
SUBSTITUTE SENATE BILL 6285

State of Washington

58th Legislature

2004 Regular Session

By Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senators Oke, Doumit, Roach, Swecker, Stevens, Morton, Winsley, T. Sheldon, Sheahan, Jacobsen, Rasmussen, Haugen, Hargrove, Berkey, Hale, Honeyford, Mulliken and Parlette)

READ FIRST TIME 02/03/04.

1 AN ACT Relating to trapping; amending RCW 77.08.010, 77.15.194,
2 77.15.194, 77.65.450, 77.65.460, 77.32.545, 77.15.198, 77.15.198,
3 77.36.030, and 77.15.190; adding new sections to chapter 77.15 RCW;
4 creating a new section; repealing RCW 77.15.192; prescribing penalties;
5 providing an effective date; providing an expiration date; and
6 declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that a
9 professionally managed and regulated trapping program is consistent
10 with the state's obligations to manage all natural resources in trust
11 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 that the state trapping program be administered using sound
17 science by the department of fish and wildlife, and that the primary
18 emphasis of this program addresses animal problems as defined in RCW
19 77.08.010.

1 (3) The legislature further finds that the current furbearer
2 management program, utilizing only nonlethal trapping techniques, is
3 not an effective method of regulating predator and aquatic mammal
4 species. It is the intent of the legislature to amend the current
5 furbearer management program.

6 (4) The legislature further finds that humane, regulated trapping
7 practices used to control animals contribute positively to the well-
8 being of the state of Washington, to public health and welfare by
9 assisting to control the spread of animal-borne disease, and to the
10 protection of private and public property from damage resulting from
11 uncontrolled animal populations.

12 (5) The legislature further finds that the sale, trade, or barter
13 of wild animal pelts is consistent with the legislature's intent not to
14 waste a valuable wildlife resource.

15 (6) It is the policy of the state of Washington to minimize the use
16 of indiscriminate or painful traps and to use all traps humanely. When
17 lethal trapping methods are used, such methods must be used in the most
18 humane way that accomplishes the goal of reducing animal problems. All
19 persons trapping wild animals and wild birds in the state shall use all
20 practicable means necessary to avoid the capture of a nontargeted
21 animal.

22 **Sec. 2.** RCW 77.08.010 and 2003 c 387 s 1 are each amended to read
23 as follows:

24 As used in this title or rules adopted under this title, unless the
25 context clearly requires otherwise:

26 (1) "Director" means the director of fish and wildlife.

27 (2) "Department" means the department of fish and wildlife.

28 (3) "Commission" means the state fish and wildlife commission.

29 (4) "Person" means and includes an individual; a corporation; a
30 public or private entity or organization; a local, state, or federal
31 agency; all business organizations, including corporations and
32 partnerships; or a group of two or more individuals acting with a
33 common purpose whether acting in an individual, representative, or
34 official capacity.

35 (5) "Fish and wildlife officer" means a person appointed and
36 commissioned by the director, with authority to enforce this title and
37 rules adopted pursuant to this title, and other statutes as prescribed

1 by the legislature. Fish and wildlife officer includes a person
2 commissioned before June 11, 1998, as a wildlife agent or a fisheries
3 patrol officer.

4 (6) "Ex officio fish and wildlife officer" means a commissioned
5 officer of a municipal, county, state, or federal agency having as its
6 primary function the enforcement of criminal laws in general, while the
7 officer is in the appropriate jurisdiction. The term "ex officio fish
8 and wildlife officer" includes special agents of the national marine
9 fisheries service, state parks commissioned officers, United States
10 fish and wildlife special agents, department of natural resources
11 enforcement officers, and United States forest service officers, while
12 the agents and officers are within their respective jurisdictions.

13 (7) "To hunt" and its derivatives means an effort to kill, injure,
14 capture, or harass a wild animal or wild bird.

15 (8) "To trap" and its derivatives means a method of hunting using
16 devices to capture wild animals or wild birds.

17 (9) "To fish," "to harvest," and "to take," and their derivatives
18 means an effort to kill, injure, harass, or catch a fish or shellfish.

