

SENATE BILL REPORT

SSB 5688

As Amended by House, April 5, 2011

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: Natural Resources & Marine Waters: 2/14/11, 2/21/11 [DPS, w/oRec].
Passed Senate: 3/07/11, 47-0.
Passed House: 4/05/11, 95-1.

SENATE COMMITTEE ON NATURAL RESOURCES & MARINE WATERS

Majority Report: That Substitute Senate Bill No. 5688 be substituted therefor, and the substitute bill do pass.

Signed by Senators Ranker, Chair; Regala, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove and Swecker.

Minority Report: That it be referred without recommendation.

Signed by Senator Stevens.

Staff: Curt Gavigan (786-7437)

Background: Shark Finning Defined. The National Oceanic and Atmospheric Administration explains shark finning as the practice of cutting off a shark's fins and returning the remainder of the shark to the water.

Current Shark Finning Prohibitions. Currently, rules of the Department of Fish and Wildlife (DFW) make it illegal to fin a shark in state waters. A commercial fisher must retain the entire shark in order to retain a fin. Once a shark has been delivered to a dealer and the sale recorded on a fish ticket, the shark fin may be dealt with separately from the carcass.

The practice of shark finning is also prohibited under federal law.

Summary of Substitute Bill: Creates the Crime of Unlawful Trade in Shark Fins. A person is guilty of unlawful shark trade in the second degree if that person (1) offers to or does buy,

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sell, or otherwise exchange a shark fin or derivative product for commercial purposes; or (2) prepares or processes a shark fin or derivative product for human or animal consumption for commercial purposes. A violation constitutes a gross misdemeanor, and triggers suspension of commercial fishing privileges for one year.

A person is guilty of a violation in the first degree if the violation (1) involves shark fins or a derivative product worth more than \$250; (2) is committed with knowledge the shark was illegally caught; or (3) is committed within five years of a conviction of this or other specified fish and wildlife crimes. A violation constitutes a class C felony, and triggers suspension of commercial fishing privileges for one year.

Provides Certain Exemptions. A person may conduct scientific or educational activities under a DFW permit without being liable for unlawful trade in shark fins. Additionally, prior to August 1, 2012, a person may exchange, prepare, or process for commercial purposes shark fins or derivative products lawfully taken or acquired before the act takes effect.

An intent section is included, and terms are defined.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This bill addresses the issue of trafficking in shark fins, not the act of shark finning itself. Currently it is unlawful to fin sharks in Washington. There is precedent for this bill in Hawaii. You cannot protect sharks without eliminating the market for shark fins, which is the driving force behind their harvest. Shark finning devastates the shark population for only one small part of the animal.

Persons Testifying: PRO: Dan Paul, Humane Society of the United States; Michele Westmorland, International League of Conservation Photographers; Mike Cenci, DFW; Will Anderson, Animal Welfare Inst., Green Vegans.

House Amendment(s): Makes technical changes and restructures language within the bill.