

---

HOUSE BILL 1254

---

State of Washington

58th Legislature

2003 Regular Session

**By** Representatives Buck, Hatfield, Schoesler, Clements, Armstrong, Sump, Hinkle, Grant, Ericksen, Blake, Cairnes, Kessler, Linville, Haigh, Eickmeyer, Orcutt, Chandler, Pearson, Boldt, Mielke, Delvin, Newhouse, Mastin, Condotta, Bush and Alexander

Read first time 01/22/2003. Referred to Committee on Fisheries, Ecology & Parks.

1 AN ACT Relating to trapping; amending RCW 77.15.192, 77.15.194,  
2 77.65.450, 77.65.460, 77.32.545, and 77.15.198; and adding new sections  
3 to chapter 77.12 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.12 RCW  
6 to read as follows:

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

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

1 (3) The legislature further finds that humanely regulated trapping  
2 practices contribute positively to the economic well-being of the  
3 agricultural and timber industries of Washington, to public health and  
4 welfare by assisting to control the spread of animal-borne disease, and  
5 to the protection of private and public property from damage resulting  
6 from uncontrolled animal populations.

7 (4) The legislature further finds that trapping is a valuable  
8 commercial activity and not a recreational hobby. As such, a sound  
9 furbearer management program will result in commerce of the pelts of  
10 harvested mammals, thus benefiting the economy of the state of  
11 Washington.

12 (5) The legislature recognizes that among the choices available for  
13 the trapping of animals, some may cause pain and suffering in the  
14 animals captured. The legislature further recognizes that some  
15 trapping methods can capture animals that are not targeted, including  
16 pets. It is the policy of the state of Washington to minimize the use  
17 of all indiscriminate or painful traps when practical alternatives  
18 exist, and when none do, to use traps when necessary in the most humane  
19 way possible. When lethal trapping methods are used, such methods must  
20 be used in the most humane way that accomplishes the goals of the  
21 wildlife management program. All trappers in the state should use all  
22 practicable means necessary to avoid the capture of a nontargeted  
23 animal.

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

26 The definitions in this section apply throughout RCW 77.15.194  
27 through 77.15.198.

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

29 ~~+2)) "Prohibited body-gripping trap" means a steel trap that grips  
30 an animal's body or body part with teeth or serrated edges. (~~(Body-  
31 gripping trap includes, but is not limited to, steel-jawed leghold  
32 traps, padded jaw leghold traps, Conibear traps, neck snares, and  
33 nonstrangling foot snares. Cage and box traps, suitcase type live  
34 beaver traps, and common rat and mouse traps are not considered body-  
35 gripping traps.~~~~

36 ~~+3))~~ (2) "Person" means a human being and, where appropriate, a

1 public or private corporation, an unincorporated association, a  
2 partnership, a government, or a governmental instrumentality.

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

5 ~~((5))~~ (4) "Animal problem" means any ~~((animal))~~ classified  
6 furbearing mammal or unclassified mammal that threatens or damages  
7 timber, publicly owned or private property, or threatens or injures  
8 livestock, human health or safety, or any other domestic animal or  
9 wildlife population.

10 **Sec. 3.** RCW 77.15.194 and 2001 c 1 s 3 are each amended to read as  
11 follows:

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

15 (1) It is unlawful to use or authorize the use of any steel-jawed  
16 ~~((leghold))~~ foothold trap, neck snare, foot snare, or other prohibited  
17 body-gripping trap to capture any mammal for ~~((recreation or commerce~~  
18 ~~in fur))~~ a purpose other than to address an animal problem or for  
19 mammal population management.

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

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

28 ~~(4) Nothing in this section prohibits the use of a Conibear trap in~~  
29 ~~water, a padded leghold trap, or a nonstrangling type foot snare with~~  
30 ~~a special permit granted by [the] director under (a) through (d) of~~  
31 ~~this subsection. Issuance of the special permits shall be governed by~~  
32 ~~rules adopted by the department and in accordance with the requirements~~  
33 ~~of this section. Every person granted a special permit to use a trap~~  
34 ~~or device listed in this subsection shall check the trap or device at~~  
35 ~~least every twenty four hours.~~

36 ~~(a) Nothing in this section prohibits the director, in consultation~~  
37 ~~with the department of social and health services or the United States~~

1 ~~department of health and human services from granting a permit to use~~  
2 ~~traps listed in this subsection for the purpose of protecting people~~  
3 ~~from threats to their health and safety.~~

4 ~~(b) Nothing in this section prohibits the director from granting a~~  
5 ~~special permit to use traps listed in this subsection to a person who~~  
6 ~~applies for such a permit in writing, and who establishes that there~~  
7 ~~exists on a property an animal problem that has not been and cannot be~~  
8 ~~reasonably abated by the use of nonlethal control tools, including but~~  
9 ~~not limited to guard animals, electric fencing, or box and cage traps,~~  
10 ~~or if such nonlethal means cannot be reasonably applied. Upon making~~  
11 ~~a finding in writing that the animal problem has not been and cannot be~~  
12 ~~reasonably abated by nonlethal control tools or if the tools cannot be~~  
13 ~~reasonably applied, the director may authorize the use, setting,~~  
14 ~~placing, or maintenance of the traps for a period not to exceed thirty~~  
15 ~~days.~~