19 (10) "Open season" means those times, manners of taking, and places
20 or waters established by rule of the commission for the lawful hunting,
21 fishing, taking, or possession of game animals, game birds, game fish,
22 food fish, or shellfish that conform to the special restrictions or
23 physical descriptions established by rule of the commission or that
24 have otherwise been deemed legal to hunt, fish, take, harvest, or
25 possess by rule of the commission. "Open season" includes the first
26 and last days of the established time.

27 (11) "Closed season" means all times, manners of taking, and places
28 or waters other than those established by rule of the commission as an
29 open season. "Closed season" also means all hunting, fishing, taking,
30 or possession of game animals, game birds, game fish, food fish, or
31 shellfish that do not conform to the special restrictions or physical
32 descriptions established by rule of the commission as an open season or
33 that have not otherwise been deemed legal to hunt, fish, take, harvest,
34 or possess by rule of the commission as an open season.

35 (12) "Closed area" means a place where the hunting of some or all
36 species of wild animals or wild birds is prohibited.

37 (13) "Closed waters" means all or part of a lake, river, stream, or
38 other body of water, where fishing or harvesting is prohibited.

1 (14) "Game reserve" means a closed area where hunting for all wild
2 animals and wild birds is prohibited.

3 (15) "Bag limit" means the maximum number of game animals, game
4 birds, or game fish which may be taken, caught, killed, or possessed by
5 a person, as specified by rule of the commission for a particular
6 period of time, or as to size, sex, or species.

7 (16) "Wildlife" means all species of the animal kingdom whose
8 members exist in Washington in a wild state. This includes but is not
9 limited to mammals, birds, reptiles, amphibians, fish, and
10 invertebrates. The term "wildlife" does not include feral domestic
11 mammals, old world rats and mice of the family Muridae of the order
12 Rodentia, or those fish, shellfish, and marine invertebrates classified
13 as food fish or shellfish by the director. The term "wildlife"
14 includes all stages of development and the bodily parts of wildlife
15 members.

16 (17) "Wild animals" means those species of the class Mammalia whose
17 members exist in Washington in a wild state (~~and the species Rana~~
18 ~~eatesbeiana (bullfrog)~~). The term "wild animal" does not include
19 feral domestic mammals or old world rats and mice of the family Muridae
20 of the order Rodentia.

21 (18) "Wild birds" means those species of the class Aves whose
22 members exist in Washington in a wild state.

23 (19) "Protected wildlife" means wildlife designated by the
24 commission that shall not be hunted or fished.

25 (20) "Endangered species" means wildlife designated by the
26 commission as seriously threatened with extinction.

27 (21) "Game animals" means wild animals that shall not be hunted
28 except as authorized by the commission.

29 (22) "Fur-bearing animals" means game animals that shall not be
30 trapped except as authorized by the commission.

31 (23) "Game birds" means wild birds that shall not be hunted except
32 as authorized by the commission.

33 (24) "Predatory birds" means wild birds that may be hunted
34 throughout the year as authorized by the commission.

35 (25) "Deleterious exotic wildlife" means species of the animal
36 kingdom not native to Washington and designated as dangerous to the
37 environment or wildlife of the state.

1 (26) "Game farm" means property on which wildlife is held or raised
2 for commercial purposes, trade, or gift. The term "game farm" does not
3 include publicly owned facilities.

4 (27) "Person of disability" means a permanently disabled person who
5 is not ambulatory without the assistance of a wheelchair, crutches, or
6 similar devices.

7 (28) "Fish" includes all species classified as game fish or food
8 fish by statute or rule, as well as all fin fish not currently
9 classified as food fish or game fish if such species exist in state
10 waters. The term "fish" includes all stages of development and the
11 bodily parts of fish species.

12 (29) "Raffle" means an activity in which tickets bearing an
13 individual number are sold for not more than twenty-five dollars each
14 and in which a permit or permits are awarded to hunt or for access to
15 hunt big game animals or wild turkeys on the basis of a drawing from
16 the tickets by the person or persons conducting the raffle.

