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**SUBSTITUTE HOUSE BILL 1282**

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**State of Washington                      62nd Legislature                      2011 Regular Session**

**By** House Agriculture & Natural Resources (originally sponsored by Representatives Blake, Van De Wege, Chandler, Kretz, Orcutt, and Warnick; by request of Department of Fish and Wildlife)

READ FIRST TIME 02/14/11.

1            AN ACT Relating to fish and wildlife management; amending RCW  
2 77.15.650, 77.15.110, 77.15.280, 77.08.010, 77.65.110, 77.65.130,  
3 77.15.720, 77.15.130, 77.70.290, 77.15.160, 77.95.090, 69.50.320,  
4 77.04.080, 77.12.071, 77.12.154, 77.15.070, 77.15.075, 77.15.080,  
5 77.15.085, 77.15.092, 77.15.094, 77.15.480, 77.15.710, 77.32.014,  
6 77.75.110, and 77.75.120; adding new sections to chapter 77.15 RCW;  
7 adding a new section to chapter 77.12 RCW; adding a new section to  
8 chapter 77.08 RCW; creating a new section; and prescribing penalties.

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

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

12            (1) It is unlawful to willfully start a fire on lands owned or  
13 controlled by the department that are not forest lands as that term is  
14 defined in RCW 76.04.005.

15            (2) Nothing in this section prohibits the use of campfires as  
16 defined by rule of the commission, fires in stoves, lanterns and  
17 barbeques, and fire used by the department or other federal, state, or  
18 local agencies for habitat management or firefighting efforts.

19            (3) A violation of this section is a gross misdemeanor.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 77.12 RCW  
2 to read as follows:

3        (1) Any person whose negligence is responsible for the starting of  
4 a fire on land owned or controlled by the department or whose  
5 negligence is responsible for starting or allowing an existing fire to  
6 spread onto land owned or controlled by the department is liable for  
7 any reasonable expenses incurred by the state, a municipality, or any  
8 fire protection agency of the United States.

9        (2) The department or agency incurring any reasonable expenses has  
10 a lien for the same against any property of the person, firm, or  
11 corporation liable under subsection (1) of this section by filing a  
12 claim of lien naming the person, firm, or corporation describing the  
13 property against which the lien is claimed, specifying the amount  
14 expended on the lands on which the firefighting took place and the  
15 period during which the reasonable expenses were incurred, and signing  
16 the claim with a post office address. No claim of lien is valid unless  
17 filed, with the county auditor of the county in which the property  
18 sought to be charged is located, within a period of one hundred twenty  
19 days after the reasonable expenses of the claimant are incurred. The  
20 lien may be foreclosed in the same manner as a mechanic's lien is  
21 foreclosed under chapter 60.04 RCW.

22        (3) For the purposes of this section:

23        (a) "Reasonable expenses" includes the costs associated with  
24 fighting the fire, together with the costs of investigation and  
25 litigation including reasonable attorneys' fees and court costs.

26        (b) "Land owned or controlled by the department" means lands that  
27 are not included within the definition of forest land as that term is  
28 defined in RCW 76.04.005.

29        (4) This section does not apply in any case where recovery is  
30 provided under RCW 76.04.495.

31        **Sec. 3.**    RCW 77.15.650 and 2008 c 10 s 2 are each amended to read  
32 as follows:

33        (1) A person is guilty of unlawful purchase or use of a license in  
34 the second degree if the person buys, holds, uses, displays, transfers,  
35 or obtains any license, tag, permit, or approval required by this title  
36 and the person:

1 (a) Uses false information to buy, hold, use, display, or obtain a  
2 license, permit, tag, or approval;

3 (b) Acquires, holds, or buys in excess of one license, permit, or  
4 tag for a license year if only one license, permit, or tag is allowed  
5 per license year;

6 (c) Except as authorized under RCW 77.32.565, uses or displays a  
7 license, permit, tag, or approval that was issued to another person;

8 (d) Except as authorized under RCW 77.32.565, permits or allows a  
9 license, permit, tag, or approval to be used or displayed by another  
10 person not named on the license, permit, tag, or approval;

11 (e) Acquires or holds a license while privileges for the license  
12 are revoked or suspended;

13 (f) Holds a resident license from another state or country. This  
14 subsection (1)(f) only applies if the Washington license, tag, permit,  
15 or approval that the person buys, holds, uses, displays, transfers, or  
16 obtains is a resident license. It is prima facie evidence of a  
17 violation of this section if any person who has a resident license from  
18 another state or country purchases a resident license, tag, permit, or  
19 approval in Washington. This subsection does not apply to individuals  
20 who meet the definition of "resident" in section 8 (2) and (3) of this  
21 act.

22 (2) A person is guilty of unlawful purchase or use of a license in  
23 the first degree if the person commits the act described by subsection  
24 (1) of this section and the person was acting with intent that the  
25 license, permit, tag, or approval be used for any commercial purpose.  
26 A person is presumed to be acting with such intent if the violation  
27 involved obtaining, holding, displaying, or using a license or permit  
28 for participation in any commercial fishery issued under this title or  
29 a license authorizing fish or wildlife buying, trafficking, or  
30 wholesaling.

31 (3)(a) Unlawful purchase or use of a license in the second degree  
32 is a gross misdemeanor. Upon conviction, the department shall revoke  
33 any unlawfully used or held licenses and order a two-year suspension of  
34 participation in the activities for which the person unlawfully  
35 obtained, held, or used a license, permit, tag, or approval.

36 (b) Unlawful purchase or use of a license in the first degree is a  
37 class C felony. Upon conviction, the department shall revoke any

1 unlawfully used or held licenses and order a five-year suspension of  
2 participation in any activities for which the person unlawfully  
3 obtained, held, or used a license, permit, tag, or approval.

4 (4) For purposes of this section, a person "uses" a license,  
5 permit, tag, or approval if the person engages in any activity  
6 authorized by the license, permit, tag, or approval held or possessed  
7 by the person. Such uses include but are not limited to fishing,  
8 hunting, taking, trapping, delivery or landing fish or wildlife, and  
9 selling, buying, or wholesaling of fish or wildlife.

10 (5) Any license obtained in violation of this section is void upon  
11 issuance and is of no legal effect.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 77.15 RCW  
13 to read as follows:

14 (1) A taxidermist, fur dealer, or wildlife meat cutter is guilty of  
15 failing to maintain business records and report if the person acts for  
16 commercial purposes, processes, holds, or stores wildlife; and:

17 (a) Fails to maintain records as required under subsections (2)  
18 through (5) of this section; or

19 (b) Violates any rule of the department by failing to report  
20 information from these records.

21 (2) A taxidermist, fur dealer, or wildlife meat cutter who  
22 processes, holds, or stores wildlife must keep a record of each  
23 wildlife carcass or part received.

24 (3) All records of receipt of wildlife must be maintained at the  
25 location where the wildlife is being processed, held, or stored, or at  
26 the principal place of business of the wildlife meat cutter,  
27 taxidermist, or fur dealer.

28 (4) Records of the receipt of wildlife that are required to be kept  
29 under this section must be in the English language and be maintained  
30 for three years from the date the wildlife is processed, held, or  
31 stored.

32 (5) The form and content of records maintained by taxidermists, fur  
33 dealers, and wildlife meat cutters who process, hold, or store wildlife  
34 must be determined by the commission by rule. However, the records  
35 must include:

36 (a) The name, address, and phone number of the person or company  
37 from whom each carcass or part was received;

- 1 (b) The date of receipt; and  
2 (c) The number and species of wildlife carcasses or parts received.  
3 (6) Taxidermists, fur dealers, and wildlife meat cutters who fail  
4 to maintain business records in accordance with this section or fail to  
5 report information from the records as required by rule of the  
6 department are guilty of a misdemeanor.

