
HOUSE BILL 2364

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Blake, Chandler, Dunshee, Armstrong, Hinkle, Orcutt, Lytton, Van De Wege, Kretz, Wilcox, Tharinger, and McCune; by request of Department of Fish and Wildlife

Read first time 01/12/12. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to fish and wildlife enforcement; amending RCW
2 7.84.030, 77.15.030, 77.15.050, 77.15.075, 77.15.080, 77.15.100,
3 77.15.110, 77.15.130, 77.15.160, 77.15.170, 77.15.190, 77.15.240,
4 77.15.260, 77.15.280, 77.15.290, 77.15.370, 77.15.380, 77.15.390,
5 77.15.400, 77.15.410, 77.15.430, 77.15.460, 77.15.610, 77.15.620,
6 77.15.630, 77.15.640, 77.15.650, 77.15.660, 77.15.700, 77.15.720, and
7 77.15.740; reenacting and amending RCW 9.94A.515 and 77.08.010; adding
8 a new section to chapter 77.08 RCW; adding new sections to chapter
9 77.15 RCW; repealing RCW 77.12.315, 77.15.140, 77.15.220, and
10 77.15.330; and prescribing penalties.

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

12 **Sec. 1.** RCW 7.84.030 and 2011 c 320 s 14 are each amended to read
13 as follows:

14 (1) An infraction proceeding is initiated by the issuance and
15 service of a printed notice of infraction and filing of a printed or
16 electronic copy of the notice of infraction.

17 (2)(a) A notice of infraction may be issued by a person authorized
18 to enforce the provisions of the title or chapter in which the

1 infraction is established, or by a person authorized by an interlocal
2 agreement entered into under RCW 7.84.140, when the infraction occurs
3 in that person's presence.

4 (b) A person who is a peace officer as defined in chapter 10.93 RCW
5 may detain the person receiving the infraction for a reasonable period
6 of time necessary to identify the person, check for outstanding
7 warrants, and complete and issue a notice of infraction under RCW
8 7.84.050. A person who is to receive a notice of infraction is
9 required to identify himself or herself to the peace officer by giving
10 the person's name, address, and date of birth. Upon request, the
11 person shall produce reasonable identification, including a driver's
12 license or identicard. Any person who fails to comply with the
13 requirement to identify himself or herself and give the person's
14 current address is guilty of a misdemeanor.

15 (3) A court may issue a notice of infraction if a person authorized
16 to enforce the provisions of the title or chapter in which the
17 infraction is established, or by a person authorized by an interlocal
18 agreement entered into under RCW 7.84.140, files with the court a
19 written statement that the infraction was committed in that person's
20 presence or that the officer has reason to believe an infraction was
21 committed.

22 (4) Service of a notice of infraction issued under subsection (2)
23 or (3) of this section shall be as provided by court rule.

24 (5) A notice of infraction shall be filed with a court having
25 jurisdiction within five days of issuance, excluding Saturdays,
26 Sundays, and holidays.

27 **Sec. 2.** RCW 9.94A.515 and 2010 c 289 s 11 and 2010 c 227 s 9 are
28 each reenacted and amended to read as follows:

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TABLE 2	
CRIMES INCLUDED WITHIN	
EACH SERIOUSNESS LEVEL	
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)

1 Malicious explosion 1 (RCW
2 70.74.280(1))
3 Murder 1 (RCW 9A.32.030)
4 XIV Murder 2 (RCW 9A.32.050)
5 Trafficking 1 (RCW 9A.40.100(1))
6 XIII Malicious explosion 2 (RCW
7 70.74.280(2))
8 Malicious placement of an explosive 1
9 (RCW 70.74.270(1))
10 XII Assault 1 (RCW 9A.36.011)
11 Assault of a Child 1 (RCW 9A.36.120)
12 Malicious placement of an imitation
13 device 1 (RCW 70.74.272(1)(a))
14 Promoting Commercial Sexual Abuse
15 of a Minor (RCW 9.68A.101)
16 Rape 1 (RCW 9A.44.040)
17 Rape of a Child 1 (RCW 9A.44.073)
18 Trafficking 2 (RCW 9A.40.100(2))
19 XI Manslaughter 1 (RCW 9A.32.060)
20 Rape 2 (RCW 9A.44.050)
21 Rape of a Child 2 (RCW 9A.44.076)
22 X Child Molestation 1 (RCW 9A.44.083)
23 Criminal Mistreatment 1 (RCW
24 9A.42.020)
25 Indecent Liberties (with forcible
26 compulsion) (RCW
27 9A.44.100(1)(a))
28 Kidnapping 1 (RCW 9A.40.020)
29 Leading Organized Crime (RCW
30 9A.82.060(1)(a))
31 Malicious explosion 3 (RCW
32 70.74.280(3))
33 Sexually Violent Predator Escape
34 (RCW 9A.76.115)
35 IX Abandonment of Dependent Person 1
36 (RCW 9A.42.060)
37 Assault of a Child 2 (RCW 9A.36.130)

1 Explosive devices prohibited (RCW
2 70.74.180)
3 Hit and Run--Death (RCW
4 46.52.020(4)(a))
5 Homicide by Watercraft, by being
6 under the influence of intoxicating
7 liquor or any drug (RCW
8 79A.60.050)
9 Inciting Criminal Profiteering (RCW
10 9A.82.060(1)(b))
11 Malicious placement of an explosive 2
12 (RCW 70.74.270(2))
13 Robbery 1 (RCW 9A.56.200)
14 Sexual Exploitation (RCW 9.68A.040)
15 Vehicular Homicide, by being under
16 the influence of intoxicating liquor
17 or any drug (RCW 46.61.520)
18 VIII Arson 1 (RCW 9A.48.020)
19 Commercial Sexual Abuse of a Minor
20 (RCW 9.68A.100)
21 Homicide by Watercraft, by the
22 operation of any vessel in a
23 reckless manner (RCW
24 79A.60.050)
25 Manslaughter 2 (RCW 9A.32.070)
26 Promoting Prostitution 1 (RCW
27 9A.88.070)
28 Theft of Ammonia (RCW 69.55.010)
29 Vehicular Homicide, by the operation
30 of any vehicle in a reckless manner
31 (RCW 46.61.520)
32 VII Burglary 1 (RCW 9A.52.020)
33 Child Molestation 2 (RCW 9A.44.086)
34 Civil Disorder Training (RCW
35 9A.48.120)

1 Dealing in depictions of minor engaged
2 in sexually explicit conduct 1
3 (RCW 9.68A.050(1))
4 Drive-by Shooting (RCW 9A.36.045)
5 Homicide by Watercraft, by disregard
6 for the safety of others (RCW
7 79A.60.050)
8 Indecent Liberties (without forcible
9 compulsion) (RCW 9A.44.100(1)
10 (b) and (c))
11 Introducing Contraband 1 (RCW
12 9A.76.140)
13 Malicious placement of an explosive 3
14 (RCW 70.74.270(3))
15 Negligently Causing Death By Use of a
16 Signal Preemption Device (RCW
17 46.37.675)
18 Sending, bringing into state depictions
19 of minor engaged in sexually
20 explicit conduct 1 (RCW
21 9.68A.060(1))
22 Unlawful Possession of a Firearm in
23 the first degree (RCW 9.41.040(1))
24 Use of a Machine Gun in Commission
25 of a Felony (RCW 9.41.225)
26 Vehicular Homicide, by disregard for
27 the safety of others (RCW
28 46.61.520)
29 VI Bail Jumping with Murder 1 (RCW
30 9A.76.170(3)(a))
31 Bribery (RCW 9A.68.010)
32 Incest 1 (RCW 9A.64.020(1))
33 Intimidating a Judge (RCW 9A.72.160)
34 Intimidating a Juror/Witness (RCW
35 9A.72.110, 9A.72.130)
36 Malicious placement of an imitation
37 device 2 (RCW 70.74.272(1)(b))

1 Possession of Depictions of a Minor
2 Engaged in Sexually Explicit
3 Conduct 1 (RCW 9.68A.070(1))
4 Rape of a Child 3 (RCW 9A.44.079)
5 Theft of a Firearm (RCW 9A.56.300)
6 Unlawful Storage of Ammonia (RCW
7 69.55.020)
8 V Abandonment of Dependent Person 2
9 (RCW 9A.42.070)
10 Advancing money or property for
11 extortionate extension of credit
12 (RCW 9A.82.030)
13 Bail Jumping with class A Felony
14 (RCW 9A.76.170(3)(b))
15 Child Molestation 3 (RCW 9A.44.089)
16 Criminal Mistreatment 2 (RCW
17 9A.42.030)
18 Custodial Sexual Misconduct 1 (RCW
19 9A.44.160)
20 Dealing in Depictions of Minor
21 Engaged in Sexually Explicit
22 Conduct 2 (RCW 9.68A.050(2))
23 Domestic Violence Court Order
24 Violation (RCW 10.99.040,
25 10.99.050, 26.09.300, 26.10.220,
26 26.26.138, 26.50.110, 26.52.070,
27 or 74.34.145)
28 Driving While Under the Influence
29 (RCW 46.61.502(6))
30 Extortion 1 (RCW 9A.56.120)
31 Extortionate Extension of Credit (RCW
32 9A.82.020)
33 Extortionate Means to Collect
34 Extensions of Credit (RCW
35 9A.82.040)
36 Incest 2 (RCW 9A.64.020(2))
37 Kidnapping 2 (RCW 9A.40.030)

1 Perjury 1 (RCW 9A.72.020)
2 Persistent prison misbehavior (RCW
3 9.94.070)
4 Physical Control of a Vehicle While
5 Under the Influence (RCW
6 46.61.504(6))
7 Possession of a Stolen Firearm (RCW
8 9A.56.310)
9 Rape 3 (RCW 9A.44.060)
10 Rendering Criminal Assistance 1
11 (RCW 9A.76.070)
12 Sending, Bringing into State Depictions
13 of Minor Engaged in Sexually
14 Explicit Conduct 2 (RCW
15 9.68A.060(2))
16 Sexual Misconduct with a Minor 1
17 (RCW 9A.44.093)
18 Sexually Violating Human Remains
19 (RCW 9A.44.105)
20 Stalking (RCW 9A.46.110)
21 Taking Motor Vehicle Without
22 Permission 1 (RCW 9A.56.070)
23 IV Arson 2 (RCW 9A.48.030)
24 Assault 2 (RCW 9A.36.021)
25 Assault 3 (of a Peace Officer with a
26 Projectile Stun Gun) (RCW
27 9A.36.031(1)(h))
28 Assault by Watercraft (RCW
29 79A.60.060)
30 Bribing a Witness/Bribe Received by
31 Witness (RCW 9A.72.090,
32 9A.72.100)
33 Cheating 1 (RCW 9.46.1961)
34 Commercial Bribery (RCW 9A.68.060)
35 Counterfeiting (RCW 9.16.035(4))
36 Endangerment with a Controlled
37 Substance (RCW 9A.42.100)