17 (30) "Youth" means a person fifteen years old for fishing and under
18 sixteen years old for hunting.

19 (31) "Senior" means a person seventy years old or older.

20 (32) "License year" means the period of time for which a
21 recreational license is valid. The license year begins April 1st, and
22 ends March 31st.

23 (33) "Saltwater" means those marine waters seaward of river mouths.

24 (34) "Freshwater" means all waters not defined as saltwater
25 including, but not limited to, rivers upstream of the river mouth,
26 lakes, ponds, and reservoirs.

27 (35) "State waters" means all marine waters and fresh waters within
28 ordinary high water lines and within the territorial boundaries of the
29 state.

30 (36) "Offshore waters" means marine waters of the Pacific Ocean
31 outside the territorial boundaries of the state, including the marine
32 waters of other states and countries.

33 (37) "Concurrent waters of the Columbia river" means those waters
34 of the Columbia river that coincide with the Washington-Oregon state
35 boundary.

36 (38) "Resident" means a person who has maintained a permanent place
37 of abode within the state for at least ninety days immediately

1 preceding an application for a license, has established by formal
2 evidence an intent to continue residing within the state, and who is
3 not licensed to hunt or fish as a resident in another state.

4 (39) "Nonresident" means a person who has not fulfilled the
5 qualifications of a resident.

6 (40) "Shellfish" means those species of marine and freshwater
7 invertebrates that have been classified and that shall not be taken
8 except as authorized by rule of the commission. The term "shellfish"
9 includes all stages of development and the bodily parts of shellfish
10 species.

11 (41) "Commercial" means related to or connected with buying,
12 selling, or bartering.

13 (42) "To process" and its derivatives mean preparing or preserving
14 fish, wildlife, or shellfish.

15 (43) "Personal use" means for the private use of the individual
16 taking the fish or shellfish and not for sale or barter.

17 (44) "Angling gear" means a line attached to a rod and reel capable
18 of being held in hand while landing the fish or a hand-held line
19 operated without rod or reel.

20 (45) "Fishery" means the taking of one or more particular species
21 of fish or shellfish with particular gear in a particular geographical
22 area.

23 (46) "Limited-entry license" means a license subject to a license
24 limitation program established in chapter 77.70 RCW.

25 (47) "Seaweed" means marine aquatic plant species that are
26 dependent upon the marine aquatic or tidal environment, and exist in
27 either an attached or free floating form, and includes but is not
28 limited to marine aquatic plants in the classes Chlorophyta,
29 Phaeophyta, and Rhodophyta.

30 (48) "Trafficking" means offering, attempting to engage, or
31 engaging in sale, barter, or purchase of fish, shellfish, wildlife, or
32 deleterious exotic wildlife.

33 (49) "Invasive species" means a plant species or a nonnative animal
34 species that either:

35 (a) Causes or may cause displacement of, or otherwise threatens,
36 native species in their natural communities;

37 (b) Threatens or may threaten natural resources or their use in the
38 state;

1 (c) Causes or may cause economic damage to commercial or
2 recreational activities that are dependent upon state waters; or

3 (d) Threatens or harms human health.

4 (50) "Prohibited aquatic animal species" means an invasive species
5 of the animal kingdom that has been classified as a prohibited aquatic
6 animal species by the commission.

7 (51) "Regulated aquatic animal species" means a potentially
8 invasive species of the animal kingdom that has been classified as a
9 regulated aquatic animal species by the commission.

10 (52) "Unregulated aquatic animal species" means a nonnative animal
11 species that has been classified as an unregulated aquatic animal
12 species by the commission.

13 (53) "Unlisted aquatic animal species" means a nonnative animal
14 species that has not been classified as a prohibited aquatic animal
15 species, a regulated aquatic animal species, or an unregulated aquatic
16 animal species by the commission.

17 (54) "Aquatic plant species" means an emergent, submersed,
18 partially submersed, free-floating, or floating-leaving plant species
19 that grows in or near a body of water or wetland.

20 (55) "Retail-eligible species" means commercially harvested salmon,
21 crab, and sturgeon.

