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HOUSE BILL 2958

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State of Washington                      59th Legislature                      2006 Regular Session

By Representatives B. Sullivan, Buck, Kessler, Orcutt, Blake, Kretz, Hunt, Chandler, Upthegrove and Dickerson

Read first time 01/17/2006.            Referred to Committee on Natural Resources, Ecology & Parks.

1            AN ACT Relating to violations of rules concerning nontoxic shot;  
2 amending RCW 77.15.400; and prescribing penalties.

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

4            **Sec. 1.** RCW 77.15.400 and 2001 c 253 s 41 are each amended to read  
5 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.

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

5 (3)(a) Unlawful hunting of wild birds in the second degree is a  
6 misdemeanor.

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

9 (4) In addition to the penalties set forth in this section, if a  
10 person violates a rule adopted by the commission under the authority of  
11 this title that requires the use of nontoxic shot, upon conviction:

12 (a) The court shall require a payment of one thousand dollars as a  
13 criminal wildlife penalty assessment that must be paid to the clerk of  
14 the court and distributed to the state treasurer for deposit in the  
15 fish and wildlife enforcement reward account. The criminal wildlife  
16 penalty assessment must be imposed regardless of and in addition to any  
17 sentence, fine, or costs imposed for violating this section. The  
18 criminal wildlife penalty assessment must be included by the court in  
19 any pronouncement of sentence and may not be suspended, waived,  
20 modified, or deferred in any respect; and

21 (b) The department shall revoke the hunting license of the person  
22 and order a suspension of small game hunting privileges for two years.

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