1 Escape 1 (RCW 9A.76.110)
2 Hit and Run--Injury (RCW
3 46.52.020(4)(b))
4 Hit and Run with Vessel--Injury
5 Accident (RCW 79A.60.200(3))
6 Identity Theft 1 (RCW 9.35.020(2))
7 Indecent Exposure to Person Under
8 Age Fourteen (subsequent sex
9 offense) (RCW 9A.88.010)
10 Influencing Outcome of Sporting Event
11 (RCW 9A.82.070)
12 Malicious Harassment (RCW
13 9A.36.080)
14 Possession of Depictions of a Minor
15 Engaged in Sexually Explicit
16 Conduct 2 (RCW 9.68(~~A~~))
17 A.070(2))
18 Residential Burglary (RCW
19 9A.52.025)
20 Robbery 2 (RCW 9A.56.210)
21 Theft of Livestock 1 (RCW 9A.56.080)
22 Threats to Bomb (RCW 9.61.160)
23 Trafficking in Stolen Property 1 (RCW
24 9A.82.050)
25 Unlawful factoring of a credit card or
26 payment card transaction (RCW
27 9A.56.290(4)(b))
28 Unlawful transaction of health
29 coverage as a health care service
30 contractor (RCW 48.44.016(3))
31 Unlawful transaction of health
32 coverage as a health maintenance
33 organization (RCW 48.46.033(3))
34 Unlawful transaction of insurance
35 business (RCW 48.15.023(3))
36 Unlicensed practice as an insurance
37 professional (RCW 48.17.063(2))

1 Use of Proceeds of Criminal
2 Profiteering (RCW 9A.82.080 (1)
3 and (2))
4 Vehicular Assault, by being under the
5 influence of intoxicating liquor or
6 any drug, or by the operation or
7 driving of a vehicle in a reckless
8 manner (RCW 46.61.522)
9 Viewing of Depictions of a Minor
10 Engaged in Sexually Explicit
11 Conduct 1 (RCW 9.68A.075(1))
12 Willful Failure to Return from
13 Furlough (RCW 72.66.060)
14 III Animal Cruelty 1 (Sexual Conduct or
15 Contact) (RCW 16.52.205(3))
16 Assault 3 (Except Assault 3 of a Peace
17 Officer With a Projectile Stun
18 Gun) (RCW 9A.36.031 except
19 subsection (1)(h))
20 Assault of a Child 3 (RCW 9A.36.140)
21 Bail Jumping with class B or C Felony
22 (RCW 9A.76.170(3)(c))
23 Burglary 2 (RCW 9A.52.030)
24 Communication with a Minor for
25 Immoral Purposes (RCW
26 9.68A.090)
27 Criminal Gang Intimidation (RCW
28 9A.46.120)
29 Custodial Assault (RCW 9A.36.100)
30 Cyberstalking (subsequent conviction
31 or threat of death) (RCW
32 9.61.260(3))
33 Escape 2 (RCW 9A.76.120)
34 Extortion 2 (RCW 9A.56.130)
35 Harassment (RCW 9A.46.020)
36 Intimidating a Public Servant (RCW
37 9A.76.180)

1 Introducing Contraband 2 (RCW
2 9A.76.150)
3 Malicious Injury to Railroad Property
4 (RCW 81.60.070)
5 Mortgage Fraud (RCW 19.144.080)
6 Negligently Causing Substantial Bodily
7 Harm By Use of a Signal
8 Preemption Device (RCW
9 46.37.674)
10 Organized Retail Theft 1 (RCW
11 9A.56.350(2))
12 Perjury 2 (RCW 9A.72.030)
13 Possession of Incendiary Device (RCW
14 9.40.120)
15 Possession of Machine Gun or Short-
16 Barreled Shotgun or Rifle (RCW
17 9.41.190)
18 Promoting Prostitution 2 (RCW
19 9A.88.080)
20 Retail Theft with Extenuating
21 Circumstances 1 (RCW
22 9A.56.360(2))
23 Securities Act violation (RCW
24 21.20.400)
25 Tampering with a Witness (RCW
26 9A.72.120)
27 Telephone Harassment (subsequent
28 conviction or threat of death)
29 (RCW 9.61.230(2))
30 Theft of Livestock 2 (RCW 9A.56.083)
31 Theft with the Intent to Resell 1 (RCW
32 9A.56.340(2))
33 Trafficking in Stolen Property 2 (RCW
34 9A.82.055)
35 Unlawful Hunting of Big Game 1
36 (RCW 77.15.410(3)(b))

1 Unlawful Imprisonment (RCW
2 9A.40.040)
3 Unlawful possession of firearm in the
4 second degree (RCW 9A.41.040(2))
5 Unlawful Taking of Endangered Fish
6 or Wildlife 1 (RCW
7 77.15.120(3)(b))
8 Unlawful Trafficking in Fish, Shellfish,
9 or Wildlife 1 (RCW
10 77.15.260(3)(b))
11 Unlawful Use of a Nondesignated
12 Vessel (RCW 77.15.530(4))
13 Vehicular Assault, by the operation or
14 driving of a vehicle with disregard
15 for the safety of others (RCW
16 46.61.522)
17 Willful Failure to Return from Work
18 Release (RCW 72.65.070)
19 II Commercial Fishing Without a License
20 1 (RCW 77.15.500(3)(b))
21 Computer Trespass 1 (RCW
22 9A.52.110)
23 Counterfeiting (RCW 9.16.035(3))
24 Engaging in Fish Dealing Activity
25 Unlicensed 1 (RCW 77.15.620(3))
26 Escape from Community Custody
27 (RCW 72.09.310)
28 Failure to Register as a Sex Offender
29 (second or subsequent offense)
30 ((~~RCW 9A.44.130(1)(a))~~)
31 (RCW 9A.44.132(1)(b))
32 Health Care False Claims (RCW
33 48.80.030)
34 Identity Theft 2 (RCW 9.35.020(3))
35 Improperly Obtaining Financial
36 Information (RCW 9.35.010)

1 Malicious Mischief 1 (RCW
2 9A.48.070)
3 Organized Retail Theft 2 (RCW
4 9A.56.350(3))
5 Possession of Stolen Property 1 (RCW
6 9A.56.150)
7 Possession of a Stolen Vehicle (RCW
8 9A.56.068)
9 Retail Theft with Extenuating
10 Circumstances 2 (RCW
11 9A.56.360(3))
12 Theft 1 (RCW 9A.56.030)
13 Theft of a Motor Vehicle (RCW
14 9A.56.065)
15 Theft of Rental, Leased, or Lease-
16 purchased Property (valued at one
17 thousand five hundred dollars or
18 more) (RCW 9A.56.096(5)(a))
19 Theft with the Intent to Resell 2 (RCW
20 9A.56.340(3))
21 Trafficking in Insurance Claims (RCW
22 48.30A.015)
23 Unlawful factoring of a credit card or
24 payment card transaction (RCW
25 9A.56.290(4)(a))
26 Unlawful Participation of Non-Indians
27 in Indian Fishery (RCW
28 77.15.570(2))
29 Unlawful Practice of Law (RCW
30 2.48.180)
31 Unlicensed Practice of a Profession or
32 Business (RCW 18.130.190(7))
33 Unlawful Purchase or Use of a License
34 (RCW 77.15.650(3)(b))
35 Unlawful Trafficking in Fish, Shellfish,
36 or Wildlife 2 (RCW
37 77.15.260(3)(a))

1 Voyeurism (RCW 9A.44.115)
2 I Attempting to Elude a Pursuing Police
3 Vehicle (RCW 46.61.024)
4 False Verification for Welfare (RCW
5 74.08.055)
6 Forgery (RCW 9A.60.020)
7 Fraudulent Creation or Revocation of a
8 Mental Health Advance Directive
9 (RCW 9A.60.060)
10 Malicious Mischief 2 (RCW
11 9A.48.080)
12 Mineral Trespass (RCW 78.44.330)
13 Possession of Stolen Property 2 (RCW
14 9A.56.160)
15 Reckless Burning 1 (RCW 9A.48.040)
16 Spotlighting Big Game 1 (RCW
17 77.15.450(3)(b))
18 Suspension of Department Privileges 1
19 (RCW 77.15.670(3)(b))
20 Taking Motor Vehicle Without
21 Permission 2 (RCW 9A.56.075)
22 Theft 2 (RCW 9A.56.040)
23 Theft of Rental, Leased, or Lease-
24 purchased Property (valued at two
25 hundred fifty dollars or more but
26 less than one thousand five
27 hundred dollars) (RCW
28 9A.56.096(5)(b))
29 Transaction of insurance business
30 beyond the scope of licensure
31 (RCW 48.17.063)
32 Unlawful Fish and Shellfish Catch
33 Accounting (RCW
34 77.15.630(3)(b))
35 Unlawful Issuance of Checks or Drafts
36 (RCW 9A.56.060)

1 Unlawful Possession of Fictitious
2 Identification (RCW 9A.56.320)
3 Unlawful Possession of Instruments of
4 Financial Fraud (RCW 9A.56.320)
5 Unlawful Possession of Payment
6 Instruments (RCW 9A.56.320)
7 Unlawful Possession of a Personal
8 Identification Device (RCW
9 9A.56.320)
10 Unlawful Production of Payment
11 Instruments (RCW 9A.56.320)
12 Unlawful Release of Deleterious Exotic
13 Wildlife (RCW 77.15.250(2)(b))
14 Unlawful Trafficking in Food Stamps
15 (RCW 9.91.142)
16 Unlawful Use of Food Stamps (RCW
17 9.91.144)
18 Unlawful Use of Net to Take Fish 1
19 (RCW 77.15.580(3)(b))
20 Unlawful Use of Prohibited Aquatic
21 Animal Species (RCW
22 77.15.253(3))
23 Vehicle Prowl 1 (RCW 9A.52.095)
24 Violating Commercial Fishing Area or
25 Time 1 (RCW 77.15.550(3)(b))

26 **Sec. 3.** RCW 77.08.010 and 2011 c 324 s 3 are each reenacted and
27 amended to read as follows:

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

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

34 (2) "Aquatic invasive species" means any invasive, prohibited,
35 regulated, unregulated, or unlisted aquatic animal or plant species as
36 defined under subsections (3), (28), (40), (44), (60), and (61) of this

1 section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c),
2 and aquatic nuisance species as defined under RCW 77.60.130(1).