22 (56) "Body-gripping trap" means a trap that grips the body or a
23 body part of a wild animal or wild bird, including, but not limited to,
24 foothold trap, neck or body snare, or foot snare, but does not include
25 nets.

26 (57) "Animal problem" means damage, injury, or reasonable threat of
27 damage or injury, caused by wild animals or wild birds to public or
28 private property or resources, livestock or other domestic animals, or
29 human health or safety.

30 (58) "Trapping permit" means a permit issued by the director or
31 designee for the following purposes: (a) To capture wild animals with
32 a nonbody-gripping trap for the purpose of meeting a wildlife
33 management objective; (b) to use body-gripping or nonbody-gripping
34 traps to prevent damage or injury, or a threat of damage or injury to:
35 (i) Public or private property or resources; (ii) livestock or other
36 domestic animals; (iii) agricultural, timber, or horticultural
37 resources; or (c) to use body-gripping or nonbody-gripping traps to
38 protect human health or safety.

1 (59) "Nuisance wildlife control operator" means a person licensed
2 by the department to trap nuisance or problem wildlife on the property
3 of another for a fee or other consideration.

4 (60) "Nuisance wildlife species" means those species, which, if
5 causing an animal problem, may be trapped without a license or a
6 trapping permit, and is limited to the following animals: Columbian
7 ground squirrels, Eastern grey squirrels, gophers, mice, moles,
8 mountain beaver, opossum, and rats. Nuisance wildlife species does not
9 include species listed as threatened and endangered by the state.

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

12 (1) ~~It is unlawful to ((use or authorize the use of any steel-jawed~~
13 ~~leghold trap, neck snare, or other)) trap wild animals or wild birds,~~
14 ~~other than nuisance wildlife species, using body-gripping traps ((to~~
15 ~~capture any mammal for recreation or commerce in fur)) except by~~
16 ~~nuisance wildlife control operators and trappers licensed by the~~
17 ~~department under RCW 77.65.450 when operating under a trapping permit~~
18 ~~issued by the department, by persons operating under a scientific~~
19 ~~collector permit, by persons operating under a falconry permit, or by~~
20 ~~landowners and their agents under the provisions of RCW 77.36.030.~~

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

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

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

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

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

18 ~~(c) Nothing in this section prohibits the director from granting a~~
19 ~~special permit to department employees or agents to use traps listed in~~
20 ~~this subsection where the use of the traps is the only practical means~~
21 ~~of protecting threatened or endangered species as designated under RCW~~
22 ~~77.08.010.~~

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

26 ~~(5) Nothing in this section prohibits the United States fish and~~
27 ~~wildlife service, its employees or agents, from using a trap listed in~~
28 ~~subsection (4) of this section where the fish and wildlife service~~
29 ~~determines, in consultation with the director, that the use of such~~
30 ~~traps is necessary to protect species listed as threatened or~~
31 ~~endangered under the federal endangered species act (16 U.S.C. Sec.~~
32 ~~1531 et seq.)) a wild animal or any part thereof, including the pelt,~~
33 ~~taken in violation of subsection (1) of this section. To prevent~~
34 ~~wastage, nothing in this section prohibits the sale, barter, or trade~~
35 ~~of a wild animal part taken under a trapping permit, or the donation of~~
36 ~~a lawfully taken wild animal or wild animal parts for scientific~~
37 ~~research or public health training. It is unlawful to sell, offer to~~

1 sell, barter, or trade a trapped wild animal or wild animal part, other
2 than nuisance wildlife species, not taken under a trapping permit.

3 (3) A violation of subsections (1) and (2) of this section
4 involving the use of unlawful body-gripping traps or the unlawful sale
5 of wild animals or wild animal parts is a gross misdemeanor.

6 (4) Federal wildlife agencies and their employees and agents, while
7 acting lawfully within the scope of their authority, are not subject to
8 the provisions of this section.

