
SENATE BILL 5029

State of Washington

58th Legislature

2003 Regular Session

By Senator Morton

Read first time 01/13/2003. Referred to Committee on Parks, Fish & Wildlife.

1 AN ACT Relating to fish and wildlife infractions; amending RCW
2 77.15.130, 77.15.140, 77.15.170, 77.15.180, 77.15.190, 77.15.220,
3 77.15.230, 77.15.240, 77.15.280, 77.15.290, 77.15.330, 77.15.380,
4 77.15.400, 77.15.430, 77.15.440, and 77.15.460; and prescribing
5 penalties.

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

7 **Sec. 1.** RCW 77.15.130 and 1998 c 190 s 14 are each amended to read
8 as follows:

9 (1) A person is guilty of unlawful taking of protected fish or
10 wildlife if:

11 (a) The person hunts, fishes, possesses, or maliciously kills
12 protected fish or wildlife, or the person possesses or maliciously
13 destroys the eggs or nests of protected fish or wildlife, and the
14 taking has not been authorized by rule of the commission; or

15 (b) The person violates any rule of the commission regarding the
16 taking, harming, harassment, possession, or transport of protected fish
17 or wildlife.

1 (2) Unlawful taking of protected fish or wildlife is ((a
2 ~~misdemeanor~~)) an infraction, to be cited and punished as provided under
3 chapter 7.84 RCW.

4 **Sec. 2.** RCW 77.15.140 and 1998 c 190 s 15 are each amended to read
5 as follows:

6 (1) A person is guilty of unlawful taking of unclassified fish or
7 wildlife if:

8 (a) The person kills, hunts, fishes, takes, holds, possesses,
9 transports, or maliciously injures or harms fish or wildlife that is
10 not classified as big game, game fish, game animals, game birds, food
11 fish, shellfish, protected wildlife, or endangered wildlife; and

12 (b) The act violates any rule of the commission or the director.

13 (2) Unlawful taking of unclassified fish or wildlife is ((a
14 ~~misdemeanor~~)) an infraction, to be cited and punished as provided under
15 chapter 7.84 RCW.

16 **Sec. 3.** RCW 77.15.170 and 1999 c 258 s 5 are each amended to read
17 as follows:

18 (1) A person is guilty of waste of fish and wildlife in the second
19 degree if:

20 (a) The person kills, takes, or possesses fish, shellfish, or
21 wildlife and the value of the fish, shellfish, or wildlife is greater
22 than twenty dollars but less than two hundred fifty dollars; and

23 (b) The person recklessly allows such fish, shellfish, or wildlife
24 to be wasted.

25 (2) A person is guilty of waste of fish and wildlife in the first
26 degree if:

27 (a) The person kills, takes, or possesses fish, shellfish, or
28 wildlife having a value of two hundred fifty dollars or more or
29 wildlife classified as big game; and

30 (b) The person recklessly allows such fish, shellfish, or wildlife
31 to be wasted.

32 (3)(a) Waste of fish and wildlife in the second degree is ((a
33 ~~misdemeanor~~)) an infraction, to be cited and punished as provided under
34 chapter 7.84 RCW.

35 (b) Waste of fish and wildlife in the first degree is a gross
36 misdemeanor. Upon conviction, the department shall revoke any license

1 or tag used in the crime and shall order suspension of the person's
2 privileges to engage in the activity in which the person committed
3 waste of fish and wildlife in the first degree for a period of one
4 year.

5 (4) It is prima facie evidence of waste if a processor purchases or
6 engages a quantity of food fish, shellfish, or game fish that cannot be
7 processed within sixty hours after the food fish, game fish, or
8 shellfish are taken from the water, unless the food fish, game fish, or
9 shellfish are preserved in good marketable condition.

10 **Sec. 4.** RCW 77.15.180 and 2001 c 253 s 29 are each amended to read
11 as follows:

12 (1) A person is guilty of unlawful interference with fishing or
13 hunting gear in the second degree if the person:

14 (a) Takes or releases a wild animal from another person's trap
15 without permission;

16 (b) Springs, pulls up, damages, possesses, or destroys another
17 person's trap without the owner's permission; or

18 (c) Interferes with recreational gear used to take fish or
19 shellfish.

20 (2) Unlawful interference with fishing or hunting gear in the
21 second degree is (~~a misdemeanor~~) an infraction, to be cited and
22 punished as provided under chapter 7.84 RCW.

23 (3) A person is guilty of unlawful interference with fishing or
24 hunting gear in the first degree if the person:

25 (a) Takes or releases fish or shellfish from commercial fishing
26 gear without the owner's permission; or

27 (b) Intentionally destroys or interferes with commercial fishing
28 gear.