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (16) "Ex officio fish and wildlife officer" means (~~a commissioned~~
38 ~~officer of a municipal, county, state, or federal agency having as its~~

~~primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions)):~~

(a) A commissioned officer of a municipal, county, or state agency having as its primary function the enforcement of criminal laws in general, while the officer is acting in the respective jurisdiction of that agency;

(b) An officer or special agent commissioned by one of the following: The national marine fisheries service; the Washington state parks and recreation commission; the United States fish and wildlife service; the Washington state department of natural resources; the United States forest service; or the United States parks service, if the agent or officer is in the respective jurisdiction of the primary commissioning agency and is acting under a mutual law enforcement assistance agreement between the department and the primary commissioning agency;

(c) A commissioned fish and wildlife peace officer from another state who meets the training standards set by the Washington state criminal justice training commission pursuant to RCW 10.93.090, 43.101.080, and 43.101.200, and who is acting under a mutual law enforcement assistance agreement between the department and the primary commissioning agency; or

(d) A Washington state tribal police officer who successfully completes the requirements set forth under RCW 43.101.157, is employed by a tribal nation that has complied with RCW 10.92.020(2) (a) and (b), and is acting under a mutual law enforcement assistance agreement between the department and the tribal government.

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

(18) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and

1 rules adopted pursuant to this title, and other statutes as prescribed
2 by the legislature. Fish and wildlife officer includes a person
3 commissioned before June 11, 1998, as a wildlife agent or a fisheries
4 patrol officer.

5 (19) "Fish broker" means a person whose business it is to bring a
6 seller of fish and shellfish and a purchaser of those fish and
7 shellfish together.

8 (20) "Fishery" means the taking of one or more particular species
9 of fish or shellfish with particular gear in a particular geographical
10 area.

11 (21) "Freshwater" means all waters not defined as saltwater
12 including, but not limited to, rivers upstream of the river mouth,
13 lakes, ponds, and reservoirs.

14 (22) "Fur-bearing animals" means game animals that shall not be
15 trapped except as authorized by the commission.

16 (23) "Game animals" means wild animals that shall not be hunted
17 except as authorized by the commission.

18 (24) "Game birds" means wild birds that shall not be hunted except
19 as authorized by the commission.

20 (25) "Game farm" means property on which wildlife is held ~~((or))~~,
21 confined, propagated, hatched, fed, or otherwise raised for commercial
22 purposes, trade, or gift. The term "game farm" does not include
23 publicly owned facilities.

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

26 (27) "Illegal items" means those items unlawful to be possessed.

27 (28) "Invasive species" means a plant species or a nonnative animal
28 species that either:

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

31 (b) Threatens or may threaten natural resources or their use in the
32 state;

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

35 (d) Threatens or harms human health.

36 (29) "License year" means the period of time for which a
37 recreational license is valid. The license year begins April 1st, and
38 ends March 31st.

1 (30) "Limited-entry license" means a license subject to a license
2 limitation program established in chapter 77.70 RCW.

3 (31) "Money" means all currency, script, personal checks, money
4 orders, or other negotiable instruments.

5 (32) "Nonresident" means a person who has not fulfilled the
6 qualifications of a resident.

7 (33) "Offshore waters" means marine waters of the Pacific Ocean
8 outside the territorial boundaries of the state, including the marine
9 waters of other states and countries.

10 (34) "Open season" means those times, manners of taking, and places
11 or waters established by rule of the commission for the lawful hunting,
12 fishing, taking, or possession of game animals, game birds, game fish,
13 food fish, or shellfish that conform to the special restrictions or
14 physical descriptions established by rule of the commission or that
15 have otherwise been deemed legal to hunt, fish, take, harvest, or
16 possess by rule of the commission. "Open season" includes the first
17 and last days of the established time.

18 (35) "Owner" means the person in whom is vested the ownership
19 dominion, or title of the property.

20 (36) "Person" means and includes an individual; a corporation; a
21 public or private entity or organization; a local, state, or federal
22 agency; all business organizations, including corporations and
23 partnerships; or a group of two or more individuals acting with a
24 common purpose whether acting in an individual, representative, or
25 official capacity.

26 (37) "Personal property" or "property" includes both corporeal and
27 incorporeal personal property and includes, among other property,
28 contraband and money.

29 (38) "Personal use" means for the private use of the individual
30 taking the fish or shellfish and not for sale or barter.

31 (39) "Predatory birds" means wild birds that may be hunted
32 throughout the year as authorized by the commission.

33 (40) "Prohibited aquatic animal species" means an invasive species
34 of the animal kingdom that has been classified as a prohibited aquatic
35 animal species by the commission.

36 (41) "Protected wildlife" means wildlife designated by the
37 commission that shall not be hunted or fished.

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

6 (43) "Recreational and commercial watercraft" includes the boat, as
7 well as equipment used to transport the boat, and any auxiliary
8 equipment such as attached or detached outboard motors.

9 (44) "Regulated aquatic animal species" means a potentially
10 invasive species of the animal kingdom that has been classified as a
11 regulated aquatic animal species by the commission.

12 (45) "Resident" (~~means:~~

13 ~~(a) A person who has maintained a permanent place of abode within~~
14 ~~the state for at least ninety days immediately preceding an application~~
15 ~~for a license, has established by formal evidence an intent to continue~~
16 ~~residing within the state, and who is not licensed to hunt or fish as~~
17 ~~a resident in another state; and~~

18 ~~(b) A person age eighteen or younger who does not qualify as a~~
19 ~~resident under (a) of this subsection, but who has a parent that~~
20 ~~qualifies as a resident under (a) of this subsection)) has the same~~
21 ~~meaning as defined in section 4 of this act.~~

22 (46) "Retail-eligible species" means commercially harvested salmon,
23 crab, and sturgeon.

24 (47) "Saltwater" means those marine waters seaward of river mouths.

25 (48) "Seaweed" means marine aquatic plant species that are
26 dependent upon the marine aquatic or tidal environment, and exist in
27 either an attached or free floating form, and includes but is not
28 limited to marine aquatic plants in the classes Chlorophyta,
29 Phaeophyta, and Rhodophyta.

30 (49) "Senior" means a person seventy years old or older.

31 (50) "Shark fin" means a raw, dried, or otherwise processed
32 detached fin or tail of a shark.

33 (51)(a) "Shark fin derivative product" means any product intended
34 for use by humans or animals that is derived in whole or in part from
35 shark fins or shark fin cartilage.

36 (b) "Shark fin derivative product" does not include a drug approved
37 by the United States food and drug administration and available by

1 prescription only or medical device or vaccine approved by the United
2 States food and drug administration.

3 (52) "Shellfish" means those species of marine and freshwater
4 invertebrates that have been classified and that shall not be taken
5 except as authorized by rule of the commission. The term "shellfish"
6 includes all stages of development and the bodily parts of shellfish
7 species.

8 (53) "State waters" means all marine waters and fresh waters within
9 ordinary high water lines and within the territorial boundaries of the
10 state.

11 (54) "To fish," "to harvest," and "to take," and their derivatives
12 means an effort to kill, injure, harass, or catch a fish or shellfish.

13 (55) "To hunt" and its derivatives means an effort to kill, injure,
14 capture, or harass a wild animal or wild bird.

15 (56) "To process" and its derivatives mean preparing or preserving
16 fish, wildlife, or shellfish.

17 (57) "To trap" and its derivatives means a method of hunting using
18 devices to capture wild animals or wild birds.

19 (58) "Trafficking" means offering, attempting to engage, or
20 engaging in sale, barter, or purchase of fish, shellfish, wildlife, or
21 deleterious exotic wildlife.

22 (59) "Unclaimed" means that no owner of the property has been
23 identified or has requested, in writing, the release of the property to
24 themselves nor has the owner of the property designated an individual
25 to receive the property or paid the required postage to effect delivery
26 of the property.

27 (60) "Unlisted aquatic animal species" means a nonnative animal
28 species that has not been classified as a prohibited aquatic animal
29 species, a regulated aquatic animal species, or an unregulated aquatic
30 animal species by the commission.

31 (61) "Unregulated aquatic animal species" means a nonnative animal
32 species that has been classified as an unregulated aquatic animal
33 species by the commission.

34 (62) "Wholesale fish dealer" means a person who, acting for
35 commercial purposes, takes possession or ownership of fish or shellfish
36 and sells, barter, or exchanges or attempts to sell, barter, or
37 exchange fish or shellfish that have been landed into the state of

1 Washington or entered the state of Washington in interstate or foreign
2 commerce.

3 (63) "Wild animals" means those species of the class Mammalia whose
4 members exist in Washington in a wild state (~~and the species Rana~~
5 ~~eatesbeiana (bullfrog)~~). The term "wild animal" does not include
6 feral domestic mammals or old world rats and mice of the family Muridae
7 of the order Rodentia.

8 (64) "Wild birds" means those species of the class Aves whose
9 members exist in Washington in a wild state.

10 (65) "Wildlife" means all species of the animal kingdom whose
11 members exist in Washington in a wild state. This includes but is not
12 limited to mammals, birds, reptiles, amphibians, fish, and
13 invertebrates. The term "wildlife" does not include feral domestic
14 mammals, old world rats and mice of the family Muridae of the order
15 Rodentia, or those fish, shellfish, and marine invertebrates classified
16 as food fish or shellfish by the director. The term "wildlife"
17 includes all stages of development and the bodily parts of wildlife
18 members.

19 (66) "Youth" means a person fifteen years old for fishing and under
20 sixteen years old for hunting.

21 (67) "Anadromous game fish buyer" means a person who purchases or
22 sells steelhead trout and other anadromous game fish harvested by
23 Indian fishers lawfully exercising fishing rights reserved by federal
24 statute, treaty, or executive order, under conditions prescribed by
25 rule of the director.

26 (68) "Fish buyer" means a person engaged by a wholesale fish dealer
27 to purchase food fish or shellfish from a licensed commercial fisher.

28 (69) "Fur dealer" means a person who purchases, receives, or
29 resells raw furs for commercial purposes.

30 (70) "Natural person" means a human being.

31 (71) "Taxidermist" means a person who, for commercial purposes,
32 creates lifelike representations of fish and wildlife using fish and
33 wildlife parts and various supporting structures.

