

HB 1128 - S AMD 576

By Senators Hargrove, Jacobsen, Swecker

ADOPTED 04/15/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 77.15.700 and 2003 c 386 s 2 are each amended to read
4 as follows:

5 The department shall impose revocation and suspension of privileges
6 (~~upon conviction~~) in the following circumstances:

7 (1) Upon conviction, if directed by statute for an offense;

8 (2) Upon conviction, if the department finds that actions of the
9 defendant demonstrated a willful or wanton disregard for conservation
10 of fish or wildlife. Such suspension of privileges may be permanent.
11 This subsection (2) does not apply to violations involving commercial
12 fishing;

13 (3) If a person is convicted twice within ten years for a violation
14 involving unlawful hunting, killing, or possessing big game, the
15 department shall order revocation and suspension of all hunting
16 privileges for two years. RCW 77.12.722 or 77.16.050 as it existed
17 before June 11, 1998, may comprise one of the convictions constituting
18 the basis for revocation and suspension under this subsection;

19 (4)(a) If a person is convicted of an offense, has an uncontested
20 notice of infraction, fails to appear at a hearing to contest an
21 infraction, or is found to have committed an infraction three times in
22 ten years ((of)) involving any violation of recreational hunting or
23 fishing laws or rules, the department shall order a revocation and
24 suspension of all recreational hunting and fishing privileges for two
25 years.

26 (b) A violation punishable as an infraction counts towards the
27 revocation and suspension of recreational hunting and fishing
28 privileges only where that violation is:

29 (i) Punishable as a crime on the effective date of this section and
30 is subsequently decriminalized; or

1 (ii) One of the following violations, as they exist on the
2 effective date of this section: RCW 77.15.160 (1) or (2); WAC 220-56-
3 116; WAC 220-56-315(11); or WAC 220-56-355 (1) through (4).

4 (c) The commission may, by rule, designate additional infractions
5 that do not count towards the revocation and suspension of recreational
6 hunting and fishing privileges.

7 **Sec. 2.** RCW 77.15.020 and 1998 c 190 s 3 are each amended to read
8 as follows:

9 If the commission or director has authority to adopt a rule that is
10 punishable as a crime under this chapter, then the commission or
11 director may provide that violation of the rule shall be punished with
12 notice of infraction under RCW 7.84.030. Neither the commission nor
13 the director have the authority to adopt a rule providing that a
14 violation punishable as an infraction shall be a crime."

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15 On page 1, line 2 of the title, after "77.15 RCW" strike the
16 remainder of the title and insert "amending RCW 77.15.700 and
17 77.15.020; and prescribing penalties."

EFFECT: An infraction counts towards the number of hunting and fishing violations persons are allowed in a ten-year period before facing a revocation and suspension of privileges where: (1) The violation is a crime on the effective date of this act and is subsequently decriminalized; or (2) the provision violated involves a failure to record harvest on a catch record card, a violation of certain rules involving hooks, possession of softshell crab for personal use, or certain violations involving clams or geoduck. The Fish and Wildlife Commission may designate additional infractions that do not count towards the revocation and suspension of privileges. Neither the Commission nor the Director have the authority to adopt a

rule providing that a violation punishable as an infraction shall be a crime.

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