29 (4) Unlawful interference with fishing or hunting gear in the first
30 degree is a gross misdemeanor.

31 (5) A person is not in violation of unlawful interference with
32 fishing or hunting gear if the person removes a trap placed on property
33 owned, leased, or rented by the person.

34 **Sec. 5.** RCW 77.15.190 and 1999 c 258 s 9 are each amended to read
35 as follows:

36 (1) A person is guilty of unlawful trapping if the person:

1 (a) Sets out traps that are capable of taking wild animals, game
2 animals, or furbearing mammals and does not possess all licenses, tags,
3 or permits required under this title;

4 (b) Violates any rule of the commission or director regarding
5 seasons, bag or possession limits, closed areas including game
6 reserves, closed times, or any other rule governing the trapping of
7 wild animals; or

8 (c) Fails to identify the owner of the traps or devices by neither
9 (i) attaching a metal tag with the owner's department-assigned
10 identification number or the name and address of the trapper legibly
11 written in numbers or letters not less than one-eighth inch in height
12 nor (ii) inscribing into the metal of the trap such number or name and
13 address.

14 (2) Unlawful trapping is (~~(a misdemeanor)~~) an infraction, to be
15 cited and punished as provided under chapter 7.84 RCW.

16 **Sec. 6.** RCW 77.15.220 and 1998 c 190 s 25 are each amended to read
17 as follows:

18 (1) A person is guilty of unlawful posting if the individual posts
19 signs preventing hunting or fishing on any land not owned or leased by
20 the individual, or without the permission of the person who owns,
21 leases, or controls the land posted.

22 (2) Unlawful posting is (~~(a misdemeanor)~~) an infraction, to be
23 cited and punished as provided under chapter 7.84 RCW.

24 **Sec. 7.** RCW 77.15.230 and 1999 c 258 s 6 are each amended to read
25 as follows:

26 (1) A person is guilty of unlawful use of department lands or
27 facilities if the person enters upon, uses, or remains upon department-
28 owned or department-controlled lands or facilities in violation of any
29 rule of the department.

30 (2) Unlawful use of department lands or facilities is (~~(a~~
31 ~~misdemeanor)~~) an infraction, to be cited and punished as provided under
32 chapter 7.84 RCW.

33 **Sec. 8.** RCW 77.15.240 and 1998 c 190 s 30 are each amended to read
34 as follows:

35 (1) A person is guilty of unlawful use of dogs if the person:

1 (a) Negligently fails to prevent a dog under the person's control
2 from pursuing or injuring deer, elk, or an animal classified as
3 endangered under this title;

4 (b) Uses the dog to hunt deer or elk; or

5 (c) During the closed season for a species of game animal or game
6 bird, negligently fails to prevent the dog from pursuing such animal or
7 destroying the nest of a game bird.

8 (2) Unlawful use of dogs is (~~(a misdemeanor)~~) an infraction, to be
9 cited and punished as provided under chapter 7.84 RCW. A dog that is
10 the basis for a violation of this section may be declared a public
11 nuisance.

12 **Sec. 9.** RCW 77.15.280 and 1998 c 190 s 47 are each amended to read
13 as follows:

14 (1)~~(a)~~ A person is guilty of violating rules requiring reporting of
15 fish or wildlife harvest in the first degree if the person:

16 (~~(+a)~~) (i) Fails to make a harvest log report of a commercial fish
17 or shellfish catch in violation of any rule of the commission or the
18 director; or

19 (~~(+b)~~) (ii) Fails to maintain a trapper's report or taxidermist
20 ledger in violation of any rule of the commission or the director(~~(+~~

21 ~~(c)~~ ~~Fails to submit any portion of a big game animal for a required~~
22 ~~inspection required by rule of the commission or the director; or~~

23 ~~(d)~~ ~~Fails to return a catch record card or wildlife harvest report~~
24 ~~to the department as required by rule of the commission or director)).~~

25 (~~(+2)~~) (b) Violating rules requiring reporting of fish or wildlife
26 harvest in the first degree is a misdemeanor.

27 (2)(a) A person is guilty of violating rules requiring reporting of
28 fish or wildlife harvest in the second degree if the person:

29 (i) Fails to submit any portion of a big game animal for a required
30 inspection required by rule of the commission or the director; or

31 (ii) Fails to return a catch record card or wildlife harvest report
32 to the department as required by rule of the commission or director.

33 (b) Violating rules requiring reporting of fish or wildlife harvest
34 in the second degree is an infraction, to be cited and punished as
35 provided under chapter 7.84 RCW.