34 (72) "Wildlife meat cutter" means a person who packs, cuts,
35 processes, or stores wildlife for consumption for another for
36 commercial purposes.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 77.08 RCW
2 to read as follows:

3 For the purposes of this title or rules adopted under this title,
4 "resident" means:

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

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

13 (b) A natural person can demonstrate that the person has maintained
14 a permanent place of abode in Washington by showing that the person:

15 (i) Uses a Washington state address for federal income tax or state
16 tax purposes;

17 (ii) Designates this state as the person's residence for obtaining
18 eligibility to hold a public office or for judicial actions;

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

20 (iv) Is a custodial parent with a child attending prekindergarten,
21 kindergarten, elementary school, middle school, or high school in this
22 state.

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

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

26 (ii) Has a valid Washington state identification card, if the
27 person is not eligible for a Washington state driver's license; and

28 (iii) Has registered the person's vehicle or vehicles in Washington
29 state.

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

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

1 (4) A member of the United States armed forces who is permanently
2 stationed in Washington state or who designates Washington state on
3 their military "state of legal residence certificate" or enlistment or
4 re-enlistment documents. A copy of the person's "state of legal
5 residence certificate" or enlistment or re-enlistment documents is
6 required to meet the conditions of this subsection.

7 **Sec. 5.** RCW 77.15.030 and 1999 c 258 s 1 are each amended to read
8 as follows:

9 Except as provided in RCW 77.15.260(2)(b), where it is unlawful to
10 hunt, take, fish, possess, or traffic in big game or protected or
11 endangered fish or wildlife, then each individual animal unlawfully
12 taken or possessed is a separate offense.

13 **Sec. 6.** RCW 77.15.050 and 2009 c 333 s 1 are each amended to read
14 as follows:

15 (1) Unless the context clearly requires otherwise, as used in this
16 chapter, "conviction" means(~~(+~~

17 ~~(a+))~~ a final conviction in a state or municipal court(~~(+~~

18 ~~(b) A failure to appear at a hearing to contest an infraction or~~
19 ~~criminal citation; or~~

20 ~~(c) An unvacated forfeiture of bail paid as a final disposition for~~
21 ~~an offense)).~~

22 (2) A plea of guilty(~~(r)~~) or a finding of guilt for a violation of
23 this title or department rule (~~(of the commission or director)~~)
24 constitutes a conviction regardless of whether the imposition of
25 sentence is deferred or the penalty is suspended.

26 **Sec. 7.** RCW 77.15.075 and 2009 c 204 s 1 are each amended to read
27 as follows:

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

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

16 ~~(2) Fish and wildlife officers are peace officers))~~ Before a person
17 may be appointed to act as a fish and wildlife officer, the person
18 shall meet the minimum standards for employment with the department,
19 including successful completion of a psychological examination and
20 polygraph examination or similar assessment procedure administered in
21 accordance with the requirements of RCW 43.101.095(2).

22 (3) Any liability or claim of liability under chapter 4.92 RCW that
23 arises out of the exercise or alleged exercise of authority by a fish
24 and wildlife officer rests with the department unless the fish and
25 wildlife officer acts under the direction and control of another agency
26 or unless the liability is otherwise assumed under an agreement between
27 the department and another agency.

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

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

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

34 (1) Based upon articulable facts that a person is engaged in
35 fishing, harvesting, or hunting activities, fish and wildlife officers
36 and ex officio fish and wildlife officers have the authority to
37 temporarily stop the person and check for valid licenses, tags,

1 permits, stamps, or catch record cards, and to inspect all fish,
2 shellfish, seaweed, and wildlife in possession as well as the equipment
3 being used to ensure compliance with the requirements of this title(~~(,~~
4 ~~and~~)). Fish and wildlife officers and ex officio fish and wildlife
5 officers also may request that the person (~~(to)~~) write his or her
6 signature for comparison with the signature on (~~(the)~~) his or her
7 fishing, harvesting, or hunting license. Failure to comply with the
8 request is prima facie evidence that the person is not the person named
9 on the license. (~~For licenses purchased over the internet or~~
10 ~~telephone,~~) Fish and wildlife officers may require the person, if age
11 (~~(eighteen)~~) sixteen or older, to exhibit a driver's license or other
12 photo identification.

13 (2) Based upon articulable facts that a person is transporting a
14 prohibited aquatic animal species or any aquatic plant, fish and
15 wildlife officers and ex officio fish and wildlife officers have the
16 authority to temporarily stop the person and inspect the watercraft to
17 ensure that the watercraft and associated equipment are not
18 transporting prohibited aquatic animal species or aquatic plants.

19 **Sec. 9.** RCW 77.15.100 and 2009 c 333 s 39 are each amended to read
20 as follows:

21 (1) (~~Unless otherwise provided in this title,~~) Fish, shellfish,
22 (~~or wildlife unlawfully taken or possessed, or involved in a violation~~
23 ~~shall be forfeited to the state upon conviction. Unless already held~~
24 ~~by, sold, destroyed, or disposed of by the department, the court shall~~
25 ~~order such fish or wildlife to be delivered to the department. Where~~
26 ~~delay will cause loss to the value of the property and a ready~~
27 ~~wholesale buying market exists, the department may sell property to a~~
28 ~~wholesale buyer at a fair market value.~~

29 (2) ~~When seized property is forfeited to the department, the~~
30 ~~department may retain it for official use unless the property is~~
31 ~~required to be destroyed, or upon application by any law enforcement~~
32 ~~agency of the state, release the property to the agency for the use of~~
33 ~~enforcing this title, or sell such property and deposit the proceeds~~
34 ~~into the fish and wildlife enforcement reward account established under~~
35 ~~RCW 77.15.425. Any sale of other property shall be at public auction~~
36 ~~or after public advertisement reasonably designed to obtain the highest~~
37 ~~price. The time, place, and manner of holding the sale shall be~~

1 ~~determined by the director. The director may contract for the sale to~~
2 ~~be through the department of general administration as state surplus~~
3 ~~property, or, except where not justifiable by the value of the~~
4 ~~property, the director shall publish notice of the sale once a week for~~
5 ~~at least two consecutive weeks before the sale in at least one~~
6 ~~newspaper of general circulation in the county in which the sale is to~~
7 ~~be held)) and wildlife are property of the state under RCW 77.04.012.~~
8 Fish and wildlife officers may sell seized, commercially harvested fish
9 and shellfish to a wholesale buyer and deposit the proceeds into the
10 fish and wildlife enforcement reward account under RCW 77.15.425.
11 Seized, recreationally harvested fish, shellfish, and wildlife may be
12 donated to nonprofit charitable organizations. The charitable
13 organization must qualify for tax-exempt status under 26 U.S.C. Sec.
14 501(c)(3) of the federal internal revenue code.

15 (2) Unless otherwise provided in this title, fish, shellfish, or
16 wildlife taken, possessed, or harvested in violation of this title or
17 department rule shall be forfeited to the state upon conviction or any
18 outcome in criminal court whereby a person voluntarily enters into a
19 disposition that continues or defers the case for dismissal upon the
20 successful completion of specific terms or conditions. For criminal
21 cases resulting in other types of dispositions, the fish, shellfish, or
22 wildlife may be returned, or its equivalent value paid, if the fish,
23 shellfish, or wildlife have already been donated or sold.

24 NEW SECTION. Sec. 10. A new section is added to chapter 77.15 RCW
25 to read as follows:

26 (1) A person is guilty of unlawfully hunting on, or retrieving
27 hunted wildlife from, the property of another if the person knowingly
28 enters or remains unlawfully in or on the premises of another for the
29 purpose of hunting for wildlife or retrieving hunted wildlife.

30 (2) In any prosecution under this section, it is a defense that:

31 (a) The premises were at the time open to members of the public for
32 the purpose of hunting, and the actor complied with all lawful
33 conditions imposed on access to or remaining on the premises;

34 (b) The actor reasonably believed that the owner of the premises,
35 or other person empowered to license access thereto, would have
36 licensed him or her to enter or remain on the premises for the purpose
37 of hunting or retrieving hunted wildlife; or

1 (c) The actor reasonably believed that the premises were not
2 privately owned.

3 (3) Unlawfully hunting on or retrieving hunted wildlife from the
4 property of another is a misdemeanor.

5 (4) If a person unlawfully hunts and kills wildlife, or retrieves
6 hunted wildlife that he or she has killed, on the property of another,
7 then, upon conviction of unlawfully hunting on, or retrieving hunted
8 wildlife from, the property of another, the department shall revoke all
9 hunting licenses and tags and order a suspension of the person's
10 hunting privileges for two years.

11 (5) Any wildlife that is unlawfully hunted on or retrieved from the
12 property of another must be seized by fish and wildlife officers.
13 Forfeiture and disposition of the wildlife is pursuant to RCW
14 77.15.100.

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

17 When seized property, other than fish, shellfish, and wildlife, is
18 judicially forfeited to the department, the department may: (1) Retain
19 it for official use unless the property is required to be destroyed;
20 (2) upon application by any law enforcement agency of the state,
21 release the property to the agency for use in enforcing this title; (3)
22 donate the property as provided under RCW 77.130.060; or (4) sell the
23 property and deposit the proceeds into the fish and wildlife
24 enforcement reward account created in RCW 77.15.425. Any sale of the
25 property must be done in accordance with RCW 77.130.010(1) and
26 77.130.020. However, the requirement in those sections for notice to
27 owners does not apply.

28 **Sec. 12.** RCW 77.15.110 and 2002 c 127 s 2 are each amended to read
29 as follows:

30 (1) For purposes of this chapter, a person acts for commercial
31 purposes if the person engages in conduct that relates to commerce in
32 fish, seaweed, shellfish, or wildlife or any parts thereof. Commercial
33 conduct may include taking, delivering, selling, buying, or trading
34 fish, seaweed, shellfish, or wildlife where there is present or future
35 exchange of money, goods, or any valuable consideration. Evidence that

1 a person acts for commercial purposes includes, but is not limited to,
2 the following conduct:

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

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

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

10 (d) Taking fish or shellfish using a vessel designated on a
11 commercial fishery license or using gear not authorized in a personal
12 use fishery;

13 (e) Using a commercial fishery license;

14 (f) Selling or dealing in raw furs for a fee or in exchange for
15 goods or services; ((or))

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

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

21 (2) For purposes of this chapter, the value of any fish, seaweed,
22 shellfish, or wildlife may be proved based on evidence of legal or
23 illegal sales involving the person charged or any other person, of
24 offers to sell or solicitation of offers to sell by the person charged
25 or by any other person, or of any market price for the fish, seaweed,
26 shellfish, or wildlife including market price for farm-raised game
27 animals. The value assigned to specific fish, seaweed, shellfish, or
28 wildlife by RCW 77.15.420 may be presumed to be the value of such fish,
29 seaweed, shellfish, or wildlife. It is not relevant to proof of value
30 that the person charged misrepresented that the fish, seaweed,
31 shellfish, or wildlife was taken in compliance with law if the fish,
32 seaweed, shellfish, or wildlife was unlawfully taken and had no lawful
33 market value.

