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SENATE BILL 5179

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State of Washington

58th Legislature

2003 Regular Session

By Senators Oke, Mulliken, Rasmussen and T. Sheldon

Read first time 01/17/2003. Referred to Committee on Parks, Fish & Wildlife.

1 AN ACT Relating to the use of body-gripping traps; amending RCW  
2 77.15.192 and 77.15.194; creating a new section; and declaring an  
3 emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the passage of  
6 Initiative Measure No. 713, eliminating the use of body-gripping animal  
7 traps, has caused numerous unintended consequences. Farmers and  
8 ranchers are losing crops and wildlife to predators, causing  
9 unnecessary suffering to livestock. Homeowners and public park  
10 agencies are unable to control moles and gophers that damage  
11 landscaping and ballfields. Airports cannot protect airplane safety  
12 from animals ranging across landing strips. Reforestation efforts by  
13 the timber industry are hampered by animals foraging on new trees.

14 Therefore, it is the intent of the legislature to allow the use of  
15 safe and effective traps for the protection of life and property. It  
16 is also the intent of the legislature to authorize the fish and  
17 wildlife commission to limit the use of inhumane traps when effective  
18 alternatives exist.

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

3       The definitions in this section apply throughout RCW 77.15.194  
4 through 77.15.198 unless the context clearly requires otherwise.

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

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

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

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

17       (5) "Animal problem" means any animal that threatens or damages  
18 timber or private property or threatens or injures livestock or any  
19 other domestic animal, or is a threat to public safety.

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

22       (1) It is unlawful to use or authorize the use of any steel-jawed  
23 leghold trap, neck snare, or other body-gripping trap to capture any  
24 mammal solely for recreation or commerce in fur.

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

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

33       ~~(4) Nothing in this section prohibits the use of a Conibear trap in~~  
34 ~~water, a padded leghold trap, or a nonstrangling type foot snare with~~  
35 ~~a special permit granted by [the] director under (a) through (d) of~~  
36 ~~this subsection. Issuance of the special permits shall be governed by~~  
37 ~~rules adopted by the department and in accordance with the requirements~~

1 of this section. Every person granted a special permit to use a trap  
2 or device listed in this subsection shall check the trap or device at  
3 least every twenty four hours.

4 (a) Nothing in this section prohibits the director, in consultation  
5 with the department of social and health services or the United States  
6 department of health and human services from granting a permit to use  
7 traps listed in this subsection for the purpose of protecting people  
8 from threats to their health and safety.

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

21 (c) Nothing in this section prohibits the director from granting a  
22 special permit to department employees or agents to use traps listed  
23 in)) this subsection:

24 (a) A person may use body-gripping traps to abate an animal problem  
25 if nonlethal control tools, such as guard animals, electric fencing, or  
26 box or cage traps are not effective in abating the animal problem; and

27 (b) The director may authorize the use of body-gripping traps where  
28 the use of the traps is the only practical means of protecting  
29 threatened or endangered species as designated under RCW 77.08.010.

30 ((d)) (4) Nothing in this section prohibits the director from  
31 issuing a permit to use traps ((listed in this subsection)), excluding  
32 Conibear traps, for the conduct of legitimate wildlife research.

33 (5) Nothing in this section prohibits the United States fish and  
34 wildlife service, its employees, or agents((7)) from using a trap  
35 ((listed in subsection (4) of this section)) where the fish and  
36 wildlife service determines, in consultation with the director, that  
37 the use of such traps is necessary to protect species listed as

1 threatened or endangered under the federal endangered species act (16  
2 U.S.C. Sec. 1531 et seq.).

3 (6) The commission shall adopt rules to ensure body-gripping traps  
4 are used in a safe and humane manner. The rules may include trapping  
5 hours, seasons, area closures, trap checking frequency, and trap size  
6 and placement restrictions. The commission may prohibit the use of  
7 certain traps found to be inhumane when effective alternative traps are  
8 found to be widely available.

9 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
10 preservation of the public peace, health, or safety, or support of the  
11 state government and its existing public institutions, and takes effect  
12 immediately.

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