
HOUSE BILL 1926

State of Washington 59th Legislature 2005 Regular Session

By Representatives Blake, Buck, Eickmeyer and DeBolt

Read first time 02/10/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to obstructing the taking of fish, shellfish, or
2 wildlife; amending RCW 77.15.212; creating a new section; and
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The purpose of this act is to reaffirm that
6 state law related to the lawful taking of fish, shellfish, and wildlife
7 under Title 77 RCW and rules adopted under Title 77 RCW preempt local
8 ordinances purportedly enacted to control noise associated with the
9 discharge of a firearm.

10 **Sec. 2.** RCW 77.15.212 and 2000 c 107 s 238 are each amended to
11 read as follows:

12 (1) Any person who is damaged by any act prohibited in RCW
13 77.15.210 may bring a civil action to enjoin further violations, and
14 recover damages sustained, including a reasonable attorneys' fee. The
15 trial court may increase the award of damages to an amount not to
16 exceed three times the damages sustained. A party seeking civil
17 damages under this section may recover upon proof of a violation by a
18 preponderance of the evidence.

1 (2) When the civil action authorized in subsection (1) of this
2 section is against a city, county, or other municipality for
3 obstructing the lawful taking of fish, shellfish, or wildlife under the
4 color of RCW 9.41.300(2)(a) that is lawfully allowed under this title
5 and the rules adopted by the department under this title, the trial
6 court may, in addition to the remedies allowed under subsection (1) of
7 this section, levy a civil penalty of one thousand dollars for each day
8 of violation for each plaintiff in a suit or class.

9 (3) The state of Washington may bring a civil action to enjoin
10 violations of this section.

--- END ---