7 **Sec. 5.** RCW 77.15.110 and 2002 c 127 s 2 are each amended to read  
8 as follows:

9 (1) For purposes of this chapter, a person acts for commercial  
10 purposes if the person engages in conduct that relates to commerce in  
11 fish, seaweed, shellfish, or wildlife or any parts thereof. Commercial  
12 conduct may include taking, delivering, selling, buying, or trading  
13 fish, seaweed, shellfish, or wildlife where there is present or future  
14 exchange of money, goods, or any valuable consideration. Evidence that  
15 a person acts for commercial purposes includes, but is not limited to,  
16 the following conduct:

17 (a) Using gear typical of that used in commercial fisheries;

18 (b) Exceeding the bag or possession limits for personal use by  
19 taking or possessing more than three times the amount of fish, seaweed,  
20 shellfish, or wildlife allowed;

21 (c) Delivering or attempting to deliver fish, seaweed, shellfish,  
22 or wildlife to a person who sells or resells fish, seaweed, shellfish,  
23 or wildlife including any licensed or unlicensed wholesaler;

24 (d) Taking fish or shellfish using a vessel designated on a  
25 commercial fishery license or using gear not authorized in a personal  
26 use fishery;

27 (e) Using a commercial fishery license;

28 (f) Selling or dealing in raw furs for a fee or in exchange for  
29 goods and services; ((or))

30 (g) Performing taxidermy service on fish, shellfish, or wildlife  
31 belonging to another person for a fee or receipt of goods or services;  
32 or

33 (h) Packs, cuts, processes, or stores the meat of wildlife for  
34 consumption, for a fee or in exchange for goods or services.

35 (2) For purposes of this chapter, the value of any fish, seaweed,  
36 shellfish, or wildlife may be proved based on evidence of legal or  
37 illegal sales involving the person charged or any other person, of

1 offers to sell or solicitation of offers to sell by the person charged  
2 or by any other person, or of any market price for the fish, seaweed,  
3 shellfish, or wildlife including market price for farm-raised game  
4 animals. The value assigned to specific fish, seaweed, shellfish, or  
5 wildlife by RCW 77.15.420 may be presumed to be the value of such fish,  
6 seaweed, shellfish, or wildlife. It is not relevant to proof of value  
7 that the person charged misrepresented that the fish, seaweed,  
8 shellfish, or wildlife was taken in compliance with law if the fish,  
9 seaweed, shellfish, or wildlife was unlawfully taken and had no lawful  
10 market value.

11 **Sec. 6.** RCW 77.15.280 and 2008 c 244 s 2 are each amended to read  
12 as follows:

13 (1) A person is guilty of violating rules requiring reporting of  
14 fish or wildlife harvest if the person:

15 (a) Fails to make a harvest log report of a commercial fish or  
16 shellfish catch in violation of any rule of the commission or the  
17 director;

18 (b) Fails to maintain a trapper's report (~~(or taxidermist ledger)~~)  
19 in violation of any rule of the commission or the director;

20 (c) Fails to submit any portion of a big game animal for a required  
21 inspection required by rule of the commission or the director; or

22 (d) Fails to return a catch record card to the department as  
23 required by rule of the commission or director, except for catch record  
24 cards officially endorsed for Puget Sound Dungeness crab.

25 (2) Violating rules requiring reporting of fish or wildlife harvest  
26 is a misdemeanor.

27 **Sec. 7.** RCW 77.08.010 and 2009 c 333 s 12 are each amended to read  
28 as follows:

29 The definitions in this section apply throughout this title or  
30 rules adopted under this title unless the context clearly requires  
31 otherwise.

32 (1) "Angling gear" means a line attached to a rod and reel capable  
33 of being held in hand while landing the fish or a hand-held line  
34 operated without rod or reel.

35 (2) "Aquatic invasive species" means any invasive, prohibited,  
36 regulated, unregulated, or unlisted aquatic animal or plant species as

1 defined under subsections (3), (~~(28), (40), (44), (58), and (59)~~)  
2 (26), (38), (42), (56), and (57) of this section, aquatic noxious weeds  
3 as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as  
4 defined under RCW 77.60.130(1).

5 (3) "Aquatic plant species" means an emergent, submersed, partially  
6 submersed, free-floating, or floating-leaving plant species that grows  
7 in or near a body of water or wetland.

8 (4) "Bag limit" means the maximum number of game animals, game  
9 birds, or game fish which may be taken, caught, killed, or possessed by  
10 a person, as specified by rule of the commission for a particular  
11 period of time, or as to size, sex, or species.

12 (5) "Closed area" means a place where the hunting of some or all  
13 species of wild animals or wild birds is prohibited.

14 (6) "Closed season" means all times, manners of taking, and places  
15 or waters other than those established by rule of the commission as an  
16 open season. "Closed season" also means all hunting, fishing, taking,  
17 or possession of game animals, game birds, game fish, food fish, or  
18 shellfish that do not conform to the special restrictions or physical  
19 descriptions established by rule of the commission as an open season or  
20 that have not otherwise been deemed legal to hunt, fish, take, harvest,  
21 or possess by rule of the commission as an open season.

22 (7) "Closed waters" means all or part of a lake, river, stream, or  
23 other body of water, where fishing or harvesting is prohibited.

24 (8) "Commercial" means related to or connected with buying,  
25 selling, or bartering.

26 (9) "Commission" means the state fish and wildlife commission.

27 (10) "Concurrent waters of the Columbia river" means those waters  
28 of the Columbia river that coincide with the Washington-Oregon state  
29 boundary.

30 (11) "Contraband" means any property that is unlawful to produce or  
31 possess.

32 (12) "Deleterious exotic wildlife" means species of the animal  
33 kingdom not native to Washington and designated as dangerous to the  
34 environment or wildlife of the state.

35 (13) "Department" means the department of fish and wildlife.

36 (14) "Director" means the director of fish and wildlife.

37 (15) "Endangered species" means wildlife designated by the  
38 commission as seriously threatened with extinction.

1           ~~(( "Ex officio fish and wildlife officer" means a commissioned~~  
2 ~~officer of a municipal, county, state, or federal agency having as its~~  
3 ~~primary function the enforcement of criminal laws in general, while the~~  
4 ~~officer is in the appropriate jurisdiction. The term "ex officio fish~~  
5 ~~and wildlife officer" includes special agents of the national marine~~  
6 ~~fisheries service, state parks commissioned officers, United States~~  
7 ~~fish and wildlife special agents, department of natural resources~~  
8 ~~enforcement officers, and United States forest service officers, while~~  
9 ~~the agents and officers are within their respective jurisdictions.~~

10           ~~(17))~~ "Fish" includes all species classified as game fish or food  
11 fish by statute or rule, as well as all fin fish not currently  
12 classified as food fish or game fish if such species exist in state  
13 waters. The term "fish" includes all stages of development and the  
14 bodily parts of fish species.

15           ~~((18) "Fish and wildlife officer" means a person appointed and~~  
16 ~~commissioned by the director, with authority to enforce this title and~~  
17 ~~rules adopted pursuant to this title, and other statutes as prescribed~~  
18 ~~by the legislature. Fish and wildlife officer includes a person~~  
19 ~~commissioned before June 11, 1998, as a wildlife agent or a fisheries~~  
20 ~~patrol officer.~~

21           ~~(19))~~ (17) "Fish broker" means a person whose business it is to  
22 bring a seller of fish and shellfish and a purchaser of those fish and  
23 shellfish together.

