunter education, and trapping organizations
14 in the development of a curriculum. Upon successful completion of the
15 course, trainees shall receive a trapper's training certificate signed
16 by an authorized instructor. This certificate is evidence of
17 compliance with this section.

18 **Sec. 8.** RCW 77.32.545 and 1998 c 190 s 121 are each amended to
19 read as follows:

20 A property owner, lessee, or tenant may remove a trap placed on the
21 owner's, lessee's, or tenant's posted or fenced property by a trapper.
22 A property owner, lessee, or tenant who discovers a trap placed on any
23 portion of his or her property that is not authorized by the owner,
24 lessee, or tenant, must report the finding to the department, including
25 whether a live animal is captured in the trap. The commission may
26 adopt by rule or guideline procedures for the handling of live animals
27 discovered in such traps.

28 Trappers shall attach to the chain of their traps or devices a
29 legible metal tag with either the department identification number of
30 the trapper or the name and address of the trapper in English letters
31 not less than one-eighth inch in height.

32 When a property owner, lessee, or tenant presents a trapper
33 identification number to the department for a trap found upon the
34 property of the owner, lessee, or tenant and requests identification of
35 the trapper, the department shall provide the requestor with the name
36 and address of the trapper. Prior to disclosure of the trapper's name
37 and address, the department shall obtain the name and address of the

1 requesting individual in writing and after disclosing the trapper's
2 name and address to the requesting individual, the requesting
3 individual's name and address shall be disclosed in writing to the
4 trapper whose name and address was disclosed.

5 **Sec. 9.** RCW 77.15.198 and 2001 c 1 s 5 (Initiative Measure No.
6 713) are each amended to read as follows:

7 Any person who violates RCW 77.15.194 or 77.15.196 is guilty of a
8 gross misdemeanor. In addition to appropriate criminal penalties, the
9 director shall revoke the trapping license of any person convicted of
10 a repeat violation of RCW 77.15.194 or 77.15.196. The director shall
11 not issue the violator a trapping license for a period of five years
12 following the revocation. (~~Following a subsequent conviction for a~~
13 ~~violation of RCW 77.15.194 or 77.15.196 by the same person, the~~
14 ~~director shall not issue a trapping license to the person at any time~~)
15 A person may not be granted a new trapping license following a
16 revocation under this section unless that person completes the
17 education program outlined in RCW 77.65.460 not more than one year
18 before a new license is granted."

19 Correct the title.

EFFECT: Authorizes the continuance of a wildlife trapping program administered by the Fish and Wildlife Commission ("commission") to manage mammals that threaten or damage property, timber, livestock, human health, or wildlife populations. Requires all authorized trapping to be conducted by a licensed trapper in accordance with the rules adopted by the commission to ensure the humane treatment of captured animals. Directs the department to only allow trapping as part of a wildlife management program to address problem animals and in accordance with the commission's furbearer management program. Requires the release of any nonproblem animals that are trapped, and if release is not possible, states that their pelt may not be sold. Prohibits furbearing mammals from being captured alive and sold or used for personal use, and requires lawfully trapped animals to be humanely dispatched or immediately released. Requires all trappers to annually report the animals caught, and requires the commission to notify the Legislature of the findings from the reports. Requires a property owner who discovers an unauthorized trap on his or her property to notify the Department of Fish and Wildlife immediately. Requires a trapper who has his or her license revoked because of repeated trapping violations to complete the commission's trapping education program. Authorizes property owners and their agents to trap rodents without obtaining a license.

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