9 **Sec. 4.** RCW 77.15.194 and 2003 c 53 s 374 are each amended to read
10 as follows:

11 (1) It is unlawful to ~~((use or authorize the use of any steel-jawed~~
12 ~~leghold trap, neck snare, or other))~~ trap wild animals or wild birds,
13 other than nuisance wildlife species, using body-gripping traps ~~((to~~
14 ~~capture any mammal for recreation or commerce in fur))~~ except by
15 nuisance wildlife control operators and trappers licensed by the
16 department under RCW 77.65.450 when operating under a trapping permit
17 issued by the department, by persons operating under a scientific
18 collector permit, by persons operating under a falconry permit, or by
19 landowners and their agents under the provisions of RCW 77.36.030.

20 (2) It is unlawful to knowingly buy, sell, barter, or otherwise
21 exchange, or offer to buy, sell, barter, or otherwise exchange ~~((the~~
22 ~~raw fur of a mammal or a mammal that has been trapped in this state~~
23 ~~with a steel-jawed leghold trap or any other body-gripping trap,~~
24 ~~whether or 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 this~~
31 ~~subsection. Issuance of the special permits shall be governed by rules~~
32 ~~adopted by the department and in accordance with the requirements of~~
33 ~~this section. Every person granted a special permit to use a trap or~~
34 ~~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.).~~

31 ~~(6) A person violating this section is guilty of a gross~~
32 ~~misdemeanor)) a wild animal or any part thereof, including the pelt,~~
33 ~~taken in violation of subsection (1) of this section. To prevent~~
34 ~~wastage, nothing in this section prohibits the sale, barter, or trade~~
35 ~~of a wild animal part taken under a trapping permit, or the donation of~~
36 ~~a lawfully taken wild animal or wild animal parts for scientific~~
37 ~~research or public health training. It is unlawful to sell, offer to~~

1 sell, barter, or trade a trapped wild animal or wild animal part, other
2 than nuisance wildlife species, not taken under a trapping permit.

3 (3) A violation of subsections (1) and (2) of this section
4 involving the use of unlawful body-gripping traps or the unlawful sale
5 of wild animals or wild animal parts is a gross misdemeanor.

6 (4) Federal wildlife agencies and their employees and agents, while
7 acting lawfully within the scope of their authority, are not subject to
8 the provisions of this section.

9 NEW SECTION. Sec. 5. A new section is added to chapter 77.15 RCW
10 to read as follows:

11 It is the duty of every person operating a trap capable of taking
12 a wild animal or wild bird to ensure that all trapping is done
13 humanely. To ensure that this goal is met, all trappers must abide by
14 the following:

15 (1) It is unlawful to take wild animals and wild birds, other than
16 raptors, from the wild and hold such live wild animals and wild birds
17 unless the holding, transporting, or releasing of the wild animals or
18 wild birds is provided for in a trapping permit, scientific collector
19 permit, or falconry permit. A violation of this subsection is a
20 misdemeanor.

21 (2) All trapped nuisance wildlife species and wild animals and
22 birds other than nuisance wildlife species, if not permitted to be
23 released, must be humanely dispatched. Wild animals and wild birds
24 required to be dispatched must be immediately dispatched, except that
25 licensed trappers and nuisance wildlife control operators may transport
26 trapped wildlife species off-site for the purpose of dispatching the
27 wild animals and birds. It is unlawful for licensed trappers or
28 nuisance wildlife control operators to transport or hold live wild
29 animals or wild birds removed from the trapping site except for removal
30 to the site where they will be immediately dispatched. A violation of
31 this subsection is a misdemeanor.

32 (3) Wildlife unintentionally trapped must, if possible, be released
33 unharmed immediately upon discovery. A violation of this subsection is
34 a misdemeanor.

35 (4) No trapping permit issued to alleviate an animal problem allows
36 for the lethal take of more than one nontargeted animal for each
37 targeted animal, or allow a total take greater than the number of

1 permitted animals. It is unlawful for any licensed trapper or nuisance
2 wildlife control operator operating under a trapping permit who
3 lethally takes the equivalent of one nontargeted animal for each
4 targeted animal to fail to immediately cease trapping and report the
5 incidental take to the department. A violation of this subsection is
6 a misdemeanor.