24           ~~((20))~~ (18) "Fishery" means the taking of one or more particular  
25 species of fish or shellfish with particular gear in a particular  
26 geographical area.

27           ~~((21))~~ (19) "Freshwater" means all waters not defined as  
28 saltwater including, but not limited to, rivers upstream of the river  
29 mouth, lakes, ponds, and reservoirs.

30           ~~((22))~~ (20) "Fur-bearing animals" means game animals that shall  
31 not be trapped except as authorized by the commission.

32           ~~((23))~~ (21) "Game animals" means wild animals that shall not be  
33 hunted except as authorized by the commission.

34           ~~((24))~~ (22) "Game birds" means wild birds that shall not be  
35 hunted except as authorized by the commission.

36           ~~((25))~~ (23) "Game farm" means property on which wildlife is held  
37 ~~((or)), confined, propagated, hatched, fed, or otherwise raised for~~



1 commercial purposes, trade, or gift. The term "game farm" does not  
2 include publicly owned facilities.

3 ~~((+26+))~~ (24) "Game reserve" means a closed area where hunting for  
4 all wild animals and wild birds is prohibited.

5 ~~((+27+))~~ (25) "Illegal items" means those items unlawful to be  
6 possessed.

7 ~~((+28+))~~ (26) "Invasive species" means a plant species or a  
8 nonnative animal species that either:

9 (a) Causes or may cause displacement of, or otherwise threatens,  
10 native species in their natural communities;

11 (b) Threatens or may threaten natural resources or their use in the  
12 state;

13 (c) Causes or may cause economic damage to commercial or  
14 recreational activities that are dependent upon state waters; or

15 (d) Threatens or harms human health.

16 ~~((+29+))~~ (27) "License year" means the period of time for which a  
17 recreational license is valid. The license year begins April 1st, and  
18 ends March 31st.

19 ~~((+30+))~~ (28) "Limited-entry license" means a license subject to a  
20 license limitation program established in chapter 77.70 RCW.

21 ~~((+31+))~~ (29) "Money" means all currency, script, personal checks,  
22 money orders, or other negotiable instruments.

23 ~~((+32+))~~ (30) "Nonresident" means a person who has not fulfilled  
24 the qualifications of a resident.

25 ~~((+33+))~~ (31) "Offshore waters" means marine waters of the Pacific  
26 Ocean outside the territorial boundaries of the state, including the  
27 marine waters of other states and countries.

28 ~~((+34+))~~ (32) "Open season" means those times, manners of taking,  
29 and places or waters established by rule of the commission for the  
30 lawful hunting, fishing, taking, or possession of game animals, game  
31 birds, game fish, food fish, or shellfish that conform to the special  
32 restrictions or physical descriptions established by rule of the  
33 commission or that have otherwise been deemed legal to hunt, fish,  
34 take, harvest, or possess by rule of the commission. "Open season"  
35 includes the first and last days of the established time.

36 ~~((+35+))~~ (33) "Owner" means the person in whom is vested the  
37 ownership dominion, or title of the property.

1 ((+36+)) (34) "Person" means and includes an individual; a  
2 corporation; a public or private entity or organization; a local,  
3 state, or federal agency; all business organizations, including  
4 corporations and partnerships; or a group of two or more individuals  
5 acting with a common purpose whether acting in an individual,  
6 representative, or official capacity.

7 ((+37+)) (35) "Personal property" or "property" includes both  
8 corporeal and incorporeal personal property and includes, among other  
9 property, contraband and money.

10 ((+38+)) (36) "Personal use" means for the private use of the  
11 individual taking the fish or shellfish and not for sale or barter.

12 ((+39+)) (37) "Predatory birds" means wild birds that may be hunted  
13 throughout the year as authorized by the commission.

14 ((+40+)) (38) "Prohibited aquatic animal species" means an invasive  
15 species of the animal kingdom that has been classified as a prohibited  
16 aquatic animal species by the commission.

17 ((+41+)) (39) "Protected wildlife" means wildlife designated by the  
18 commission that shall not be hunted or fished.

19 ((+42+)) (40) "Raffle" means an activity in which tickets bearing  
20 an individual number are sold for not more than twenty-five dollars  
21 each and in which a permit or permits are awarded to hunt or for access  
22 to hunt big game animals or wild turkeys on the basis of a drawing from  
23 the tickets by the person or persons conducting the raffle.

24 ((+43+)) (41) "Recreational and commercial watercraft" includes the  
25 boat, as well as equipment used to transport the boat, and any  
26 auxiliary equipment such as attached or detached outboard motors.

27 ((+44+)) (42) "Regulated aquatic animal species" means a  
28 potentially invasive species of the animal kingdom that has been  
29 classified as a regulated aquatic animal species by the commission.

30 ((+45+)) (43) "Resident" ~~((means+~~  
31 ~~(a) A person who has maintained a permanent place of abode within~~  
32 ~~the state for at least ninety days immediately preceding an application~~  
33 ~~for a license, has established by formal evidence an intent to continue~~  
34 ~~residing within the state, and who is not licensed to hunt or fish as~~  
35 ~~a resident in another state; and~~

36 ~~(b) A person age eighteen or younger who does not qualify as a~~  
37 ~~resident under (a) of this subsection, but who has a parent that~~

1 ~~qualifies as a resident under (a) of this subsection))~~ has the same  
2 meaning as defined in section 8 of this act.

3 ~~((46))~~ (44) "Retail-eligible species" means commercially  
4 harvested salmon, crab, and sturgeon.

5 ~~((47))~~ (45) "Saltwater" means those marine waters seaward of  
6 river mouths.

7 ~~((48))~~ (46) "Seaweed" means marine aquatic plant species that are  
8 dependent upon the marine aquatic or tidal environment, and exist in  
9 either an attached or free floating form, and includes but is not  
10 limited to marine aquatic plants in the classes Chlorophyta,  
11 Phaeophyta, and Rhodophyta.

12 ~~((49))~~ (47) "Senior" means a person seventy years old or older.

13 ~~((50))~~ (48) "Shellfish" means those species of marine and  
14 freshwater invertebrates that have been classified and that shall not  
15 be taken except as authorized by rule of the commission. The term  
16 "shellfish" includes all stages of development and the bodily parts of  
17 shellfish species.

18 ~~((51))~~ (49) "State waters" means all marine waters and fresh  
19 waters within ordinary high water lines and within the territorial  
20 boundaries of the state.

21 ~~((52))~~ (50) "To fish," "to harvest," and "to take," and their  
22 derivatives means an effort to kill, injure, harass, or catch a fish or  
23 shellfish.

24 ~~((53))~~ (51) "To hunt" and its derivatives means an effort to  
25 kill, injure, capture, or harass a wild animal or wild bird.

26 ~~((54))~~ (52) "To process" and its derivatives mean preparing or  
27 preserving fish, wildlife, or shellfish.

28 ~~((55))~~ (53) "To trap" and its derivatives means a method of  
29 hunting using devices to capture wild animals or wild birds.

30 ~~((56))~~ (54) "Trafficking" means offering, attempting to engage,  
31 or engaging in sale, barter, or purchase of fish, shellfish, wildlife,  
32 or deleterious exotic wildlife.

33 ~~((57))~~ (55) "Unclaimed" means that no owner of the property has  
34 been identified or has requested, in writing, the release of the  
35 property to themselves nor has the owner of the property designated an  
36 individual to receive the property or paid the required postage to  
37 effect delivery of the property.

1           ((+58+)) (56) "Unlisted aquatic animal species" means a nonnative  
2 animal species that has not been classified as a prohibited aquatic  
3 animal species, a regulated aquatic animal species, or an unregulated  
4 aquatic animal species by the commission.