34 **Sec. 13.** RCW 77.15.130 and 1998 c 190 s 14 are each amended to
35 read as follows:

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

1 (a) The person hunts, fishes, possesses, or maliciously kills
2 protected fish or wildlife, or the person possesses or maliciously
3 destroys the eggs or nests of protected fish or wildlife, and the
4 taking has not been authorized by rule of the commission; or

5 (b) The person violates any rule of the commission regarding the
6 taking, harming, harassment, possession, or transport of protected fish
7 or wildlife.

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

9 (3) In addition to the penalties set forth in subsection (2) of
10 this section, if a person is convicted of violating this section and
11 the violation results in the death of protected wildlife listed in this
12 subsection, the court shall require payment of the following amounts
13 for each animal killed or possessed. This is a criminal wildlife
14 penalty assessment that must be paid to the clerk of the court and
15 distributed each month to the state treasurer for deposit in the fish
16 and wildlife enforcement reward account created in RCW 77.15.425:

17 (a) Ferruginous hawk, two thousand dollars;

18 (b) Common loon, two thousand dollars;

19 (c) Bald eagle, two thousand dollars;

20 (d) Golden eagle, two thousand dollars; and

21 (e) Peregrine falcon, two thousand dollars.

22 (4) If two or more persons are convicted under subsection (1) of
23 this section, and subsection (3) of this section is applicable, the
24 criminal wildlife penalty assessment must be imposed against the
25 persons jointly and separately.

26 (5)(a) The criminal wildlife penalty assessment under subsection
27 (3) of this section must be imposed regardless of and in addition to
28 any sentence, fines, or costs otherwise provided for violating any
29 provision of this section. The criminal wildlife penalty assessment
30 must be included by the court in any pronouncement of sentence and may
31 not be suspended, waived, modified, or deferred in any respect.

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

35 (6) A defaulted criminal wildlife penalty assessment authorized
36 under subsection (3) of this section may be collected by any means
37 authorized by law for the enforcement of orders of the court or

1 collection of a fine or costs, including but not limited to vacation of
2 a deferral of sentencing or vacation of a suspension of sentence.

3 (7) The department shall revoke the hunting license and suspend the
4 hunting privileges of a person assessed a criminal wildlife penalty
5 assessment under this section until the penalty assessment is paid
6 through the registry of the court in which the penalty assessment was
7 assessed.

8 (8) The criminal wildlife penalty assessments provided in
9 subsection (3) of this section must be doubled in the following
10 instances:

11 (a) When a person commits a violation that requires payment of a
12 criminal wildlife penalty assessment within five years of a prior gross
13 misdemeanor or felony conviction under this title; or

14 (b) When the person killed the protected wildlife in question with
15 the intent of bartering, selling, or otherwise deriving economic profit
16 from the wildlife or wildlife parts.

17 **Sec. 14.** RCW 77.15.160 and 2000 c 107 s 237 are each amended to
18 read as follows:

19 ~~((A person is guilty of an infraction, which shall))~~ The following
20 acts are infractions and must be cited and punished as provided under
21 chapter 7.84 RCW(, if the person)):

22 ~~(1) ((Fails to immediately record a catch of fish or shellfish on~~
23 ~~a catch record card required by RCW 77.32.430, or required by rule of~~
24 ~~the commission under this title; or~~

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

27 ~~(3) Violates any other rule of the commission or director that is~~
28 ~~designated by rule as an infraction))~~ Fishing and shellfishing
29 infractions:

30 (a) Barbed hooks: Fishing for personal use with barbed hooks in
31 violation of any department rule.

32 (b) Catch recording: Failing to immediately record a catch of
33 fish or shellfish on a catch record card as required by RCW 77.32.430
34 or department rule.

35 (c) Catch reporting: Failing to return a catch record card to the
36 department for other than Puget Sound Dungeness crab, as required by
37 department rule.

1 (d) Recreational fishing: Fishing for fish or shellfish and,
2 without yet possessing fish or shellfish, the person:

3 (i) Owns, but fails to have in the person's possession the license
4 or the catch record card required by chapter 77.32 RCW for such an
5 activity; or

6 (ii) Violates any department rule regarding seasons, closed areas,
7 closed times, or any other rule addressing the manner or method of
8 fishing for fish or shellfish. This subsection does not apply to use
9 of a net to take fish under RCW 77.15.580 or the unlawful use of
10 shellfish gear for personal use under RCW 77.15.382.

11 (e) Seaweed: Taking, possessing, or harvesting less than two times
12 the daily possession limit of seaweed:

13 (i) While owning, but not having in the person's possession, the
14 license required by chapter 77.32 RCW; or

15 (ii) In violation of any rule of the department or the department
16 of natural resources regarding seasons, closed areas, closed times, or
17 any other rule addressing the manner or method of taking, possessing,
18 or harvesting of seaweed.

19 (f) Unclassified fish or shellfish: Taking unclassified fish or
20 shellfish in violation of any department rule by killing, fishing,
21 taking, holding, possessing, or maliciously injuring or harming fish or
22 shellfish that is not classified as game fish, food fish, shellfish,
23 protected fish, or endangered fish.

24 (g) Wasting fish or shellfish: Killing, taking, or possessing fish
25 or shellfish having a value of less than two hundred fifty dollars and
26 allowing the fish or shellfish to be wasted.

27 (2) Hunting infractions:

28 (a) Eggs or nests: Maliciously, and without permit authorization,
29 destroying, taking, or harming the eggs or nests of a wild bird.

30 (b) Unclassified wildlife: Taking unclassified wildlife in
31 violation of any department rule by killing, hunting, taking, holding,
32 possessing, or maliciously injuring or harming wildlife that is not
33 classified as big game, game animals, game birds, protected wildlife,
34 or endangered wildlife.

35 (c) Wasting wildlife: Killing, taking, or possessing wildlife that
36 is not classified as big game and has a value of less than two hundred
37 fifty dollars, and allowing the wildlife to be wasted.

1 (d) Wild animals: Hunting for wild animals not classified as big
2 game and, without yet possessing the wild animals, the person owns, but
3 fails to have in the person's possession, all licenses, tags, or
4 permits required by this title.

5 (e) Wild birds: Hunting for and, without yet possessing a wild
6 bird or birds, the person:

7 (i) Owns, but fails to have in the person's possession, all
8 licenses, tags, stamps, and permits required under this title; or

9 (ii) Violates any department rule regarding seasons, closed areas,
10 closed times, or any other rule addressing the manner or method of
11 hunting wild birds.

12 (3) Trapping, taxidermy, fur dealing, and wildlife meat cutting
13 infractions:

14 (a) Recordkeeping and reporting: If a person is a taxidermist, fur
15 dealer, or wildlife meat cutter who is processing, holding, or storing
16 wildlife for commercial purposes, failing to:

17 (i) Maintain records as required by department rule; or

18 (ii) Report information from these records as required by
19 department rule.

20 (b) Trapper's report: Failing to report trapping activity as
21 required by department rule.

22 (4) Other infractions:

23 (a) Contests: Conducting, holding, or sponsoring a hunting
24 contest, a fishing contest involving game fish, or a competitive field
25 trial using live wildlife.

26 (b) Other rules: Violating any other department rule that is
27 designated by rule as an infraction.

28 (c) Posting signs: Posting signs preventing hunting or fishing on
29 any land not owned or leased by the person doing the posting, or
30 without the permission of the person who owns, leases, or controls the
31 land posted.

32 (d) Scientific permits: Using a scientific permit issued by the
33 director for fish, shellfish, or wildlife, but not including big game
34 or big game parts, and the person:

35 (i) Violates any terms or conditions of the scientific permit; or

36 (ii) Violates any department rule applicable to the issuance or use
37 of scientific permits.

1 (e) Transporting aquatic plants: Transporting aquatic plants on
2 any state or public road, including forest roads. However:

3 (i) This subsection does not apply to plants that are:

4 (A) Being transported to the department or to another destination
5 designated by the director, in a manner designated by the department,
6 for purposes of identifying a species or reporting the presence of a
7 species;

8 (B) Legally obtained for aquarium use, wetland or lakeshore
9 restoration, or ornamental purposes;

10 (C) Located within or on a commercial aquatic plant harvester that
11 is being transported to a suitable location to remove aquatic plants;

12 (D) Being transported in a manner that prevents their unintentional
13 dispersal, to a suitable location for disposal, research, or
14 educational purposes; or

15 (E) Being transported in such a way as the commission may otherwise
16 prescribe; and

17 (ii) This subsection does not apply to a person who:

18 (A) Is stopped at an aquatic invasive species check station and
19 possesses a recreational or commercial watercraft that is contaminated
20 with an aquatic invasive plant species if that person complies with all
21 department directives for the proper decontamination of the watercraft
22 and equipment; or

23 (B) Has voluntarily submitted a recreational or commercial
24 watercraft for inspection by the department or its designee and has
25 received a receipt verifying that the watercraft has not been
26 contaminated since its last use.

27 **Sec. 15.** RCW 77.15.170 and 1999 c 258 s 5 are each amended to read
28 as follows:

29 (1) A person is guilty of waste of fish and wildlife (~~in the~~
30 ~~second degree~~) if:

31 ~~(a) ((The person kills, takes, or possesses fish, shellfish, or~~
32 ~~wildlife and the value of the fish, shellfish, or wildlife is greater~~
33 ~~than twenty dollars but less than two hundred fifty dollars; and~~

34 ~~(b) The person recklessly allows such fish, shellfish, or wildlife~~
35 ~~to be wasted.~~

36 ~~(2) A person is guilty of waste of fish and wildlife in the first~~
37 ~~degree if:~~

1 (a)) The person kills, takes, or possesses fish, shellfish, or
2 wildlife having a value of two hundred fifty dollars or more or
3 wildlife classified as big game; and

4 (b) The person recklessly allows such fish, shellfish, or wildlife
5 to be wasted.