7 (5)(a) It is unlawful for a trapper or nuisance wildlife control
8 operator to fail to complete and submit to the department an accurate
9 annual report of catch postmarked on or before January 31st of the year
10 following the reporting year. The report must be submitted to the
11 department regardless of trapping success, and indicate the number,
12 general location, and species of all animals captured, except nuisance
13 wildlife species, including those animals captured that were not part
14 of an animal problem. The report must also include details for
15 domestic pets captured in traps, the circumstances for each specific
16 incident, and whether the domestic pet was injured or released
17 unharmed. Trappers and nuisance wildlife control operators who fail to
18 submit their report of catch shall, in addition to the penalties
19 provided for in RCW 77.15.280, have their privileges suspended for one
20 year. It is the responsibility of each trapper and nuisance wildlife
21 control operator to obtain and submit a report of trapping results on
22 forms provided by the department.

23 (b) The department shall maintain and analyze all catch reports
24 received under (a) of this subsection. Data collected on catch reports
25 must be presented to the appropriate legislative committees by November
26 30th of each year.

27 NEW SECTION. **Sec. 6.** A new section is added to chapter 77.15 RCW
28 to read as follows:

29 The commission shall adopt appropriate rules regarding the types of
30 traps and bait for use in capturing wild animals and wild birds to
31 ensure the humane treatment of captured animals. In adopting these
32 rules, the commission may take into consideration the effectiveness of
33 various trap sizes, approved best management practices, and the
34 habitats in which the traps may be used. These rules must address the
35 time intervals during which specific traps must be checked and animals
36 removed. These rules may not allow for the use of traps with teeth or

1 serrated edges or a neck or body snare attached to a spring pole or any
2 spring pole type device.

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

5 (1) A state trapping license (~~((allows))~~) or a nuisance wildlife
6 control operator license is required before the holder (~~((to))~~) traps
7 (~~((fur-bearing))~~) wild animals (~~((throughout the state; however, a))~~) other
8 than nuisance wildlife species or wild birds other than raptors taken
9 under a falconry permit, except for trapping done under a scientific
10 collector's permit.

11 (2) A state trapping license, alone, allows the holder to trap wild
12 animals and wild birds, but does not allow sale, trade, or barter of
13 such animals or animal parts, and does not allow the holder to act as
14 a nuisance wildlife control operator. The fee for this license is
15 thirty-six dollars for residents sixteen years of age or older, fifteen
16 dollars for residents under sixteen years of age, and one hundred
17 eighty dollars for nonresidents. In order to sell, offer for sale,
18 trade, or barter trapped wild animals other than nuisance wildlife
19 species, wild birds, or a body part of a trapped wild animal other than
20 a nuisance wildlife species or wild bird, a licensed trapper must also
21 have a trapping permit issued by the department.

22 (3) A nuisance wildlife control operator license allows the holder
23 to trap wild animals and wild birds on the property of another for a
24 fee or other consideration. The fee for this license is two hundred
25 fifty dollars. In order to sell, offer for sale, trade, or barter
26 trapped wild animals other than nuisance wildlife species, wild birds,
27 or a body part of a trapped wild animal other than a nuisance wildlife
28 species or wild bird, a licensed nuisance wildlife control operator
29 must also have a trapping permit issued by the department.

30 (4) Licensed trapper or nuisance wildlife control officer may not
31 place traps on private property without permission of the owner,
32 lessee, or tenant where the land is improved and apparently used, or
33 where the land is fenced or enclosed in a manner designed to exclude
34 intruders or to indicate a property boundary line, or where notice is
35 given by posting in a conspicuous manner. (~~((A state trapping license~~
36 is void on April 1st following the date of issuance. The fee for this

1 ~~license is thirty six dollars for residents sixteen years of age or~~
2 ~~older, fifteen dollars for residents under sixteen years of age, and~~
3 ~~one hundred eighty dollars for nonresidents.))~~

4 **Sec. 8.** RCW 77.65.460 and 1987 c 506 s 82 are each amended to read
5 as follows:

6 (1) All persons purchasing a state trapping license or a nuisance
7 wildlife control operator license ((for the first time)) after January
8 1, 2005, shall ((present certification of completion of)) complete a
9 course of instruction in safe, humane, and proper trapping techniques
10 or pass an examination to establish that the applicant has the
11 requisite knowledge. Nuisance wildlife control operators and state
12 licensed trappers who have been active in state-regulated trapping
13 since November 2000 are exempt from the provisions of this subsection.