5           ((+59+)) (57) "Unregulated aquatic animal species" means a  
6 nonnative animal species that has been classified as an unregulated  
7 aquatic animal species by the commission.

8           ((+60+)) (58) "Wholesale fish dealer" means a person who, acting  
9 for commercial purposes, takes possession or ownership of fish or  
10 shellfish and sells, barter, or exchanges or attempts to sell, barter,  
11 or exchange fish or shellfish that have been landed into the state of  
12 Washington or entered the state of Washington in interstate or foreign  
13 commerce.

14           ((+61+)) (59) "Wild animals" means those species of the class  
15 Mammalia whose members exist in Washington in a wild state (~~and the~~  
16 ~~species Rana catesbeiana (bullfrog)~~). The term "wild animal" does not  
17 include feral domestic mammals or old world rats and mice of the family  
18 Muridae of the order Rodentia.

19           ((+62+)) (60) "Wild birds" means those species of the class Aves  
20 whose members exist in Washington in a wild state.

21           ((+63+)) (61) "Wildlife" means all species of the animal kingdom  
22 whose members exist in Washington in a wild state. This includes but  
23 is not limited to mammals, birds, reptiles, amphibians, fish, and  
24 invertebrates. The term "wildlife" does not include feral domestic  
25 mammals, old world rats and mice of the family Muridae of the order  
26 Rodentia, or those fish, shellfish, and marine invertebrates classified  
27 as food fish or shellfish by the director. The term "wildlife"  
28 includes all stages of development and the bodily parts of wildlife  
29 members.

30           ((+64+)) (62) "Youth" means a person fifteen years old for fishing  
31 and under sixteen years old for hunting.

32           (63) "Fur dealer" means a person who, for commercial purposes,  
33 purchases, receives, or resells raw furs.

34           (64) "Natural person" means a human being.

35           (65) "Taxidermist" means a person who, for commercial purposes,  
36 creates lifelike representations of fish and wildlife using fish and  
37 wildlife parts and various supporting structures.

1       (66) "Wildlife meat cutter" means a person who packs, cuts,  
2 processes, or stores wildlife for consumption for another for  
3 commercial purposes.

4       NEW SECTION. Sec. 8. A new section is added to chapter 77.08 RCW  
5 to read as follows:

6       For the purposes of this title or rules adopted under this title,  
7 "resident" means:

8       (1) A natural person who has maintained a permanent place of abode  
9 within the state for at least ninety days immediately preceding an  
10 application for a license, has established by formal evidence an intent  
11 to continue residing within the state, is not licensed to hunt or fish  
12 as a resident in another state or country, and is not receiving  
13 resident benefits of another state or country.

14       (a) For purposes of this section, "permanent place of abode" means  
15 a residence in this state that a person maintains for personal use.

16       (b) A natural person can demonstrate that he or she has maintained  
17 a permanent place of abode in Washington by showing that he or she:

18       (i) Uses a Washington address for federal income tax or state tax  
19 purposes;

20       (ii) Designates Washington as his or her residence for obtaining  
21 eligibility to hold a public office or for judicial actions;

22       (iii) Is a registered voter in the state of Washington; or

23       (iv) Is a custodial parent with a child attending prekindergarten,  
24 kindergarten, elementary school, middle school, or high school in  
25 Washington.

26       (c) A natural person can demonstrate the intent to continue  
27 residing within the state by showing that he or she:

28       (i) Has a valid Washington driver's license; or

29       (ii) Has a valid Washington identification card, if he or she is  
30 not eligible for a Washington driver's license; and

31       (iii) Has registered his or her vehicle or vehicles in Washington.

32       (2) The spouse of a member of the United States armed forces if the  
33 member qualifies as a resident under subsection (1), (3), or (4) of  
34 this section, or a natural person age eighteen or younger who does not  
35 qualify as a resident under subsection (1) of this section, but who has  
36 a parent or legal guardian who qualifies as a resident under subsection  
37 (1), (3), or (4) of this section.

1 (3) A member of the United States armed forces temporarily  
2 stationed in Washington on predeployment orders. A copy of the  
3 person's military orders is required to meet this condition.

4 (4) A member of the United States armed forces who is permanently  
5 stationed in Washington or who designates Washington on their military  
6 "state of legal residence certificate" or enlistment or re-enlistment  
7 documents, and who does not have a license to hunt or fish as a  
8 resident in another state or country. A copy of the person's "state of  
9 legal residence certificate" or enlistment or re-enlistment documents  
10 is required to meet the conditions of this subsection.

11 **Sec. 9.** RCW 77.65.110 and 2001 c 105 s 4 are each amended to read  
12 as follows:

13 This section applies to all commercial fishery licenses(~~(, charter~~  
14 ~~boat license[s],)~~) and delivery licenses.

15 (1) A person designated as an alternate operator must possess an  
16 alternate operator license issued under RCW 77.65.130, and be  
17 designated on the license prior to engaging in the activities  
18 authorized by the license. The holder of the commercial fishery  
19 license(~~(, charter boat license,)~~) or delivery license may designate up  
20 to two alternate operators for the license, except:

21 (a) Whiting--Puget Sound fishery licensees may not designate  
22 alternate operators;

23 (b) Emergency salmon delivery licensees may not designate alternate  
24 operators;

25 (c) Shrimp pot-Puget Sound fishery licensees may designate no more  
26 than one alternate operator at a time; and

27 (d) Shrimp trawl-Puget Sound fishery licensees may designate no  
28 more than one alternate operator at a time.

29 (2) The fee to change the alternate operator designation is twenty-  
30 two dollars.

31 **Sec. 10.** RCW 77.65.130 and 2005 c 82 s 2 are each amended to read  
32 as follows:

33 (1) A person who holds a commercial fishery license or a delivery  
34 license may operate the vessel designated on the license. A person who  
35 is not the license holder may operate the vessel designated on the  
36 license only if:

1 (a) The person is operating a charter boat; or

2 (b) The person holds an alternate operator license issued by the  
3 director; and

4 ~~((b))~~ (c) The person is designated as an alternate operator on  
5 the underlying commercial fishery license or delivery license under RCW  
6 77.65.110.

7 (2) Only an individual at least sixteen years of age may hold an  
8 alternate operator license.

9 (3) No individual may hold more than one alternate operator  
10 license. An individual who holds an alternate operator license may be  
11 designated as an alternate operator on an unlimited number of  
12 commercial fishery licenses or delivery licenses under RCW 77.65.110.

13 (4) An individual who holds two Dungeness crab--Puget Sound fishery  
14 licenses may operate the licenses on one vessel if the license holder  
15 or alternate operator is on the vessel. The department shall allow a  
16 license holder to operate up to one hundred crab pots for each license.

17 (5) Two persons owning separate Dungeness crab--Puget Sound fishery  
18 licenses may operate both licenses on one vessel if the license holders  
19 or their alternate operators are on the vessel.

20 (6) As used in this section, to "operate" means to control the  
21 deployment or removal of fishing gear from state waters while aboard a  
22 vessel or to operate a vessel delivering food fish or shellfish taken  
23 in offshore waters to a port within the state.

24 **Sec. 11.** RCW 77.15.720 and 2000 c 107 s 258 are each amended to  
25 read as follows:

26 (1) If a person ~~((shoots))~~ discharges a firearm, bow, or crossbow  
27 while hunting and in a manner that injures, or that a reasonable person  
28 would believe is likely to injure, another person or domestic livestock  
29 ~~((while hunting))~~ or kills domestic livestock, the director shall  
30 revoke all of the shooter's hunting licenses and suspend all hunting  
31 privileges for three years. If the shooting ~~((of another person or~~  
32 ~~livestock is the result of criminal negligence or reckless or~~  
33 ~~intentional conduct, then the person's))~~ kills or results in the death  
34 of another person, then the director shall revoke all of the shooter's  
35 hunting licenses and suspend all of the person's hunting privileges  
36 ~~((shall be suspended))~~ for ten years. The suspension shall be  
37 continued beyond these periods if damages owed to the victim or

1 livestock owner have not been paid by the suspended person. ((A)) In  
2 such a case, no hunting license shall ((not)) be reissued to the  
3 suspended person unless authorized by the director.