1 **Sec. 10.** RCW 77.15.290 and 2002 c 281 s 7 are each amended to read
2 as follows:

3 (1) A person is guilty of unlawful transportation of fish or
4 wildlife in the second degree if the person:

5 (a) Knowingly imports, moves within the state, or exports fish,
6 shellfish, or wildlife in violation of any rule of the commission or
7 the director governing the transportation or movement of fish,
8 shellfish, or wildlife and the transportation does not involve big
9 game, endangered fish or wildlife, deleterious exotic wildlife, or
10 fish, shellfish, or wildlife having a value greater than two hundred
11 fifty dollars; or

12 (b) Possesses but fails to affix or notch a big game transport tag
13 as required by rule of the commission or director.

14 (2) A person is guilty of unlawful transportation of fish or
15 wildlife in the first degree if the person:

16 (a) Knowingly imports, moves within the state, or exports fish,
17 shellfish, or wildlife in violation of any rule of the commission or
18 the director governing the transportation or movement of fish,
19 shellfish, or wildlife and the transportation involves big game,
20 endangered fish or wildlife, deleterious exotic wildlife, or fish,
21 shellfish, or wildlife with a value of two hundred fifty dollars or
22 more; or

23 (b) Knowingly transports shellfish, shellstock, or equipment used
24 in commercial culturing, taking, handling, or processing shellfish
25 without a permit required by authority of this title.

26 (3)(a) Unlawful transportation of fish or wildlife in the second
27 degree is (~~a misdemeanor~~) an infraction, to be cited and punished as
28 provided under chapter 7.84 RCW.

29 (b) Unlawful transportation of fish or wildlife in the first degree
30 is a gross misdemeanor.

31 (4) A person is guilty of unlawful transport of aquatic plants if
32 the person transports aquatic plants on any state or public road,
33 including forest roads, except as provided in this section.

34 (5) Unless otherwise prohibited by law, a person may transport
35 aquatic plants:

36 (a) To the department, or to another destination designated by the
37 director, in a manner designated by the department, for purposes of
38 identifying a species or reporting the presence of a species;

1 (b) When legally obtained for aquarium use, wetland or lakeshore
2 restoration, or ornamental purposes;

3 (c) When transporting a commercial aquatic plant harvester to a
4 suitable location for purposes of removing aquatic plants;

5 (d) In a manner that prevents their unintentional dispersal, to a
6 suitable location for disposal, research, or educational purposes; or

7 (e) As the commission may otherwise prescribe.

8 (6) Unlawful transport of aquatic plants is (~~a misdemeanor~~) an
9 infraction, to be cited and punished as provided under chapter 7.84
10 RCW.

11 **Sec. 11.** RCW 77.15.330 and 2001 c 253 s 36 are each amended to
12 read as follows:

13 (1) A person is guilty of unlawfully holding a hunting or fishing
14 contest if the person:

15 (a) Conducts, holds, or sponsors a hunting contest, a fishing
16 contest involving game fish, or a competitive field trial using live
17 wildlife without the permit required by RCW 77.65.480; or

18 (b) Violates any rule of the commission or the director applicable
19 to a hunting contest, fishing contest involving game fish, or a
20 competitive field trial using live wildlife.

21 (2) Unlawfully holding a hunting or fishing contest is (~~a~~
22 ~~misdemeanor~~) an infraction, to be cited and punished as provided under
23 chapter 7.84 RCW.

24 **Sec. 12.** RCW 77.15.380 and 2001 c 253 s 39 are each amended to
25 read as follows:

26 (1) A person is guilty of unlawful recreational fishing in the
27 second degree if the person fishes for, takes, possesses, or harvests
28 fish or shellfish and:

29 (a) The person does not have and possess the license or the catch
30 record card required by chapter 77.32 RCW for such activity; or

31 (b) The action violates any rule of the commission or the director
32 regarding seasons, bag or possession limits but less than two times the
33 bag or possession limit, closed areas, closed times, or any other rule
34 addressing the manner or method of fishing or possession of fish,
35 except for use of a net to take fish as provided for in RCW 77.15.580.

1 (2) Unlawful recreational fishing in the second degree is ((a
2 ~~misdemeanor~~)) an infraction, to be cited and punished as provided under
3 chapter 7.84 RCW.

