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**Fisheries, Ecology & Parks  
Committee**

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**HB 1968**

**Brief Description:** Allowing the use of body-gripping traps under certain circumstances.

**Sponsors:** Representatives O'Brien, Cooper, Romero, Kessler, Carrell, Delvin and Lantz.

**Brief Summary of Bill**

- Excludes common gopher and mole traps are from the definition of a body-gripping trap.
- Allows the use of a number 110 Conibear trap to capture mountain beavers until July 1, 2008, by the owner or operator of commercial timber if non-lethal control measures can not reasonably be applied.

**Hearing Date:** 2/25/03

**Staff:** Jason Callahan (786-7117).

**Background:**

Initiative 713 passed in November of 2000. This initiative made it a gross misdemeanor to use any body-gripping trap, defined as a trap that grips an animal or an animal's body part, to capture any mammal, or to use a leghold or neck snare trap to capture a mammal for recreation or commerce. The initiative also made it illegal to buy, sell, barter, or otherwise exchange the fur of a mammal that has been trapped with a body-gripping trap. Common rat and mouse traps are exempted from the definition of body-gripping traps (RCW 77.15.194). The prohibition against using body-gripping traps extends to the trapping of mountain beavers, moles and gophers. Mountain beavers are medium-sized rodents native to the Pacific Northwest that are primarily found in coastal Douglas Fir habitats.

The Director of the Department of Fish and Wildlife (DFW) may grant permits to use certain traps in limited circumstances, including for the protection of public health and safety. Before an individual can be issued a 30-day special permit, he or she must show in writing that the problem can not be reasonably controlled by non-lethal means. The holders of special permits are required to inspect any traps at least once daily (RCW 77.15.194).

The Director of DFW is also authorized to allow DFW employees and wildlife scientists to use otherwise unlawful traps. Likewise, employees of the United States Fish and Wildlife Service are expressly exempted from the current law's coverage (RCW 77.15.194).

In addition to being prosecuted for a gross misdemeanor, a person who violates the provisions of Initiative 713 is required to lose his or her trapping privileges for five years. Repeat violators of the state's trapping laws face losing their trapping privileges permanently (RCW 77.15.198).

Some aspects of current trapping law predates the passage of Initiative 713. An individual must possess a DFW-issued trapping license in order to trap furbearing mammals. Prior to receiving a trapping license, an applicant must complete a course in safe, humane, and proper trapping techniques (RCW 77.65.460). The DFW is required to conduct such a program, and focus the education on trapping techniques designed to painlessly capture or instantly kill targeted mammals. In developing the educational program, the DFW is required to consult with, among others, humane and trapping organizations (RCW 77.65.460).

A trapper must first seek the permission of the landowner before setting a trap on private property, and all traps must carry an identification tag indicating the owner. If a property owner discovers a trap on his or her property, the owner may remove the trap and contact the DFW for the name and address of the trapper.

**Summary of Bill:**

Common gopher and mole traps are excluded from the definition of a body-gripping trap, meaning that gophers and moles can be lawfully trapped with a trap that grips the animal's body or body parts.

Until July 1, 2008, the owner or operator of commercial timber is allowed to use a number 110 Conibear trap to capture mountain beavers, if non-lethal control measures can not reasonably be applied. Non-lethal control measures include fencing, and tree-wrapping. Mountain beavers trapped under this authority must be reported to the Department on an annual basis.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date:** The bill takes effect ninety days after adjournment of session in which bill is passed.