4 ~~(2) ((Within twenty days of service of an order suspending~~  
5 ~~privileges or imposing conditions under this section or RCW 77.15.710,~~  
6 ~~a person may petition for administrative review under chapter 34.05 RCW~~  
7 ~~by serving the director with a petition for review. The order is final~~  
8 ~~and unappealable if there is no timely petition for administrative~~  
9 ~~review.)) A person who is notified of a license revocation under this  
10 section may request an appeal hearing under chapter 34.05 RCW.~~

11 (3) The commission may by rule authorize petitions for  
12 reinstatement of administrative suspensions and define circumstances  
13 under which such a reinstatement will be allowed.

14 **Sec. 12.** RCW 77.15.130 and 1998 c 190 s 14 are each amended to  
15 read as follows:

16 (1) A person is guilty of unlawful taking of protected fish or  
17 wildlife if:

18 (a) The person hunts, fishes, possesses, or maliciously kills  
19 protected fish or wildlife, or the person possesses or maliciously  
20 destroys the eggs or nests of protected fish or wildlife, and the  
21 taking has not been authorized by rule of the commission; or

22 (b) The person violates any rule of the commission regarding the  
23 taking, harming, harassment, possession, or transport of protected fish  
24 or wildlife.

25 (2) Unlawful taking of protected fish or wildlife is a misdemeanor.

26 (3) In addition to the penalties set forth in subsections (1) and  
27 (2) of this section, if a person is convicted of violating this section  
28 and the violation results in the death of wildlife listed in this  
29 subsection, the court shall require payment of the following amounts  
30 for each animal killed or possessed. This is a criminal wildlife  
31 penalty assessment that must be paid to the clerk of the court and  
32 distributed each month to the state treasurer for deposit in the fish  
33 and wildlife enforcement reward account created in RCW 77.15.425.

- 34 (a) Ferruginous hawk . . . . . \$2,000
- 35 (b) Common loon . . . . . \$2,000
- 36 (c) Bald eagle . . . . . \$2,000
- 37 (d) Peregrine falcon . . . . . \$2,000



1       (4) If two or more persons are convicted of illegally possessing  
2 wildlife in subsection (1) of this section, the criminal wildlife  
3 penalty assessment must be imposed against them jointly and separately.

4       (5)(a) The criminal wildlife penalty assessment must be imposed  
5 regardless of and in addition to any sentence, fines, or costs  
6 otherwise provided for violating any provision of this section. The  
7 criminal wildlife penalty assessment must be included by the court in  
8 any pronouncement of sentence and may not be suspended, waived,  
9 modified, or deferred in any respect.

10       (b) This subsection may not be construed to abridge or alter  
11 alternative rights of action or remedies in equity or under common law  
12 or statutory law, criminal or civil.

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

18       (7) The department shall revoke any licenses or tags used in  
19 connection with a violation of this section and order the person's  
20 privileges to hunt, fish, trap, and obtain licenses under this title to  
21 be suspended for two years.

22       **Sec. 13.** RCW 77.70.290 and 1997 c 418 s 2 are each amended to read  
23 as follows:

24       (1) The director shall allow the landing into Washington (~~(state)~~)  
25 of crab taken in offshore waters only if:

26       (a) The crab are legally caught and landed by fishers with a valid  
27 Washington state Dungeness crab-coastal fishery license or a valid  
28 Dungeness crab-coastal class B fishery license; (~~(or)~~)

29       (b) The crab are legally caught and landed by fishers with a valid  
30 license issued by the state of Oregon allowing the legal harvest of the  
31 crab; or

32       (c)(i) The director determines that the landing of offshore  
33 Dungeness crab by fishers without a Washington state Dungeness crab-  
34 coastal fishery license (~~(or)~~), a valid Dungeness crab-coastal class B  
35 fishery license, or a valid license issued by the state of Oregon is in  
36 the best interest of the coastal crab processing industry;

1 (ii) The director has been requested to allow such landings by at  
2 least three Dungeness crab processors;

3 (iii) The landings are permitted only between the dates of December  
4 1st to February 15th inclusively;

5 (iv) (~~only~~) The crab fishers are commercially licensed to fish by  
6 (~~Oregon or~~) the state of California (~~are permitted to land, if~~) and  
7 the crab was taken with gear that consisted of one buoy attached to  
8 each crab pot, and each crab pot was fished individually;

9 (v) The fisher landing the crab has obtained a valid delivery  
10 license; and

11 (vi) The decision is made on a case-by-case basis for the sole  
12 reason of improving the economic stability of the commercial crab  
13 fishery.

14 (2) Nothing in this section allows the commercial fishing of  
15 Dungeness crab in waters within three miles of Washington (~~state~~) by  
16 fishers who do not possess a valid Dungeness crab-coastal fishery  
17 license or a valid Dungeness crab-coastal class B fishery license.  
18 Landings of offshore Dungeness crab by fishers without a valid  
19 Dungeness crab-coastal fishery license or a valid Dungeness crab-  
20 coastal class B fishery license do not qualify the fisher for such  
21 licenses.

22 NEW SECTION. Sec. 14. It is the intent of the legislature to  
23 prevent predatory wildlife from becoming habituated to humans and to  
24 protect the public against the serious health and safety risk posed by  
25 predatory wildlife who are drawn into contact with humans and related  
26 infrastructure by individuals who feed predatory wildlife negligently  
27 or intentionally.

28 NEW SECTION. Sec. 15. A new section is added to chapter 77.15 RCW  
29 to read as follows:

30 (1) A person may not negligently feed or attempt to feed predatory  
31 wildlife or negligently attract predatory wildlife to land or a  
32 building.

33 (2) If a fish and wildlife officer or animal control authority as  
34 defined in RCW 16.30.010, has probable cause to believe that a person  
35 is negligently feeding, attempting to feed, or attracting predatory  
36 wildlife to a land or building by placing or locating food, food waste,

1 or another substance in, upon, or about any land or building, and the  
2 food, food waste, or other substance poses a risk to the safety of any  
3 person because it is attracting or could attract predatory wildlife to  
4 the land or building, the officer may issue an infraction under RCW  
5 77.15.160.

6 (3) This section does not apply to:

7 (a) A person who is engaging in forest practices in accordance with  
8 chapter 76.09 RCW or in hunting or trapping wildlife in accordance with  
9 all other applicable provisions of this title or rules of the  
10 commission or the director;

11 (b) A person who is engaging in a farming operation that is using  
12 generally accepted farming practices;

13 (c) Waste disposal facilities that are operating in accordance with  
14 applicable federal, state, and municipal laws;

15 (d) Zoos, lawfully operated wildlife refuges, and state licensed  
16 wildlife rehabilitators; or

17 (e) A commissioned fish and wildlife office or employee or agent of  
18 the department conducting wildlife capture activities to address a  
19 threat to human safety or a wildlife interaction as defined in RCW  
20 77.36.010.

21 (4) The definitions in this subsection apply throughout this  
22 section unless the context clearly requires otherwise.

23 (a) "Building" means a private domicile or home or public or  
24 commercial building.

25 (b) "Predatory wildlife" means bear, cougar, and wolf.