4 **Sec. 13.** RCW 77.15.400 and 2001 c 253 s 41 are each amended to
5 read as follows:

6 (1) A person is guilty of unlawful hunting of wild birds in the
7 second degree if the person:

8 (a) Hunts for, takes, or possesses a wild bird and the person does
9 not have and possess all licenses, tags, stamps, and permits required
10 under this title;

11 (b) Maliciously destroys, takes, or harms the eggs or nests of a
12 wild bird except when authorized by permit;

13 (c) Violates any rule of the commission or director regarding
14 seasons, bag or possession limits but less than two times the bag or
15 possession limit, closed areas, closed times, or other rule addressing
16 the manner or method of hunting or possession of wild birds; or

17 (d) Possesses a wild bird taken during a closed season for that
18 wild bird or taken from a closed area for that wild bird.

19 (2) A person is guilty of unlawful hunting of wild birds in the
20 first degree if the person takes or possesses two times or more than
21 the possession or bag limit for wild birds allowed by rule of the
22 commission or director.

23 (3)(a) Unlawful hunting of wild birds in the second degree is ((a
24 ~~misdemeanor~~)) an infraction, to be cited and punished as provided under
25 chapter 7.84 RCW.

26 (b) Unlawful hunting of wild birds in the first degree is a gross
27 misdemeanor.

28 **Sec. 14.** RCW 77.15.430 and 1999 c 258 s 4 are each amended to read
29 as follows:

30 (1) A person is guilty of unlawful hunting of wild animals in the
31 second degree if the person:

32 (a) Hunts for, takes, or possesses a wild animal that is not
33 classified as big game, and does not have and possess all licenses,
34 tags, or permits required by this title;

35 (b) Violates any rule of the commission or director regarding
36 seasons, bag or possession limits but less than two times the bag or

1 possession limit, closed areas including game reserves, closed times,
2 or other rule addressing the manner or method of hunting or possession
3 of wild animals not classified as big game; or

4 (c) Possesses a wild animal that is not classified as big game
5 taken during a closed season for that wild animal or from a closed area
6 for that wild animal.

7 (2) A person is guilty of unlawful hunting of wild animals in the
8 first degree if the person takes or possesses two times or more than
9 the possession or bag limit for wild animals that are not classified as
10 big game animals as allowed by rule of the commission or director.

11 (3)(a) Unlawful hunting of wild animals in the second degree is ((a
12 ~~misdemeanor~~)) an infraction, to be cited and punished as provided under
13 chapter 7.84 RCW.

14 (b) Unlawful hunting of wild animals in the first degree is a gross
15 misdemeanor.

16 **Sec. 15.** RCW 77.15.440 and 1998 c 190 s 12 are each amended to
17 read as follows:

18 (1) A person is guilty of unlawful use of weapons, traps, or dogs
19 on game reserves if:

20 (a) The person uses firearms, other hunting weapons, or traps on a
21 game reserve; or

22 (b) The person negligently allows a dog upon a game reserve.

23 (2) This section does not apply to persons on a public highway or
24 if the conduct is authorized by rule of the department.

25 (3) This section does not apply to a person in possession of a
26 handgun if the person in control of the handgun possesses a valid
27 concealed pistol license and the handgun is concealed on the person.

28 (4) Unlawful use of weapons, traps, or dogs on game reserves is ((a
29 ~~misdemeanor~~)) an infraction, to be cited and punished as provided under
30 chapter 7.84 RCW.

31 **Sec. 16.** RCW 77.15.460 and 1999 c 258 s 7 are each amended to read
32 as follows:

33 (1)(a) A person is guilty of unlawful possession of a loaded
34 firearm in a motor vehicle if:

35 ((a)) (i) The person carries, transports, conveys, possesses, or
36 controls a rifle or shotgun in or on a motor vehicle; and

1 ~~((b))~~ (ii) The rifle or shotgun contains shells or cartridges in
2 the magazine or chamber, or is a muzzle-loading firearm that is loaded
3 and capped or primed.

4 (b) Unlawful possession of a loaded firearm in a motor vehicle is
5 an infraction, to be cited and punished as provided under chapter 7.84
6 RCW.

7 (2)(a) A person is guilty of unlawful use of a loaded firearm if
8 the person negligently shoots a firearm from, across, or along the
9 maintained portion of a public highway.

10 ~~((3))~~ (b) Unlawful ~~((possession of a loaded firearm in a motor~~
11 ~~vehicle or unlawful))~~ use of a loaded firearm is a misdemeanor.

12 ~~((4))~~ (3) This section does not apply if the person:

13 (a) Is a law enforcement officer who is authorized to carry a
14 firearm and is on duty within the officer's respective jurisdiction;

15 (b) Possesses a disabled hunter's permit as provided by RCW
16 77.32.237 and complies with all rules of the department concerning
17 hunting by persons with disabilities.

18 ~~((5))~~ (4) For purposes of this section, a firearm shall not be
19 considered loaded if the detachable clip or magazine is not inserted in
20 or attached to the firearm.

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