14 (2) The director shall establish a program for training persons in
15 trapping techniques and responsibilities in urban, suburban, and rural
16 settings, including the use of trapping devices designed to painlessly
17 capture or instantly kill. The director shall cooperate with
18 ((national and state animal, humane)) recognized Washington state based
19 animal shelters, wildlife rehabilitation centers, and similar entities
20 providing animal care and rehabilitation services, hunter education,
21 and Washington state based trapping organizations in the development
22 and instruction of ((a curriculum)) trapping techniques. Upon
23 successful completion of the course, trainees shall receive a trapper's
24 training certificate signed by an authorized instructor. This
25 certificate is evidence of compliance with this section.

26 **Sec. 9.** RCW 77.32.545 and 1998 c 190 s 121 are each amended to
27 read as follows:

28 A property owner, lessee, or tenant may remove a trap placed on the
29 owner's, lessee's, or tenant's posted or fenced property by a trapper
30 or nuisance wildlife control operator.

31 Trappers and nuisance wildlife control operators shall attach to
32 the chain of their traps or devices a legible metal tag with either the
33 department identification number of the trapper or nuisance wildlife
34 control operator or the name and address of the trapper or nuisance
35 wildlife control operator in English letters not less than one-eighth
36 inch in height.

1 When a property owner, lessee, or tenant presents a trapper or
2 nuisance wildlife control operator identification number to the
3 department for a trap found upon the property of the owner, lessee, or
4 tenant and requests identification of the trapper or nuisance wildlife
5 control operator, the department shall provide the requestor with the
6 name and address of the trapper or nuisance wildlife control operator.
7 Prior to disclosure of the trapper's or nuisance wildlife control
8 operator's name and address, the department shall obtain the name and
9 address of the requesting individual in writing and after disclosing
10 the trapper's or nuisance wildlife control operator's name and address
11 to the requesting individual, the requesting individual's name and
12 address shall be disclosed in writing to the trapper or nuisance
13 wildlife control operator whose name and address was disclosed.

14 **Sec. 10.** RCW 77.15.198 and 2001 c 1 s 5 are each amended to read
15 as follows:

16 Any person who violates RCW 77.15.194 or 77.15.196 is guilty of a
17 gross misdemeanor. In addition to appropriate criminal penalties, the
18 director shall revoke the trapping or nuisance wildlife control
19 operator license of any person convicted of a repeat violation of RCW
20 77.15.194 or 77.15.196. The director shall not issue the violator a
21 trapping or nuisance wildlife control operator license for a period of
22 five years following the revocation. (~~Following a subsequent~~
23 ~~conviction for a violation of RCW 77.15.194 or 77.15.196 by the same~~
24 ~~person, the director shall not issue a trapping license to the person~~
25 ~~at any time.)) A person may not be granted a new trapping or nuisance
26 wildlife control operator license following a revocation under this
27 section unless that person completes the education program outlined in
28 RCW 77.65.460 not more than one year before a new license is granted.~~

29 **Sec. 11.** RCW 77.15.198 and 2003 c 53 s 376 are each amended to
30 read as follows:

31 In addition to appropriate criminal penalties, the director shall
32 revoke the trapping or nuisance wildlife control operator license of
33 any person convicted of a repeat violation of RCW 77.15.194 or
34 77.15.196. The director shall not issue the violator a trapping or
35 nuisance wildlife control operator license for a period of five years
36 following the revocation. (~~Following a subsequent conviction for a~~

1 ~~violation of RCW 77.15.194 or 77.15.196 by the same person, the~~
2 ~~director shall not issue a trapping license to the person at any~~
3 ~~time.))~~ A person may not be granted a new trapping or nuisance
4 wildlife control operator license following a revocation under this
5 section unless that person completes the education program outlined in
6 RCW 77.65.460 not more than one year before a new license is granted.