26 (c) "Food, food waste, or other substance" means human and pet  
27 food, or other waste or garbage that could attract wildlife.

28 (d)(i) "Negligently feed, attempt to feed, or attract" means to  
29 provide, leave, or place in, upon, or about any land or building any  
30 food, food waste, or other substance that attracts or could attract  
31 predatory wildlife to that land or building, without the awareness that  
32 a reasonable person in the same situation would have with regard to the  
33 likelihood that such food, food waste, or other substance could attract  
34 predatory wildlife to the land or building.

35 (ii) "Negligently feed, attempt to feed, or attract" does not  
36 include keeping food, food waste, or other substances in an enclosed  
37 garbage receptacle or other enclosed container unless specifically

1 directed by a fish and wildlife officer or animal control authority to  
2 secure the container in another manner.

3 NEW SECTION. **Sec. 16.** A new section is added to chapter 77.15 RCW  
4 to read as follows:

5 (1) A person may not intentionally feed or attempt to feed  
6 predatory wildlife or intentionally attract predatory wildlife to land  
7 or a building.

8 (2) A person who intentionally feeds, attempts to feed, or attracts  
9 predatory wildlife to land or a building is guilty of a misdemeanor.

10 (3) A person who is issued an infraction under section 15 of this  
11 act for negligently feeding, attempting to feed, or attracting  
12 predatory wildlife to land or a building, and who fails to contain,  
13 move, or remove the food, food waste, or other substance within twenty-  
14 four hours of being issued the citation, is guilty of a misdemeanor.

15 (4) This section does not apply to:

16 (a) A person who is engaging in forest practices in accordance with  
17 chapter 76.09 RCW or in hunting or trapping wildlife in accordance with  
18 all other applicable provisions of this title or rules of the  
19 commission or the director;

20 (b) A person who is engaging in a farming operation that is using  
21 generally accepted farming practices;

22 (c) Waste disposal facilities that are operating in accordance with  
23 applicable federal, state, and municipal laws;

24 (d) Zoos, lawfully operated wildlife refuges, and state licensed  
25 wildlife rehabilitators; or

26 (e) A commissioned fish and wildlife office or employee or agent of  
27 the department conducting wildlife capture activities to address a  
28 threat to human safety or a wildlife interaction as defined in RCW  
29 77.36.010.

30 (5) The definitions in this subsection apply throughout this  
31 section unless the context clearly requires otherwise.

32 (a) "Building" means a private domicile or home or public or  
33 commercial building.

34 (b) "Predatory wildlife" means bear, cougar, and wolf.

35 (c) "Food, food waste, or other substance" means human and pet  
36 food, or other waste or garbage that could attract wildlife.

1 (d)(i) "Intentionally feed, attempt to feed, or attract" means to  
2 purposefully or knowingly provide, leave, or place in, upon, or about  
3 any land or building any food, food waste, or other substance that  
4 attracts or could attract predatory wildlife to that land or building.

5 (ii) "Intentionally feed, attempt to feed, or attract" does not  
6 include keeping food, food waste, or other substances in an enclosed  
7 garbage receptacle or other enclosed container unless specifically  
8 directed by a fish and wildlife officer or animal control authority to  
9 secure the container in another manner.

10 **Sec. 17.** RCW 77.15.160 and 2000 c 107 s 237 are each amended to  
11 read as follows:

12 A person is guilty of an infraction, which shall be cited and  
13 punished as provided under chapter 7.84 RCW, if the person:

14 (1) Fails to immediately record a catch of fish or shellfish on a  
15 catch record card required by RCW 77.32.430, or required by rule of the  
16 commission under this title; or

17 (2) Fishes for personal use using barbed hooks in violation of any  
18 rule; ~~((or))~~

19 (3) Negligently feeds, attempts to feed, or attract predatory  
20 wildlife in violation of section 15 of this act; or

21 (4) Violates any other rule of the commission or director that is  
22 designated by rule as an infraction.

23 **Sec. 18.** RCW 77.95.090 and 2009 c 340 s 4 are each amended to read  
24 as follows:

25 The dedicated regional fisheries enhancement group account is  
26 created in the custody of the state treasurer. Only the commission or  
27 the commission's designee may authorize expenditures from the account.  
28 The account is subject to allotment procedures under chapter 43.88 RCW,  
29 but no appropriation is required for expenditures.

30 A portion of each recreational fishing license fee shall be used as  
31 provided in RCW 77.32.440. A surcharge of one hundred dollars shall be  
32 collected on each commercial salmon fishery license, each salmon  
33 delivery license, and each salmon charter license sold in the state.  
34 All receipts shall be placed in the regional fisheries enhancement  
35 group account and shall be used exclusively for regional fisheries  
36 enhancement group projects ~~((for the purposes of RCW 77.95.110))~~ except

1 that the department may use up to twenty-percent of the account funds  
2 to provide agency assistance to the groups for professional,  
3 administrative and technical assistance and training, project proposal  
4 compatibility review, contract management, financial management of  
5 regional fisheries enhancement group funds, and provide direction and  
6 training in Washington state budgeting and accounting procedures.  
7 Except as provided in RCW 77.95.320, funds from the regional fisheries  
8 enhancement group account shall not serve as replacement funding for  
9 department operated salmon projects that exist on January 1, 1991.

10 All revenue from the department's sale of salmon carcasses and eggs  
11 that return to group facilities shall be deposited in the regional  
12 fisheries enhancement group account for use by the regional fisheries  
13 enhancement group that produced the surplus. The commission shall  
14 adopt rules to implement this section pursuant to chapter 34.05 RCW.

15 **Sec. 19.** RCW 69.50.320 and 2003 c 175 s 2 are each amended to read  
16 as follows:

17 The department of fish and wildlife may apply to the department of  
18 health for registration pursuant to the applicable provisions of this  
19 chapter to purchase, possess, and administer controlled substances for  
20 use in chemical capture programs and to euthanize injured, sick, or  
21 unwanted wildlife. The department of fish and wildlife must not permit  
22 a person to administer controlled substances unless the person has  
23 demonstrated adequate knowledge of the potential hazards and proper  
24 techniques to be used in administering controlled substances.

25 The department of health (~~may~~) must issue a limited registration  
26 to carry out the provisions of this section. The board may adopt rules  
27 to ensure strict compliance with the provisions of this section. The  
28 board, in consultation with the department of fish and wildlife, must  
29 by rule add or remove additional controlled substances for use in  
30 chemical capture programs. The board shall suspend or revoke  
31 registration upon determination that the person administering  
32 controlled substances has not demonstrated adequate knowledge as  
33 required by this section. This authority is granted in addition to any  
34 other power to suspend or revoke registration as provided by law.

35 **Sec. 20.** RCW 77.04.080 and 2000 c 107 s 205 are each amended to  
36 read as follows:

1        (1)(a) Persons eligible for appointment as director shall have  
2 practical knowledge of the habits and distribution of fish and  
3 wildlife. The director shall supervise the administration and  
4 operation of the department and perform the duties prescribed by law  
5 and delegated by the commission. The director shall carry out the  
6 basic goals and objectives prescribed under RCW 77.04.055. The  
7 director may appoint and employ necessary personnel. The director may  
8 delegate, in writing, to department personnel the duties and powers  
9 necessary for efficient operation and administration of the department.

10        (b) Only persons having general knowledge of the fisheries and  
11 wildlife resources and of the commercial and recreational fishing  
12 industry in this state are eligible for appointment as director. The  
13 director shall not have a financial interest in the fishing industry or  
14 a directly related industry. The director shall receive the salary  
15 fixed by the governor under RCW 43.03.040.

16        (c) The director is the ex officio secretary of the commission and  
17 shall attend its meetings and keep a record of its business.

