

HOUSE BILL REPORT

SSB 5688

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to shark finning activities.

Brief Description: Concerning shark finning activities.

Sponsors: Senate Committee on Natural Resources & Marine Waters (originally sponsored by Senators Ranker, Swecker, Rockefeller, Litzow, Shin and Kline).

Brief History:

Committee Activity:

Agriculture & Natural Resources: 3/15/11, 3/16/11 [DPA].

**Brief Summary of Substitute Bill
(As Amended by House)**

- Creates the crimes of unlawful trade in shark fins in the first and second degree.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass as amended. Signed by 13 members: Representatives Blake, Chair; Stanford, Vice Chair; Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Dunshee, Hinkle, Kretz, Lytton, Orcutt, Pettigrew, Rolfes and Van De Wege.

Staff: Jason Callahan (786-7117).

Background:

It is currently unlawful under state law to remove the fins of sharks in Washington waters. It is also unlawful to possess, while fishing, shark fins unless the carcass of the shark is retained. Once a shark carcass has been delivered to a licensed wholesale dealer, and the sale of the shark has been recorded on a fish receiving ticket, the shark carcass and the shark fins may be retained separately. A violation of these prohibitions may be prosecuted as a gross misdemeanor.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Amended Bill:

Two new crimes related to shark fins and shark fin derivative products are created. A shark fin derivative product is a product intended for use by humans or animals that is derived from a shark fin or from shark fin cartilage.

A person commits the crime of the *unlawful trade in shark fins in the second degree* if one of two acts are committed. It is unlawful to be involved with the sale or purchase of shark fins or shark fin derivative products for any commercial purpose. It is also unlawful to prepare or process a shark fin or a shark fin derivative product for commercial human or animal consumption. The unlawful trade in shark fins in the second degree is a gross misdemeanor. In addition to criminal sanctions, any commercial fishing licenses held by the convicted must be suspended for one year.

A person commits the crime of *unlawful trade in shark fins in the first degree* if the person commits an act that qualifies for prosecution under the second degree variety of the crime and, in addition:

- is involved with shark fins or shark fin derivative products with a market value of more than \$249.99;
- acts with knowledge that the sharks from which the fins or derivative products originated were harvested illegally; or
- has been convicted of the unlawful trade in shark fins in the second degree or any other fish-related gross misdemeanor or felony, other than a recreational fishing violation, within the previous five years.

The unlawful trade in shark fins in the first degree is an unranked class C felony. In addition to criminal sanctions, any commercial fishing licenses held by the convicted must be suspended for one year.

Enforcement of the new criminal sanctions may not occur if the person is licensed by the Washington Department of Fish and Wildlife to possess shark parts for bone fide research or educational purposes or if the shark fins or shark fin derivative products were lawfully acquired before the effective date of the act. The latter exception only applies until August 1, 2012.

Amended Bill Compared to Substitute Bill:

The amended bill: (1) moves the definitions to the Title 77 RCW definition section; (2) replaces the word "take" with "harvest;" (3) restructures the provisions to avoid the word "notwithstanding;" (4) rewords the "closed season" and "closed area" concepts to explain the meaning of the concept; and (5) clarifies that any license suspensions apply to the convicted person.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The best way to reduce the incidents of shark finning is to take away the market that creates the demand for the resulting product. This practice results in the death of approximately 73 million sharks a year and is a contributing factor to the population collapse of an apex predator. Focusing on demand is the same approach taken by other west coast states and is the approach taken to combat the killing of elephants for ivory.

Personal use of shark fins would still be allowed. However, there could be an effect on the dogfish fishery.

(Opposed) None.

Persons Testifying: Senator Ranker, prime sponsor; Mike Cenci, Washington Department of Fish and Wildlife; and Jennifer Hillman and Carey Morris, Humane Society of the United States.

Persons Signed In To Testify But Not Testifying: None.