

SENATE BILL REPORT

SB 5163

As of February 14, 2003

Title: An act relating to commercial fishing violations.

Brief Description: Creating the license suspension review committee.

Sponsors: Senators Doumit, Swecker, Hargrove, Reardon, Regala, Jacobsen and Franklin.

Brief History:

Committee Activity: Parks, Fish & Wildlife: 2/18/03.

SENATE COMMITTEE ON PARKS, FISH & WILDLIFE

Staff: Genevieve Pisarski (786-7488)

Background: A commercial fishing violation is generally punishable as a misdemeanor, gross misdemeanor, or felony. In addition, the director of the Department of Fish and Wildlife must suspend all commercial fishing privileges upon conviction for two gross misdemeanors or felonies involving commercial fishing within a five-year period. Suspended licenses cannot be transferred or used by an alternate operator. If there has been willful or wanton disregard for the conservation of fish or wildlife, license suspension can be for life.

Summary of Bill: The director of the Department of Fish and Wildlife has discretion to suspend the privilege to participate in a particular commercial fishery upon conviction for two or more qualifying commercial violations within a three-year period. Suspension may not exceed one year. A suspended license may not be transferred or used by an alternate operator. Suspension is in addition to criminal penalties.

A qualifying commercial violation is either a gross misdemeanor or felony. In addition, certain violations must involve a specific minimum amount of harvested product. For shellfish, including crab, qualifying commercial violations must involve at least 50 individual unlawfully harvested shellfish, making up at least 6 percent of the total harvest. For fish, including salmon and other fin fish, if more than 50 fish are harvested, more than 4 percent of the harvest must be unlawful for a qualifying commercial violation. If fewer than 50 fish are harvested, the value of the unlawfully harvested individual fish must be more than \$250, if not groundfish, or more than \$175, if groundfish. Some violations are qualifying commercial violations regardless of the amount of harvested product. These include fishing without a license, chartering without a license, using unlawful gear or an unlawful method, using a non-designated vessel, fishing at an improper time, participating in a treaty fishery, using illegal nets, and using a commercial vessel for recreation.

The director may also recommend license suspension for one violation of severe magnitude or for conviction of a shellfish violation involving 500 or more unlawfully harvested shellfish valued at more than \$2,500, making up more than 20 percent of the harvest.

Any commercial fisher may appeal a license suspension order to the License Suspension Review Committee within 31 days of receiving notice. The committee is appointed by the Fish and Wildlife Commission and is comprised of two department employees and three commercial fishers from different counties. In addition, the commission may appoint up to four alternate members, who may vote when a regular member is unavailable.

The committee must hear and decide all appeals within three months. It may collect information and hear testimony regarding extenuating circumstances. The majority decision of the committee is final, except for judicial review. The committee may waive, decrease, or increase the length of license suspension, but no suspension may be for longer than one year.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.