18        (2)(a) The director may appoint and commission fish and wildlife  
19 officers to serve as general authority Washington peace officers, as  
20 defined in RCW 10.93.020. Under the interlocal cooperation act,  
21 chapter 39.34 RCW, the director may contract with general authority law  
22 enforcement agencies, federal law enforcement agencies, and limited  
23 authority law enforcement agencies to enforce this title and the rules  
24 of the department to provide mutual law enforcement assistance as  
25 defined in chapter 10.93 RCW.

26        (b) Any liability or claimed liability that arises out of the  
27 exercise of authority by an officer acting under the mutual aid  
28 contract is the responsibility of the primary commissioning agency  
29 unless the officer acts under the direction and control of the  
30 department or unless the liability is otherwise allocated under a  
31 written agreement between the primary commissioning agency and the  
32 department.

33        **Sec. 21.** RCW 77.12.071 and 2007 c 337 s 2 are each amended to read  
34 as follows:

35        (1) Department employees, in carrying out their duties under this  
36 title on public lands or state waters, may:

1 (a) Collect samples of tissue, fluids, or other bodily parts of  
2 fish, wildlife, or shellfish; or

3 (b) Board vessels in state waters engaged in commercial and  
4 recreational harvest activities to collect samples of fish, wildlife,  
5 or shellfish.

6 (i) Department employees shall ask permission from the owner or his  
7 or her agent before boarding vessels in state waters.

8 (ii) If an employee of the department is denied access to any  
9 vessel where access was sought for the purposes of (b) of this  
10 subsection, the department employee may contact an enforcement officer  
11 for assistance in applying for a search warrant authorizing access to  
12 the vessel in order to carry out the department employee's duties under  
13 this section.

14 (2) Department employees must have official identification,  
15 announce their presence and intent, and perform their duties in a safe  
16 and professional manner while carrying out the activities in this  
17 section.

18 (3) This section does not apply to the harvest of private sector  
19 cultured aquatic products as defined in RCW 15.85.020.

20 (4) This section does not apply to fish and wildlife officers (~~and~~  
21 ~~ex officio fish and wildlife officers~~) carrying out their duties under  
22 this title.

23 **Sec. 22.** RCW 77.12.154 and 1998 c 190 s 71 are each amended to  
24 read as follows:

25 The director, fish and wildlife officers, (~~ex officio fish and~~  
26 ~~wildlife officers~~), and department employees may enter upon any land  
27 or waters and remain there while performing their duties without  
28 liability for trespass.

29 It is lawful for aircraft operated by the department to land and  
30 take off from the beaches or waters of the state.

31 **Sec. 23.** RCW 77.15.070 and 2005 c 406 s 2 are each amended to read  
32 as follows:

33 (1) Fish and wildlife officers (~~and ex officio fish and wildlife~~  
34 ~~officers~~) may seize without warrant boats, airplanes, vehicles,  
35 motorized implements, conveyances, gear, appliances, or other articles  
36 they have probable cause to believe have been held with intent to



1 violate or used in violation of this title or rule of the commission or  
2 director. However, fish and wildlife officers (~~or ex officio fish and~~  
3 ~~wildlife officers~~) may not seize any item or article, other than for  
4 evidence, if under the circumstances, it is reasonable to conclude that  
5 the violation was inadvertent. The property seized is subject to  
6 forfeiture to the state under this section regardless of ownership.  
7 Property seized may be recovered by its owner by depositing with the  
8 department or into court a cash bond or equivalent security equal to  
9 the value of the seized property but not more than one hundred thousand  
10 dollars. Such cash bond or security is subject to forfeiture in lieu  
11 of the property. Forfeiture of property seized under this section is  
12 a civil forfeiture against property and is intended to be a remedial  
13 civil sanction.

14 (2) In the event of a seizure of property under this section,  
15 jurisdiction to begin the forfeiture proceedings shall commence upon  
16 seizure. Within fifteen days following the seizure, the seizing  
17 authority shall serve a written notice of intent to forfeit property on  
18 the owner of the property seized and on any person having any known  
19 right or interest in the property seized. Notice may be served by any  
20 method authorized by law or court rule, including service by certified  
21 mail with return receipt requested. Service by mail is deemed complete  
22 upon mailing within the fifteen-day period following the seizure.

23 (3) Persons claiming a right of ownership or right to possession of  
24 property are entitled to a hearing to contest forfeiture. Such a claim  
25 shall specify the claim of ownership or possession and shall be made in  
26 writing and served on the director within forty-five days of the  
27 seizure. If the seizing authority has complied with notice  
28 requirements and there is no claim made within forty-five days, then  
29 the property shall be forfeited to the state.

30 (4) If any person timely serves the director with a claim to  
31 property, the person shall be afforded an opportunity to be heard as to  
32 the person's claim or right. The hearing shall be before the director  
33 or director's designee, or before an administrative law judge appointed  
34 under chapter 34.12 RCW, except that a person asserting a claim or  
35 right may remove the matter to a court of competent jurisdiction if the  
36 aggregate value of the property seized is more than five thousand  
37 dollars. The department may settle a person's claim of ownership prior  
38 to the administrative hearing.

1 (5) The hearing to contest forfeiture and any subsequent appeal  
2 shall be as provided for in chapter 34.05 RCW, the administrative  
3 procedure act. The seizing authority has the burden to demonstrate  
4 that it had reason to believe the property was held with intent to  
5 violate or was used in violation of this title or rule of the  
6 commission or director. The person contesting forfeiture has the  
7 burden of production and proof by a preponderance of evidence that the  
8 person owns or has a right to possess the property and:

9 (a) That the property was not held with intent to violate or used  
10 in violation of this title; or

11 (b) If the property is a boat, airplane, or vehicle, that the  
12 illegal use or planned illegal use of the boat, airplane, or vehicle  
13 occurred without the owner's knowledge or consent, and that the owner  
14 acted reasonably to prevent illegal uses of such boat, airplane, or  
15 vehicle.

16 (6) A forfeiture of a conveyance encumbered by a perfected security  
17 interest is subject to the interest of the secured party if the secured  
18 party neither had knowledge of nor consented to the act or omission.  
19 No security interest in seized property may be perfected after seizure.

20 (7) If seized property is forfeited under this section the  
21 department may retain it for official use unless the property is  
22 required to be destroyed, or upon application by any law enforcement  
23 agency of the state, release such property to the agency for the use of  
24 enforcing this title, or sell such property, and deposit the proceeds  
25 to the fish and wildlife enforcement reward account created in RCW  
26 77.15.425.

27 **Sec. 24.** RCW 77.15.075 and 2009 c 204 s 1 are each amended to read  
28 as follows:

29 (1) Fish and wildlife officers (~~(and ex officio fish and wildlife~~  
30 ~~officers shall enforce this title, rules of the department, and other~~  
31 ~~statutes as prescribed by the legislature. Fish and wildlife officers~~  
32 ~~who are not ex officio officers)) shall have and exercise, throughout~~  
33 the state, such police powers and duties as are vested in sheriffs and  
34 peace officers generally. Fish and wildlife officers are general  
35 authority Washington peace officers.

