
HOUSE BILL 3268

State of Washington

59th Legislature

2006 Regular Session

By Representatives Blake and Buck

Read first time 01/30/2006. Referred to Committee on Natural Resources, Ecology & Parks.

1 AN ACT Relating to unlawfully hunting while upon the property of
2 another; amending RCW 77.15.420; adding a new section to chapter 77.15
3 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.15 RCW
6 to read as follows:

7 (1) A person is guilty of unlawfully hunting upon the property of
8 another if the person enters or remains unlawfully in or upon premises
9 of another, as "enters or remains unlawfully" is defined in RCW
10 9A.52.010, and hunts for wild animals or wild birds.

11 (2) Unlawfully hunting upon the property of another is a
12 misdemeanor.

13 (3) If a person unlawfully hunts upon the property of another and
14 kills an animal classified by the commission as a big game animal,
15 then, upon conviction of unlawfully hunting upon the property of
16 another, the department shall revoke all hunting licenses and tags and
17 order a suspension of hunting privileges for one year.

18 (4) If a person unlawfully hunts upon the property of another and
19 kills an animal defined as a "trophy animal" in RCW 77.15.420, then,

1 upon conviction of unlawfully hunting upon the property of another, the
2 court shall require payment of the criminal wildlife penalty assessment
3 for the trophy animal as provided for in RCW 77.15.420.

4 **Sec. 2.** RCW 77.15.420 and 2005 c 406 s 5 are each amended to read
5 as follows:

6 (1) If a person is convicted of violating RCW 77.15.410 or section
7 1 of this act and that violation results in the death of wildlife
8 listed in this section, the court shall require payment of the
9 following amounts for each animal killed or possessed. This shall be
10 a criminal wildlife penalty assessment that shall be paid to the clerk
11 of the court and distributed each month to the state treasurer for
12 deposit in the fish and wildlife enforcement reward account created in
13 RCW 77.15.425.

14	(a)	Moose, mountain sheep, mountain	
15		goat, and all wildlife species	
16		classified as endangered by rule	
17		of the commission, except for	
18		mountain caribou and grizzly	
19		bear as listed under (d) of this	
20		subsection	\$4,000
21	(b)	Elk, deer, black bear, and cougar . . .	\$2,000
22	(c)	Trophy animal elk and deer	\$6,000
23	(d)	Mountain caribou, grizzly bear, and	
24		trophy animal mountain sheep . . .	\$12,000

25 (2) No forfeiture of bail may be less than the amount of the bail
26 established for hunting during closed season plus the amount of the
27 criminal wildlife penalty assessment in subsection (1) of this section.

28 (3) For the purpose of this section a "trophy animal" is:

29 (a) A buck deer with four or more antler points on both sides, not
30 including eyeguards;

31 (b) A bull elk with five or more antler points on both sides, not
32 including eyeguards; or

33 (c) A mountain sheep with a horn curl of three-quarter curl or
34 greater.

1 For purposes of this subsection, "eyeguard" means an antler
2 protrusion on the main beam of the antler closest to the eye of the
3 animal.

4 (4) If two or more persons are convicted of illegally possessing
5 wildlife in subsection (1) of this section, the criminal wildlife
6 penalty assessment shall be imposed on them jointly and separately.

7 (5) The criminal wildlife penalty assessment shall be imposed
8 regardless of and in addition to any sentence, fines, or costs
9 otherwise provided for violating any provision of this title. The
10 criminal wildlife penalty assessment shall be included by the court in
11 any pronouncement of sentence and may not be suspended, waived,
12 modified, or deferred in any respect. This section may not be
13 construed to abridge or alter alternative rights of action or remedies
14 in equity or under common law or statutory law, criminal or civil.

15 (6) A defaulted criminal wildlife penalty assessment may be
16 collected by any means authorized by law for the enforcement of orders
17 of the court or collection of a fine or costs, including but not
18 limited to vacation of a deferral of sentencing or vacation of a
19 suspension of sentence.

20 (7) A person assessed a criminal wildlife penalty assessment under
21 this section shall have his or her hunting license revoked and all
22 hunting privileges suspended until the penalty assessment is paid
23 through the registry of the court in which the penalty assessment was
24 assessed.

25 (8) The criminal wildlife penalty assessments provided in
26 subsection (1) of this section shall be doubled in the following
27 instances:

28 (a) When a person is convicted of spotlighting big game under RCW
29 77.15.450;

30 (b) When a person commits a violation that requires payment of a
31 wildlife penalty assessment within five years of a prior gross
32 misdemeanor or felony conviction under this title;

33 (c) When the person killed the animal in question with the intent
34 of bartering, selling, or otherwise deriving economic profit from the
35 animal or the animal's parts; or

36 (d) When a person kills the animal under the supervision of a

1 licensed guide.

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