6 ~~((3)(a) Waste of fish and wildlife in the second degree is a~~
7 ~~misdemeanor.~~

8 ~~(b))~~ (2) Waste of fish and wildlife ~~((in the first degree))~~ is a
9 gross misdemeanor. Upon conviction, the department shall revoke any
10 license or tag used in the crime and shall order suspension of the
11 person's privileges to engage in the activity in which the person
12 committed waste of fish and wildlife ~~((in the first degree))~~ for a
13 period of one year.

14 ~~((4))~~ (3) It is prima facie evidence of waste if:

15 (a) A processor purchases or engages a quantity of food fish,
16 shellfish, or game fish that cannot be processed within sixty hours
17 after the food fish, game fish, or shellfish are taken from the water,
18 unless the food fish, game fish, or shellfish are preserved in good
19 marketable condition; or

20 (b) A person brings a big game animal to a wildlife meat cutter and
21 then abandons the animal. For purposes of this subsection (3)(b), a
22 big game animal is deemed to be abandoned when its carcass is placed in
23 the custody of a wildlife meat cutter for butchering and processing
24 and:

25 (i) Having been placed in such custody for an unspecified period of
26 time, the meat is not removed within thirty days after the wildlife
27 meat cutter gives notice to the person who brought in the carcass or,
28 having been so notified, the person who brought in the carcass refuses
29 or fails to pay the agreed upon or reasonable charges for the
30 butchering or processing of the carcass; or

31 (ii) Having been placed in such custody for a specified period of
32 time, the meat is not removed at the end of the specified period or the
33 person who brought in the carcass refuses to pay the agreed upon or
34 reasonable charges for the butchering or processing of the carcass.

35 **Sec. 16.** RCW 77.15.190 and 1999 c 258 s 9 are each amended to read
36 as follows:

37 (1) A person is guilty of unlawful trapping if the person:

1 (a) Sets out traps that are capable of taking wild animals, game
2 animals, or furbearing mammals and does not possess all licenses, tags,
3 or permits required under this title;

4 (b) Violates any department rule (~~(of the commission or director)~~)
5 regarding seasons, bag or possession limits, closed areas including
6 game reserves, closed times, or any other rule governing the trapping
7 of wild animals, with the exception of reporting rules; or

8 (c) Fails to identify the owner of the traps or devices by neither
9 (i) attaching a metal tag with the owner's department-assigned
10 identification number or the name and address of the trapper legibly
11 written in numbers or letters not less than one-eighth inch in height
12 nor (ii) inscribing into the metal of the trap such number or name and
13 address.

14 (2) Unlawful trapping is a misdemeanor.

15 **Sec. 17.** RCW 77.15.240 and 1998 c 190 s 30 are each amended to
16 read as follows:

17 (1) A person is guilty of unlawful use of dogs if the person:

18 (a) Negligently fails to prevent a dog under the person's control
19 from pursuing, harassing, attacking, or (~~(injuring)~~) killing deer, elk,
20 moose, caribou, mountain sheep, or (~~(an)~~) animals classified as
21 endangered under this title; or

22 (b) Uses the dog to hunt deer or elk(~~(; or~~

23 ~~(c) During the closed season for a species of game animal or game
24 bird, negligently fails to prevent the dog from pursuing such animal or
25 destroying the nest of a game bird))~~).

26 (2) For purposes of this section, a dog is "under a person's
27 control" if the dog is owned or possessed by, or in the custody of, a
28 person.

29 (3) Unlawful use of dogs is a misdemeanor. (~~(A dog that is the
30 basis for a violation of this section may be declared a public
31 nuisance.))~~)

32 (4) If a dog is pursuing, harassing, attacking, or killing deer,
33 elk, moose, caribou, mountain sheep, or animals classified as protected
34 or endangered under this title, fish and wildlife officers and ex
35 officio fish and wildlife officers may lawfully destroy the dog if
36 necessary. Fish and wildlife officers and ex officio fish and wildlife

1 officers who destroy a dog pursuant to this section are immune from
2 civil or criminal liability arising from their actions.

3 **Sec. 18.** RCW 77.15.260 and 2001 c 253 s 33 are each amended to
4 read as follows:

5 (1) A person is guilty of unlawful trafficking in fish, shellfish,
6 or wildlife in the second degree if the person traffics in fish,
7 shellfish, or wildlife with a wholesale value of less than two hundred
8 fifty dollars and:

9 (a) The fish or wildlife is classified as game, food fish,
10 shellfish, game fish, or protected wildlife and the trafficking is not
11 authorized by statute or department rule (~~(of the department)~~); or

12 (b) The fish, shellfish, or wildlife is unclassified and the
13 trafficking violates any department rule (~~(of the department)~~).

14 (2)(a) A person is guilty of unlawful trafficking in fish,
15 shellfish, or wildlife in the first degree if the person commits the
16 act described by subsection (1) of this section and:

17 (~~(a)~~) (i) The fish, shellfish, or wildlife has a value of two
18 hundred fifty dollars or more; or

19 (~~(b)~~) (ii) The fish, shellfish, or wildlife is designated as an
20 endangered species or deleterious exotic wildlife and such trafficking
21 is not authorized by any statute or department rule (~~(of the~~
22 ~~department)~~).

23 (b) For purposes of this subsection (2), whenever any series of
24 transactions that constitute unlawful trafficking would, when
25 considered separately, constitute unlawful trafficking in the second
26 degree due to the value of the fish, shellfish, or wildlife, and the
27 series of transactions are part of a common scheme or plan, then the
28 transactions may be aggregated in one count and the sum of the value of
29 all the transactions considered when determining the degree of unlawful
30 trafficking involved.

31 (3)(a) Unlawful trafficking in fish, shellfish, or wildlife in the
32 second degree is a (~~gross misdemeanor~~) class C felony.

33 (b) Unlawful trafficking in fish, shellfish, or wildlife in the
34 first degree is a class (~~C~~) B felony.

35 **Sec. 19.** RCW 77.15.280 and 2008 c 244 s 2 are each amended to read
36 as follows:

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

3 (a) Fails to make a harvest log report of a commercial fish or
4 shellfish catch in violation of any department rule (~~(of the commission~~
5 ~~or the director)~~); or

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

8 ~~(c)~~) Fails to submit any portion of a big game animal for (~~a~~
9 ~~required~~) an inspection as required by department rule (~~(of the~~
10 ~~commission or the director;~~ or

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

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

16 **Sec. 20.** RCW 77.15.290 and 2007 c 350 s 6 are each amended to read
17 as follows:

18 (1) A person is guilty of unlawful transportation of fish or
19 wildlife in the second degree if the person:

20 (a) Knowingly imports, moves within the state, or exports fish,
21 shellfish, or wildlife in violation of any department rule (~~(of the~~
22 ~~commission or the director)~~) governing the transportation or movement
23 of fish, shellfish, or wildlife and the transportation does not involve
24 big game, endangered fish or wildlife, deleterious exotic wildlife, or
25 fish, shellfish, or wildlife having a value greater than two hundred
26 fifty dollars; or

27 (b) Possesses but fails to affix or notch a big game transport tag
28 as required by department rule (~~(of the commission or director)~~).

29 (2) A person is guilty of unlawful transportation of fish or
30 wildlife in the first degree if the person:

31 (a) Knowingly imports, moves within the state, or exports fish,
32 shellfish, or wildlife in violation of any department rule (~~(of the~~
33 ~~commission or the director)~~) governing the transportation or movement
34 of fish, shellfish, or wildlife and the transportation involves big
35 game, endangered fish or wildlife, deleterious exotic wildlife, or
36 fish, shellfish, or wildlife with a value of two hundred fifty dollars
37 or more; or

1 (b) Knowingly transports shellfish, shellstock, or equipment used
2 in commercial culturing, taking, handling, or processing shellfish
3 without a permit required by authority of this title.

4 (3)(a) Unlawful transportation of fish or wildlife in the second
5 degree is a misdemeanor.

6 (b) Unlawful transportation of fish or wildlife in the first degree
7 is a gross misdemeanor.

8 ~~(4) ((A person is guilty of unlawful transport of aquatic plants if
9 the person transports aquatic plants on any state or public road,
10 including forest roads, except as provided in this section.~~

11 ~~(5) Unless otherwise prohibited by law, a person may transport
12 aquatic plants:~~

13 ~~(a) To the department, or to another destination designated by the
14 director, in a manner designated by the department, for purposes of
15 identifying a species or reporting the presence of a species;~~

16 ~~(b) When legally obtained for aquarium use, wetland or lakeshore
17 restoration, or ornamental purposes;~~

18 ~~(c) When transporting a commercial aquatic plant harvester to a
19 suitable location for purposes of removing aquatic plants;~~

20 ~~(d) In a manner that prevents their unintentional dispersal, to a
21 suitable location for disposal, research, or educational purposes; or~~

22 ~~(e) As the commission may otherwise prescribe.~~

23 ~~(6) Unlawful transport of aquatic plants is a misdemeanor.~~

24 ~~(7))~~) This section does not apply to: (a) Any person stopped at an
25 aquatic invasive species check station who possesses a recreational or
26 commercial watercraft that is contaminated with an aquatic invasive
27 species if that person complies with all department directives for the
28 proper decontamination of the watercraft and equipment; or (b) any
29 person who has voluntarily submitted a recreational or commercial
30 watercraft for inspection by the department or its designee and has
31 received a receipt verifying that the watercraft has not been
32 contaminated since its last use.

33 **Sec. 21.** RCW 77.15.370 and 2009 c 333 s 17 are each amended to
34 read as follows:

35 (1) A person is guilty of unlawful recreational fishing in the
36 first degree if:

1 (a) The person takes, possesses, or retains two times or more than
2 the bag limit or possession limit of fish or shellfish allowed by any
3 rule of the director or commission setting the amount of food fish,
4 game fish, or shellfish that can be taken, possessed, or retained for
5 noncommercial use;

6 (b) The person fishes in a fishway;

7 (c) The person shoots, gaffs, snags, snares, spears, dipnets, or
8 stones fish or shellfish in state waters, or possesses fish or
9 shellfish taken by such means, unless such means are authorized by
10 express department rule (~~((of the commission or director))~~);

11 (d) The person fishes for or possesses a fish listed as threatened
12 or endangered in 50 C.F.R. Sec. (~~((17.11-(2002)))~~) 223.102 (2006) or Sec.
13 224.101 (2010), unless fishing for or possession of such fish is
14 specifically allowed under federal or state law; (~~((or))~~)

15 (e) The person possesses a sturgeon measuring in excess of the
16 maximum size limit as established by rules adopted by the department;
17 or

18 (f) The person possesses a salmon or steelhead during a season
19 closed for that species.