36 (2) An applicant for a fish and wildlife officer position must be  
37 a citizen of the United States of America who can read and write the

1 English language. (~~All fish and wildlife officers employed after June  
2 13, 2002, must successfully complete the basic law enforcement academy  
3 course, known as the basic course, sponsored by the criminal justice  
4 training commission, or the basic law enforcement equivalency  
5 certification, known as the equivalency course, provided by the  
6 criminal justice training commission. All officers employed on June  
7 13, 2002, must have successfully completed the basic course, the  
8 equivalency course, or the supplemental course in criminal law  
9 enforcement, known as the supplemental course, offered under chapter  
10 155, Laws of 1985. Any officer who has not successfully completed the  
11 basic course, the equivalency course, or the supplemental course must  
12 complete the basic course or the equivalency course within fifteen  
13 months of June 13, 2002.~~

14 ~~(2) Fish and wildlife officers are peace officers.)~~

15 (3) Any liability or claim of liability under chapter 4.92 RCW that  
16 arises out of the exercise or alleged exercise of authority by a fish  
17 and wildlife officer rests with the department unless the fish and  
18 wildlife officer acts under the direction and control of another agency  
19 or unless the liability is otherwise assumed under an agreement between  
20 the department and another agency.

21 ~~(4) (Fish and wildlife officers may serve and execute warrants and  
22 processes issued by the courts.~~

23 ~~(5))~~ The department may utilize the services of a volunteer  
24 chaplain as provided under chapter 41.22 RCW.

25 **Sec. 25.** RCW 77.15.080 and 2002 c 281 s 8 are each amended to read  
26 as follows:

27 (1) Based upon articulable facts that a person is engaged in  
28 fishing, harvesting, or hunting activities, fish and wildlife officers  
29 have the authority to temporarily stop the person and check for valid  
30 licenses, tags, permits, stamps, or catch record cards, and to inspect  
31 all fish, shellfish, seaweed, and wildlife in possession as well as the  
32 equipment being used to ensure compliance with the requirements of this  
33 title, and may request the person to write his or her signature for  
34 comparison with the signature on the license. Failure to comply with  
35 the request is prima facie evidence that the person is not the person  
36 named on the license. For licenses purchased over the internet or

1 telephone, fish and wildlife officers may require the person, if age  
2 eighteen or older, to exhibit a driver's license or other photo  
3 identification.

4 (2) Based upon articulable facts that a person is transporting a  
5 prohibited aquatic animal species or any aquatic plant, fish and  
6 wildlife officers (~~and ex officio fish and wildlife officers~~) have  
7 the authority to temporarily stop the person and inspect the watercraft  
8 to ensure that the watercraft and associated equipment are not  
9 transporting prohibited aquatic animal species or aquatic plants.

10 **Sec. 26.** RCW 77.15.085 and 2000 c 107 s 232 are each amended to  
11 read as follows:

12 Fish and wildlife officers (~~and ex officio fish and wildlife~~  
13 ~~officers~~) may seize without a warrant wildlife, fish, and shellfish  
14 they have probable cause to believe have been taken, transported, or  
15 possessed in violation of this title or rule of the commission or  
16 director.

17 **Sec. 27.** RCW 77.15.092 and 2000 c 107 s 213 are each amended to  
18 read as follows:

19 Fish and wildlife officers (~~and ex officio fish and wildlife~~  
20 ~~officers~~) may arrest without warrant persons found violating the law  
21 or rules adopted pursuant to this title.

22 **Sec. 28.** RCW 77.15.094 and 2001 c 253 s 25 are each amended to  
23 read as follows:

24 Fish and wildlife officers (~~and ex officio fish and wildlife~~  
25 ~~officers~~) may make a reasonable search without warrant of a vessel,  
26 conveyances, vehicles, containers, packages, or other receptacles for  
27 fish, seaweed, shellfish, and wildlife which they have reason to  
28 believe contain evidence of a violation of law or rules adopted  
29 pursuant to this title and seize evidence as needed for law  
30 enforcement. This authority does not extend to quarters in a boat,  
31 building, or other property used exclusively as a private domicile,  
32 does not extend to transitory residences in which a person has a  
33 reasonable expectation of privacy, and does not allow search and  
34 seizure without a warrant if the thing or place is protected from  
35 search without warrant within the meaning of Article I, section 7 of

1 the state Constitution. Seizure of property as evidence of a crime  
2 does not preclude seizure of the property for forfeiture as authorized  
3 by law.

4 **Sec. 29.** RCW 77.15.480 and 2001 c 253 s 42 are each amended to  
5 read as follows:

6 Articles or devices unlawfully used, possessed, or maintained for  
7 catching, taking, killing, attracting, or decoying wildlife, fish, and  
8 shellfish are public nuisances. If necessary, fish and wildlife  
9 officers (~~((and ex officio fish and wildlife officers))~~) may seize,  
10 abate, or destroy these public nuisances without warrant or process.

11 **Sec. 30.** RCW 77.15.710 and 2000 c 107 s 257 are each amended to  
12 read as follows:

13 (1) The commission shall revoke all hunting, fishing, or other  
14 licenses issued under this title and order a ten-year suspension of all  
15 privileges extended under the authority of the department of a person  
16 convicted of assault on a fish and wildlife officer, (~~((ex officio  
17 officer,))~~) employee, agent, or personnel acting for the department, if  
18 the employee assaulted was on duty at the time of the assault and  
19 carrying out the provisions of this title. The suspension shall be  
20 continued beyond this period if any damages to the victim have not been  
21 paid by the suspended person.

22 (2) For the purposes of this section, the definition of assault  
23 includes:

- 24 (a) RCW 9A.32.030; murder in the first degree;
- 25 (b) RCW 9A.32.050; murder in the second degree;
- 26 (c) RCW 9A.32.060; manslaughter in the first degree;
- 27 (d) RCW 9A.32.070; manslaughter in the second degree;
- 28 (e) RCW 9A.36.011; assault in the first degree;
- 29 (f) RCW 9A.36.021; assault in the second degree; and
- 30 (g) RCW 9A.36.031; assault in the third degree.

31 **Sec. 31.** RCW 77.32.014 and 2001 c 253 s 50 are each amended to  
32 read as follows:

33 Licenses, tags, and stamps issued pursuant to this chapter shall be  
34 revoked and the privileges suspended for any period in which a person  
35 is certified by the department of social and health services or a court

1 of competent jurisdiction as a person in noncompliance with a support  
2 order. Fish and wildlife officers (~~((and ex officio fish and wildlife  
3 officers))~~) shall enforce this section through checks of the department  
4 of licensing's computer database. A listing on the department of  
5 licensing's database that an individual's license is currently  
6 suspended pursuant to RCW 46.20.291(8) shall be prima facie evidence  
7 that the individual is in noncompliance with a support order.  
8 Presentation of a written release issued by the department of social  
9 and health services stating that the person is in compliance with an  
10 order shall serve as prima facie proof of compliance with a support  
11 order.

12 **Sec. 32.** RCW 77.75.110 and 2000 c 107 s 222 are each amended to  
13 read as follows:

14 To enforce RCW 77.75.120 and 77.75.130, courts in the counties  
15 contiguous to the boundary waters(~~((7))~~) and fish and wildlife  
16 officers(~~((7, and ex officio fish and wildlife officers))~~) have  
17 jurisdiction over the boundary waters to the furthestmost shoreline.  
18 This jurisdiction is concurrent with the courts and law enforcement  
19 officers of Idaho.

20 **Sec. 33.** RCW 77.75.120 and 2000 c 107 s 223 are each amended to  
21 read as follows:

22 The taking of wildlife from the boundary waters or islands of the  
23 Snake river shall be in accordance with the wildlife laws of the  
24 respective states. Fish and wildlife officers (~~((and ex officio fish  
25 and wildlife officers))~~) shall honor the license of either state and the  
26 right of the holder to take wildlife from the boundary waters and  
27 islands in accordance with the laws of the state issuing the license.

28 NEW SECTION. **Sec. 34.** If any provision of this act or its  
29 application to any person or circumstance is held invalid, the  
30 remainder of the act or the application of the provision to other  
31 persons or circumstances is not affected.

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