
HOUSE BILL 1055

State of Washington

58th Legislature

2003 Regular Session

By Representatives O'Brien, Nixon, Hunt, Romero, Clements, Mielke, Simpson, Cairnes, Sullivan, Chase, Veloria, Bush, Darneille and Kessler

Read first time 01/14/2003. Referred to Committee on Fisheries, Ecology & Parks.

1 AN ACT Relating to body-gripping traps; and amending RCW 77.15.192
2 and 77.15.194.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 77.15.192 and 2001 c 1 s 2 are each amended to read as
5 follows:

6 The definitions in this section apply throughout RCW 77.15.194
7 through 77.15.198.

8 (1) "Animal" means any nonhuman vertebrate.

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

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

18 (4) "Raw fur" means a pelt that has not been processed for purposes
19 of retail sale.

1 (5) "Animal problem" means any animal that threatens or damages
2 timber or private property or threatens or injures livestock or any
3 other domestic animal.

4 **Sec. 2.** RCW 77.15.194 and 2001 c 1 s 3 are each amended to read as
5 follows:

6 (1) Except as provided in this section, it is unlawful to use or
7 authorize the use of any steel-jawed leghold trap, neck snare, or other
8 body-gripping trap to capture any mammal for recreation or commerce in
9 fur.

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

15 (3) Except as provided in this section, it is unlawful to use or
16 authorize the use of any steel-jawed leghold trap or any other body-
17 gripping trap to capture any animal(~~(, except as provided in~~
18 ~~subsections (4) and (5) of this section)~~).

19 (4) Nothing in this section prohibits the use of a Conibear trap in
20 water, a padded leghold trap, or a nonstrangling type foot snare with
21 a special permit granted by (~~{the}~~) the director under (a) through
22 (d) of this subsection. Issuance of the special permits shall be
23 governed by rules adopted by the department and in accordance with the
24 requirements of this section. Every person granted a special permit to
25 use a trap or device listed in this subsection shall check the trap or
26 device at least every twenty-four hours.

27 (a) Nothing in this section prohibits the director, in consultation
28 with the department of social and health services or the United States
29 department of health and human services from granting a permit to use
30 traps listed in this subsection for the purpose of protecting people
31 from threats to their health and safety.

32 (b) Nothing in this section prohibits the director from granting a
33 special permit to use traps listed in this subsection to a person who
34 applies for such a permit in writing, and who establishes that there
35 exists on a property an animal problem that has not been and cannot be
36 reasonably abated by the use of nonlethal control tools, including but
37 not limited to guard animals, electric fencing, or box and cage traps,

1 or if such nonlethal means cannot be reasonably applied. Upon making
2 a finding in writing that the animal problem has not been and cannot be
3 reasonably abated by nonlethal control tools or if the tools cannot be
4 reasonably applied, the director may authorize the use, setting,
5 placing, or maintenance of the traps for a period not to exceed thirty
6 days.

7 (c) Nothing in this section prohibits the director from granting a
8 special permit to department employees or agents to use traps listed in
9 this subsection where the use of the traps is the only practical means
10 of protecting threatened or endangered species as designated under RCW
11 77.08.010.

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

15 (5) Nothing in this section prohibits the United States fish and
16 wildlife service, its employees or agents, from using a trap listed in
17 subsection (4) of this section where the fish and wildlife service
18 determines, in consultation with the director, that the use of such
19 traps is necessary to protect species listed as threatened or
20 endangered under the federal endangered species act (16 U.S.C. Sec.
21 1531 et seq.).

22 (6) Nothing in this section prohibits the use of any trap designed
23 primarily for the capture of moles or rodents.

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