16 ~~(c) Nothing in this section prohibits the director from granting a~~  
17 ~~special permit to department employees or agents to use traps listed in~~  
18 ~~this subsection where the use of the traps is the only practical means~~  
19 ~~of protecting threatened or endangered species as designated under RCW~~  
20 ~~77.08.010.~~

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

24 ~~(5) Nothing in this section prohibits the United States fish and~~  
25 ~~wildlife service, its employees or agents, from using a trap listed in~~  
26 ~~subsection (4) of this section where the fish and wildlife service~~  
27 ~~determines, in consultation with the director, that the use of such~~  
28 ~~traps is necessary to protect species listed as threatened or~~  
29 ~~endangered under the federal endangered species act (16 U.S.C. Sec.~~  
30 ~~1531 et seq.)) violation of subsection (1) of this section. Nothing~~  
31 ~~in this section prohibits the donation of an animal carcass or pelt for~~  
32 ~~scientific research and public health training.~~

33 ~~(3)(a) All trapping of wild animals may only be conducted by~~  
34 ~~trappers licensed by the department under RCW 77.65.450 for the~~  
35 ~~management of animal problems or for mammal population management and~~  
36 ~~in accordance with the rules developed by the commission as they relate~~  
37 ~~to wildlife trapping. However, nothing in this section prohibits the~~

1 use of commonly used traps by property owners or their agents to  
2 control nuisance wildlife including, but not limited to, moles, mice,  
3 rats, and gophers.

4 (b) Furbearing mammals may not be taken from the wild and held  
5 alive for sale or personal use. All trapping must be conducted in  
6 furtherance of a wildlife trapping program being implemented by the  
7 department for an animal problem, as that term is defined in RCW  
8 77.15.192, or for mammal population management.

9 (c) Wildlife trapped for a purpose other than to manage animal  
10 problems or mammal population management must, if possible, be released  
11 unharmd immediately upon discovery. The commission may adopt by rule  
12 or guideline procedures for the handling of any animal that is unable  
13 to be released unharmed.

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

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

28 (b) The department shall maintain and analyze all catch reports  
29 received pursuant to (a) of this subsection. Data collected on catch  
30 reports must be presented to the appropriate legislative committees by  
31 November 30th of each year.

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

34 The commission shall adopt appropriate rules regarding the types of  
35 traps and bait for use in capturing wildlife to ensure the humane  
36 treatment of captured animals. In adopting these rules, the commission  
37 may take into consideration the effectiveness of various trap sizes,

1 approved best management practices, and the habitats in which the traps  
2 may be used. These rules must address the time intervals during which  
3 specific traps must be checked and animals removed. These rules may  
4 not allow for the use of a prohibited body-gripping trap, as that term  
5 is defined in RCW 77.15.192, or a neck or body snare attached to a  
6 spring pole or any spring pole type device. The commission must also  
7 adopt rules for the appropriate disposal of carcasses.

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

10 The department shall institute a furbearer management program that  
11 addresses mammal population dynamics and problem animals, and shall  
12 only issue trapping licenses and propose rules consistent with the  
13 program.

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

16 A state trapping license allows the holder to trap fur-bearing  
17 animals throughout the state in accordance with the rules adopted by  
18 the commission under section 4 of this act; however, a trapper may not  
19 place traps on private property without permission of the owner,  
20 lessee, or tenant where the land is improved and apparently used, or  
21 where the land is fenced or enclosed in a manner designed to exclude  
22 intruders or to indicate a property boundary line, or where notice is  
23 given by posting in a conspicuous manner. A state trapping license is  
24 void on April 1st following the date of issuance. The fee for this  
25 license is thirty-six dollars for residents sixteen years of age or  
26 older, fifteen dollars for residents under sixteen years of age, and  
27 one hundred eighty dollars for nonresidents. The department may only  
28 issue trapping licenses for the control of animal problems, as that  
29 term is defined in RCW 77.15.192, for scientific purposes, and for  
30 mammal population management.

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

33 Persons purchasing a state trapping license for the first time  
34 shall present certification of completion of a course of instruction in

1 safe, humane, and proper trapping techniques or pass an examination to  
2 establish that the applicant has the requisite knowledge.

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

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

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

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

26 When a property owner, lessee, or tenant presents a trapper  
27 identification number to the department for a trap found upon the  
28 property of the owner, lessee, or tenant and requests identification of  
29 the trapper, the department shall provide the requestor with the name  
30 and address of the trapper. Prior to disclosure of the trapper's name  
31 and address, the department shall obtain the name and address of the  
32 requesting individual in writing and after disclosing the trapper's  
33 name and address to the requesting individual, the requesting  
34 individual's name and address shall be disclosed in writing to the  
35 trapper whose name and address was disclosed.

1       **Sec. 9.** RCW 77.15.198 and 2001 c 1 s 5 are each amended to read as  
2 follows:

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

--- END ---