

E2SHB 1151 - S AMD 788
By Senator Rasmussen

1 Strike everything after the enacting clause and insert the
2 following:

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

5 (1) In order to provide humane treatment and sanitary surroundings
6 for wild animals kept in captivity, no person, firm, corporation, or
7 association shall have, or be in possession of, in captivity for the
8 purpose of public display with or without charge or for public sale any
9 wildlife, specifically birds, mammals, amphibians, and reptiles,
10 whether indigenous to Washington or not, without having first secured
11 a permit from the department authorizing the person, firm, or
12 corporation to have in its possession in captivity the species and
13 number of wildlife specified within the permit. This section does not
14 apply to any wildlife not protected by law and the rules of the
15 department.

16 (2) The fees to be paid for the issuance of permits required by
17 subsection (1) of this section are:

18 (a) For not more than twenty-five class I or class II individual
19 specimens in the aggregate of all species, the sum of one hundred fifty
20 dollars per annum.

21 (b) For over twenty-five class I or class II individual specimens
22 in the aggregate of all species, the sum of two hundred fifty dollars
23 per annum.

24 (c) For any number of class III individual specimens in the
25 aggregate of all species, the sum of fifty dollars per annum.

26 The fees prescribed by this subsection shall be submitted to the
27 department with the application for permit required by subsection (1)
28 of this section.

29 (3) An applicant for a permit shall include in her or his
30 application a statement showing the place, number, and species of
31 wildlife to be held in captivity by the applicant and shall upon

1 request by the department of fish and wildlife show when, where, and in
2 what manner she or he came into possession of any wildlife acquired
3 after the effective date of this act. The source of acquisition of the
4 wildlife shall not be divulged by the department except in connection
5 with a violation of this section or a rule of the department in which
6 information as to source of wildlife is required as evidence in the
7 prosecution of the violation.

8 (4) Permits issued pursuant to this section and places where
9 wildlife is kept or held in captivity are subject to inspection by
10 officers of the department at all times. The department may release or
11 confiscate any specimens of any wildlife, specifically birds, mammals,
12 amphibians, or reptiles, whether indigenous to the state or not, when
13 it is found that conditions under which they are being confined are
14 unsanitary, or unsafe to the public in any manner, or that the species
15 of wildlife are being maltreated, mistreated, or neglected or kept in
16 any manner contrary to the provisions of chapter 16.52 RCW, any permit
17 to the contrary notwithstanding. Before any wildlife is confiscated or
18 released under the authority of this section:

19 (a) The owner must be advised in writing of the existence of the
20 unsatisfactory conditions;

21 (b) The owner must have been given thirty days in which to correct
22 the conditions and have failed to correct the conditions;

23 (c) The owner shall have an opportunity for a proceeding pursuant
24 to chapter 34.05 RCW; and

25 (d) The department shall order the confiscation or release after
26 careful consideration of all evidence in the particular case in
27 question.

28 The final order of the department constitutes final agency action.

29 (5) In instances where wildlife is seized or taken into custody by
30 the department, the owner or possessor of the wildlife is responsible
31 for payment of all expenses relative to the capture, transport,
32 boarding, veterinary care, or other costs associated with or incurred
33 due to seizure or custody of wildlife. The expenses shall be paid by
34 the owner or possessor upon any conviction or finding of guilt of a
35 criminal or noncriminal violation, regardless of adjudication or plea
36 entered, of any provision of chapter 16.52 RCW or this chapter, or rule
37 of the department. Failure to pay the expense may be grounds for
38 revocation or denial of permits to the individual to possess wildlife.

1 (6) Any animal on exhibit of a type capable of contracting or
2 transmitting rabies shall be immunized against rabies.

3 (7) The provisions of this section relative to licensing do not
4 apply to any municipal, county, state, or other publicly owned wildlife
5 exhibit.

6 (8) This section does not apply to the possession, control, care,
7 and maintenance of ostriches, emus, and rheas, except those kept and
8 maintained primarily for exhibition purposes in zoos, carnivals,
9 circuses, and other establishments where the species are kept for
10 display to the public.

11 (9) The department is authorized to adopt rules to implement the
12 provisions of this section.

13 (10) A violation of this section is punishable as a natural
14 resource infraction under chapter 7.84 RCW.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.12 RCW
16 to read as follows:

17 (1) It is unlawful for any person or persons to possess any
18 wildlife as defined in this section, whether indigenous to Washington
19 or not, until she or he has obtained a permit as provided by this
20 section from the department of fish and wildlife.

21 (2) The classifications of types of wildlife and fees to be paid
22 for permits for the personal possession of wildlife are:

23 (a) Class I--Wildlife which, because of its nature, habits, or
24 status, shall not be possessed as a personal pet.

25 (b) Class II--Wildlife considered to present a real or potential
26 threat to human safety, the sum of one hundred forty dollars per annum.

27 (c) Class III--All other wildlife not included in class I or class
28 II, for which a no-cost permit must be obtained from the department.

29 (3) The department shall adopt rules defining class I, class II,
30 and class III types of wildlife. The department shall also establish
31 rules and requirements necessary to ensure that permits are granted
32 only to persons qualified to possess and care properly for wildlife and
33 that permitted wildlife possessed as personal pets will be maintained
34 in sanitary surroundings and appropriate neighborhoods.

35 (4) In instances where wildlife is seized or taken into custody by
36 the department, the owner or possessor of the wildlife is responsible
37 for payment of all expenses relative to the capture, transport,
38 boarding, veterinary care, or other costs associated with or incurred

1 due to seizure or custody of wildlife. The expenses shall be paid by
2 the owner or possessor upon any conviction or finding of guilt of a
3 criminal or noncriminal violation, regardless of adjudication or plea
4 entered, of this chapter, or rule of the department. Failure to pay
5 the expense may be grounds for revocation or denial of permits to the
6 individual to possess wildlife.

7 (5) Any person, firm, corporation, or association exhibiting or
8 selling wildlife and being duly permitted as provided by section 1 of
9 this act is exempt from the fee requirement to receive a permit under
10 this section.

11 (6) This section does not apply to the possession, control, care,
12 and maintenance of ostriches, emus, and rheas, except those kept and
13 maintained primarily for exhibition purposes in zoos, carnivals,
14 circuses, and other establishments where the species are kept for
15 display to the public.

16 (7) A violation of this section is punishable as a natural resource
17 infraction under chapter 7.84 RCW."

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18 On page 1, line 1 of the title, after "animals;" strike the
19 remainder of the title and insert "adding new sections to chapter 77.12
20 RCW; and prescribing penalties."

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