20 (2) Unlawful recreational fishing in the first degree is a gross
21 misdemeanor.

22 **Sec. 22.** RCW 77.15.380 and 2010 c 193 s 5 are each amended to read
23 as follows:

24 (1) A person is guilty of unlawful recreational fishing in the
25 second degree if the person fishes for(~~((r))~~) fish or shellfish and,
26 whether or not the person possesses fish or shellfish, the person has
27 not purchased the appropriate fishing or shellfishing license and catch
28 record card issued to Washington residents or nonresidents under
29 chapter 77.32 RCW.

30 (2) A person is guilty of unlawful recreational fishing in the
31 second degree if the person takes, possesses, or harvests fish or
32 shellfish and:

33 (a) The person owns, but does not have (~~((and possess))~~) in the
34 person's possession, the license or the catch record card required by
35 chapter 77.32 RCW for such activity; or

36 (b) The action violates any department rule (~~((of the commission or~~
37 ~~the director))~~) regarding seasons, bag or possession limits but less

1 than two times the bag or possession limit, closed areas, closed times,
2 or any other rule addressing the manner or method of fishing or
3 possession of fish(~~(, except for)~~). This section does not apply to use
4 of a net to take fish ((as provided for in)) under RCW 77.15.580
5 ((and)) or the unlawful use of shellfish gear for personal use ((as
6 provided in)) under RCW 77.15.382.

7 ((+2)) (3) Unlawful recreational fishing in the second degree is
8 a misdemeanor.

9 **Sec. 23.** RCW 77.15.390 and 2001 c 253 s 40 are each amended to
10 read as follows:

11 (1) A person is guilty of unlawful taking of seaweed if the person
12 takes, possesses, or harvests seaweed and:

13 (a) The person (~~(does not have and possess the license required by~~
14 ~~chapter 77.32 RCW for taking seaweed)~~) has not purchased a personal use
15 shellfish and seaweed license issued to Washington residents or
16 nonresidents under chapter 77.32 RCW; or

17 (b) The (~~(action violates any rule of the department or the~~
18 ~~department of natural resources regarding seasons, possession limits,~~
19 ~~closed areas, closed times, or any other rule addressing the manner or~~
20 ~~method of taking, possessing, or harvesting)~~) person takes, possesses,
21 or harvests seaweed in an amount that is two times or more of the daily
22 possession limit of seaweed.

23 (2) Unlawful taking of seaweed is a misdemeanor. This does not
24 affect rights of the state to recover civilly for trespass, conversion,
25 or theft of state-owned valuable materials.

26 **Sec. 24.** RCW 77.15.400 and 2006 c 148 s 1 are each amended to read
27 as follows:

28 (1) A person is guilty of unlawful hunting of wild birds in the
29 second degree if the person hunts for wild birds and, whether or not
30 the person possesses wild birds, the person has not purchased the
31 appropriate hunting license issued to Washington residents or
32 nonresidents under chapter 77.32 RCW.

33 (2) A person is guilty of unlawful hunting of wild birds in the
34 second degree if the person takes or possesses less than two times the
35 bag or possession limit of wild birds and the person:

1 (a) (~~Hunts for, takes, or possesses a wild bird and the person~~
2 ~~does not have and possess~~) Owns, but does not have in the person's
3 possession, all licenses, tags, stamps, and permits required under this
4 title; or

5 (b) (~~Maliciously destroys, takes, or harms the eggs or nests of a~~
6 ~~wild bird except when authorized by permit;~~

7 ~~(c)~~) Violates any department rule (~~(of the commission or~~
8 ~~director)~~) regarding seasons, bag or possession limits (~~(but less than~~
9 ~~two times the bag or possession limit)~~), closed areas, closed times, or
10 (~~other rule addressing~~) the manner or method of hunting or possession
11 of wild birds(~~(; or~~

12 ~~(d) Possesses a wild bird taken during a closed season for that~~
13 ~~wild bird or taken from a closed area for that wild bird)~~.

14 ~~((+2))~~ (3) A person is guilty of unlawful hunting of wild birds in
15 the first degree if the person takes or possesses two times or more
16 than the possession or bag limit for wild birds allowed by department
17 rule (~~(of the commission or director)~~).

18 ~~((+3))~~ (4)(a) Unlawful hunting of wild birds in the second degree
19 is a misdemeanor.

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

22 ~~((+4))~~ (5) In addition to the penalties set forth in this section,
23 if a person, other than a youth as defined in RCW 77.08.010 for hunting
24 purposes, violates a department rule (~~(adopted by the commission under~~
25 ~~the authority of this title)~~) that requires the use of nontoxic shot,
26 upon conviction:

27 (a) The court shall require a payment of one thousand dollars as a
28 criminal wildlife penalty assessment that must be paid to the clerk of
29 the court and distributed to the state treasurer for deposit in the
30 fish and wildlife enforcement reward account created in RCW 77.15.425.
31 The criminal wildlife penalty assessment must be imposed regardless of
32 and in addition to any sentence, fine, or costs imposed for violating
33 this section. The criminal wildlife penalty assessment must be
34 included by the court in any pronouncement of sentence and may not be
35 suspended, waived, modified, or deferred in any respect; and

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

1 NEW SECTION. **Sec. 25.** A new section is added to chapter 77.15 RCW
2 to read as follows:

3 (1) A person is guilty of unlawful destruction of the eggs or nests
4 of wild birds if the person was previously found to have committed an
5 infraction for maliciously destroying, taking, or harming the eggs or
6 nests of a wild bird, or was previously convicted under RCW
7 77.15.400(1)(b) as it existed prior to the effective date of this
8 section, and within five years of the date that the infraction
9 adjudication or prior conviction was entered, the person maliciously
10 destroys, takes, or harms the eggs or nests of a wild bird, unless
11 authorized by permit.

12 (2) Unlawful destruction of the eggs or nests of wild birds is a
13 misdemeanor.

14 **Sec. 26.** RCW 77.15.410 and 2011 c 133 s 1 are each amended to read
15 as follows:

16 (1) A person is guilty of unlawful hunting of big game in the
17 second degree if the person:

18 (a) Hunts for, takes, or possesses big game and the person does not
19 have and possess all licenses, tags, or permits required under this
20 title; or

21 (b) Violates any department rule (~~(of the commission or director)~~)
22 regarding seasons, bag or possession limits, closed areas including
23 game reserves, closed times, or any other rule governing the hunting,
24 taking, or possession of big game(~~(+ or~~

25 ~~(c) Possesses big game taken during a closed season for that big
26 game or taken from a closed area for that big game)).~~

27 (2) A person is guilty of unlawful hunting of big game in the first
28 degree if the person commits the act described in subsection (1) of
29 this section and:

30 (a) The person hunts for, takes, or possesses three or more big
31 game animals within the same course of events; or

32 (b) The act occurs within five years of the date of a prior
33 conviction under this title involving unlawful hunting, killing,
34 possessing, or taking big game.

35 (3)(a) Unlawful hunting of big game in the second degree is a gross
36 misdemeanor. Upon conviction of an offense involving killing or
37 possession of big game taken during a closed season, closed area, (~~(or~~

1 ~~taken~~) without the proper license, tag, or permit using an unlawful
2 method, or in excess of the bag or possession limit, the department
3 shall revoke all of the person's hunting licenses and tags and order a
4 suspension of the person's hunting privileges for two years.

5 (b) Unlawful hunting of big game in the first degree is a class C
6 felony. Upon conviction, the department shall revoke all of the
7 person's hunting licenses or tags and order the person's hunting
8 privileges suspended for ten years.

9 (4) For the purposes of this section, "same course of events" means
10 within one twenty-four hour period, or a pattern of conduct composed of
11 a series of acts that are unlawful under subsection (1) of this
12 section, over a period of time evidencing a continuity of purpose.

13 **Sec. 27.** RCW 77.15.430 and 1999 c 258 s 4 are each amended to read
14 as follows:

15 (1) A person is guilty of unlawful hunting of wild animals in the
16 second degree if the person hunts for wild animals not classified as
17 big game and, whether or not the person possesses the wild animals, the
18 person has not purchased the appropriate hunting license issued to
19 Washington residents or nonresidents under chapter 77.32 RCW.

20 (2) A person is guilty of unlawful hunting of wild animals in the
21 second degree if the person:

22 (a) ~~((Hunts for,))~~ Takes~~((,))~~ or possesses a wild animal that is
23 not classified as big game, and owns, but does not have ~~((and possess))~~
24 in the person's possession, all licenses, tags, or permits required by
25 this title; or

26 (b) Violates any department rule ~~((of the commission or director))~~
27 regarding seasons, bag or possession limits but less than two times the
28 bag or possession limit, closed areas including game reserves, closed
29 times, or any other rule addressing the manner or method of hunting or
30 possession of wild animals not classified as big game~~((, or~~

31 ~~((c) Possesses a wild animal that is not classified as big game~~
32 ~~taken during a closed season for that wild animal or from a closed area~~
33 ~~for that wild animal)).~~

34 ~~((+2))~~ (3) A person is guilty of unlawful hunting of wild animals
35 in the first degree if the person takes or possesses two times or more
36 than the possession or bag limit for wild animals that are not

1 classified as big game animals as allowed by department rule (~~of the~~
2 ~~commission or director~~)).

3 (~~(3)~~) (4)(a) Unlawful hunting of wild animals in the second
4 degree is a misdemeanor.

5 (b) Unlawful hunting of wild animals in the first degree is a gross
6 misdemeanor.

7 **Sec. 28.** RCW 77.15.460 and 1999 c 258 s 7 are each amended to read
8 as follows:

9 (1) A person is guilty of unlawful possession of a loaded (~~firearm~~
10 ~~in a motor vehicle~~) rifle or shotgun in or on a motor vehicle, as
11 defined in RCW 46.04.320, if:

12 (a) The person carries, transports, conveys, possesses, or controls
13 a rifle or shotgun in or on a motor vehicle; and

14 (b) The rifle or shotgun contains shells or cartridges in the
15 magazine or chamber, or is a muzzle-loading firearm that is loaded and
16 capped or primed.

17 (2) A person is guilty of unlawful use of a loaded firearm if:

18 (a) The person negligently (~~shoots~~) discharges a firearm from,
19 across, or along the maintained portion of a public highway; or

20 (b) The person discharges a firearm from within a motor vehicle.