7 **Sec. 12.** RCW 77.36.030 and 1996 c 54 s 4 are each amended to read
8 as follows:

9 (1) Subject to the following limitations and conditions, the owner,
10 the owner's immediate family member, the owner's documented employee,
11 or a tenant of real property may trap or kill on that property, without
12 the licenses or trapping permit required under RCW ~~((77.32.010))~~
13 77.65.450 or authorization from the director under RCW 77.12.240, wild
14 animals or wild birds that are damaging private property, crops,
15 livestock, domestic animals, or fowl or are a threat to human health
16 and safety:

17 (a) Nuisance wildlife species may be trapped or taken without
18 restriction;

19 (b) Wildlife other than nuisance wildlife species may be trapped
20 with a body-gripping trap only under permit issued by the department;

21 (c) Threatened or endangered species shall not be hunted, trapped,
22 or killed;

23 ~~((b))~~ (d) Except in an emergency situation, ~~((deer, elk,))~~ big
24 game and protected wildlife shall not be killed without a permit issued
25 and conditioned by the ~~((director or the director's designee))~~
26 department. In an emergency, the department may give verbal permission
27 followed by written permission to trap or kill any ~~((deer, elk,))~~ big
28 game or protected wildlife that is damaging private property, crops,
29 domestic animals, or fowl; ~~((and~~

30 ~~((e))~~ (e) On privately owned cattle ranching lands, the land owner
31 or lessee may declare an emergency only when the department has not
32 responded within forty-eight hours after having been contacted by the
33 land owner or lessee regarding damage caused by wild animals or wild
34 birds. In such an emergency, the owner or lessee may trap or kill any
35 ~~((deer, elk,))~~ big game or other protected wildlife that is causing the
36 damage but ~~((deer and elk))~~ big game may only be killed if such lands

1 were open to public hunting during the previous hunting season, or the
2 closure to public hunting was coordinated with the department to
3 protect property and livestock; and

4 (f) Notwithstanding the provisions of this subsection, any
5 landowner may kill wild animals or wild birds, except threatened or
6 endangered species, that are immediately threatening or attacking
7 domestic animals or livestock on that landowner's property, and any
8 person may kill wild animals or wild birds that pose an immediate
9 threat to human health or safety.

10 (2) Except for coyotes and (~~Columbian ground squirrels~~) nuisance
11 wildlife species, wildlife trapped or killed under this section remain
12 the property of the state, and the person trapping or killing the
13 wildlife shall notify the department immediately. The department shall
14 instruct the reporting party how to dispose of wildlife so taken within
15 three days of receiving such a notification (~~and~~) in a manner
16 determined by the director to be in the best interest of the state.

17 **Sec. 13.** RCW 77.15.190 and 1999 c 258 s 9 are each amended to read
18 as follows:

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

20 (a) Sets out traps that are capable of taking wild animals(~~, game~~
21 ~~animals, or furbearing mammals~~) or wild birds and does not possess all
22 licenses, tags, or permits required under this title;

23 (b) Violates any rule of the commission or director regarding
24 seasons, bag or possession limits, closed areas including game
25 reserves, closed times, or any other rule governing the trapping of
26 wild animals; or

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

33 (2) Unlawful trapping is a gross misdemeanor.

34 NEW SECTION. **Sec. 14.** RCW 77.15.192 (Definitions) and 2001 c 1 s
35 2 are each repealed.

1 NEW SECTION. **Sec. 15.** (1) Sections 3 and 10 of this act expire
2 July 1, 2004.

3 (2) Sections 4 and 11 of this act take effect July 1, 2004.

4 NEW SECTION. **Sec. 16.** Except for sections 4 and 11 of this act,
5 this act is necessary for the immediate preservation of the public
6 peace, health, or safety, or support of the state government and its
7 existing public institutions, and takes effect immediately.

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