21 (3) Unlawful possession of a loaded (~~firearm in~~) rifle or shotgun
22 in or on a motor vehicle or unlawful use of a loaded firearm is a
23 misdemeanor.

24 (4) This section does not apply if the person:

25 (a) Is a law enforcement officer who is authorized to carry a
26 firearm and is on duty within the officer's respective jurisdiction;

27 (b) Possesses a disabled hunter's permit as provided by RCW
28 77.32.237 and complies with all rules of the department concerning
29 hunting by persons with disabilities.

30 (5) For purposes of subsection (1) of this section, a (~~firearm~~)
31 rifle or shotgun shall not be considered loaded if the detachable clip
32 or magazine is not inserted in or attached to the (~~firearm~~) rifle or
33 shotgun.

34 **Sec. 29.** RCW 77.15.610 and 2009 c 333 s 5 are each amended to read
35 as follows:

1 (1) A person who holds a fur (~~buyer's~~) dealer's license or
2 taxidermy license is guilty of unlawful use of a commercial wildlife
3 license if the person(~~(+~~

4 ~~(a))~~ fails to purchase and have in the (~~license in~~) person's
5 possession the required license while engaged in fur buying or
6 practicing taxidermy for commercial purposes(~~(+ or~~

7 ~~(b) Violates any rule of the department regarding reporting~~
8 ~~requirements or the use, possession, display, or presentation of the~~
9 ~~taxidermy or fur buyer's license)).~~

10 (2) Unlawful use of a commercial wildlife license is a misdemeanor.

11 **Sec. 30.** RCW 77.15.620 and 2009 c 333 s 20 are each amended to
12 read as follows:

13 (1) A person is guilty of engaging in fish dealing activity without
14 a license in the second degree if the person:

15 (a) Engages in the commercial processing of fish or shellfish,
16 including custom canning or processing of personal use fish or
17 shellfish and does not hold a wholesale dealer's license required by
18 RCW 77.65.280(1) or 77.65.480 for anadromous game fish, or a direct
19 retail endorsement under RCW 77.65.510;

20 (b) Engages in the wholesale selling, buying, or brokering of food
21 fish or shellfish and does not hold a wholesale dealer's or buying
22 license required by RCW 77.65.280(2) or 77.65.480 for anadromous game
23 fish;

24 (c) Is a fisher who lands and sells his or her catch or harvest in
25 the state to anyone other than a licensed wholesale dealer within or
26 outside the state and does not hold a direct retail endorsement
27 required by RCW 77.65.510; or

28 (d) Engages in the commercial manufacture or preparation of
29 fertilizer, oil, meal, caviar, fish bait, or other by-products from
30 food fish or shellfish and does not hold a wholesale dealer's license
31 required by RCW 77.65.280(4) or 77.65.480 for anadromous game fish.

32 (~~(2) ((Engaging in fish dealing activity without a license in the~~
33 ~~second degree is a gross misdemeanor.~~

34 ~~(3))~~ A person is guilty of engaging in fish dealing activity
35 without a license in the first degree if the person commits the act
36 described by subsection (1) of this section and the violation
37 involves(~~(+ (a))~~) fish or shellfish worth two hundred fifty dollars or

1 more(~~(; (b) a failure to document such fish or shellfish with a fish~~
2 ~~receiving ticket or other documentation required by statute or rule of~~
3 ~~the department; or (c) violates [a violation of] any other rule of the~~
4 ~~department regarding wholesale fish buying and dealing~~)).

5 (3)(a) Engaging in fish dealing activity without a license in the
6 second degree is a gross misdemeanor.

7 (b) Engaging in fish dealing activity without a license in the
8 first degree is a class C felony.

9 **Sec. 31.** RCW 77.15.630 and 2000 c 107 s 254 are each amended to
10 read as follows:

11 (1) A person who (~~(holds a fish dealer's license required by RCW~~
12 ~~77.65.280, an anadromous game fish buyer's license required by RCW~~
13 ~~77.65.480, or a fish buyer's license required by RCW 77.65.340 is~~
14 ~~guilty of unlawful use of fish buying and dealing licenses~~)) acts in
15 the capacity of a wholesale fish dealer, anadromous game fish buyer, or
16 a fish buyer is guilty of unlawful fish and shellfish catch accounting
17 in the second degree if the person:

18 (a) Possesses or receives fish or shellfish for commercial purposes
19 worth less than two hundred fifty dollars; and

20 (b) Fails to document such fish or shellfish with a fish-receiving
21 ticket or other documentation required by statute or department rule
22 (~~(of the department)~~); or

23 (c) Fails to sign the fish receiving ticket or other required
24 documentation, fails to provide all of the information required by
25 statute or department rule on the fish receiving ticket or other
26 documentation, or both.

27 (2) A person is guilty of unlawful (~~(use of fish buying and dealing~~
28 ~~licenses~~)) fish and shellfish catch accounting in the first degree if
29 the person commits the act described by subsection (1) of this section
30 and:

31 (a) The violation involves fish or shellfish worth two hundred
32 fifty dollars or more;

33 (b) The person acted with knowledge that the fish or shellfish were
34 taken from a closed area, at a closed time, or by a person not licensed
35 to take such fish or shellfish for commercial purposes; or

36 (c) The person acted with knowledge that the fish or shellfish were
37 taken in violation of any tribal law.

1 (3)(a) Unlawful (~~(use of fish buying and dealing licenses)~~) fish
2 and shellfish catch accounting in the second degree is a gross
3 misdemeanor.

4 (b) Unlawful (~~(use of fish buying and dealing licenses)~~) fish and
5 shellfish catch accounting in the first degree is a class C felony.
6 Upon conviction, the department shall suspend all privileges to engage
7 in fish buying or dealing for two years.

8 **Sec. 32.** RCW 77.15.640 and 2002 c 301 s 8 are each amended to read
9 as follows:

10 (1) A person who holds a wholesale fish dealer's license required
11 by RCW 77.65.280, an anadromous game fish buyer's license required by
12 RCW 77.65.480, a fish buyer's license required by RCW 77.65.340, or a
13 direct retail endorsement under RCW 77.65.510 is guilty of (~~(violating~~
14 ~~rules governing)~~) unlawful wholesale fish buying and dealing if the
15 person:

16 (a) Fails to possess or display his or her license when engaged in
17 any act requiring the license; or

18 (b) Fails to display or uses the license in violation of any
19 department rule (~~(of the department;~~

20 ~~(c) Files a signed fish receiving ticket but fails to provide all~~
21 ~~information required by rule of the department; or~~

22 ~~(d) Violates any other rule of the department regarding wholesale~~
23 ~~fish buying and dealing)).~~

24 (2) (~~(Violating rules governing)~~) Unlawful wholesale fish buying
25 and dealing is a gross misdemeanor.

26 **Sec. 33.** RCW 77.15.650 and 2008 c 10 s 2 are each amended to read
27 as follows:

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

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

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

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

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

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

8 (f) Holds a resident license from another state or country. This
9 subsection (1)(f) only applies if the Washington license, tag, permit,
10 or approval that the person buys, holds, uses, displays, transfers, or
11 obtains is a resident license. It is prima facie evidence of a
12 violation of this section if any person who has a resident license from
13 another state or country purchases a resident license, tag, permit, or
14 approval in Washington. This subsection does not apply to individuals
15 who meet the definition of "resident" in section 4(2), (3), and (4) of
16 this act.

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

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

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

36 (4) For purposes of this section, a person "uses" a license,
37 permit, tag, or approval if the person engages in any activity
38 authorized by the license, permit, tag, or approval held or possessed

1 by the person. Such uses include but are not limited to fishing,
2 hunting, taking, trapping, delivery or landing fish or wildlife, and
3 selling, buying, or wholesaling of fish or wildlife.

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

6 **Sec. 34.** RCW 77.15.660 and 1998 c 190 s 55 are each amended to
7 read as follows:

8 (1) A person is guilty of unlawful use of a scientific permit if
9 the permit issued by the director is for big game or big game parts,
10 and the person:

11 (a) Violates any terms or conditions of ~~((a))~~ the scientific permit
12 ~~((issued by the director));~~

13 (b) Buys or sells ~~((fish or wildlife taken))~~ big game or big game
14 parts that were taken or acquired with a scientific permit; or

15 (c) Violates any department rule ~~((of the commission or the~~
16 ~~director))~~ applicable to the issuance or use of scientific permits.

17 (2) Unlawful use of a scientific permit is a gross misdemeanor.

18 **Sec. 35.** RCW 77.15.700 and 2009 c 333 s 2 are each amended to read
19 as follows:

20 (1) The department shall ~~((impose revocation and suspension of))~~
21 revoke a person's recreational license or licenses and suspend a
22 person's recreational license privileges in the following
23 circumstances:

24 (a) Upon conviction, if directed by statute for an offense.

25 (b) Upon conviction ~~((of a violation not involving commercial~~
26 ~~fishing)),~~ failure to appear at a hearing to contest an infraction or
27 criminal charge, or an unvacated payment of a fine or a finding of
28 committed as a final disposition for any infraction, if the department
29 finds that actions of the defendant demonstrated a willful or wanton
30 disregard for conservation of fish or wildlife. Suspension of
31 privileges under this subsection may be permanent.

32 (c) If a person is convicted, fails to appear at a hearing to
33 contest an infraction or criminal citation, or has an unvacated payment
34 of a fine or a finding of committed as a final disposition for any
35 infraction, twice within ten years for a violation involving unlawful

1 hunting, killing, or possessing big game. Revocation and suspension
2 under this subsection must be ordered for all hunting privileges for
3 two years.

4 (d) If a person violates, three times or more in a ten-year period,
5 recreational hunting or fishing laws or rules for which the person:
6 (i) Is convicted of an offense; (ii) has an ~~((uncontested notice of))~~
7 unvacated payment of a fine or a finding of committed as a final
8 disposition for any infraction; or (iii) fails to appear at a hearing
9 to contest ~~((a fish and wildlife infraction; or (iv) is found to have~~
10 ~~committed))~~ an infraction or a criminal citation. Revocation and
11 suspension under this subsection must be ordered of all recreational
12 hunting and fishing privileges for two years.

13 (2)(a) A violation punishable as an infraction counts towards the
14 revocation and suspension of recreational hunting and fishing
15 privileges under this section if that violation is:

16 (i) Punishable as a crime on July 24, 2005, and is subsequently
17 decriminalized; or

18 (ii) One of the following violations, as they exist on July 24,
19 2005: RCW 77.15.160; WAC 220-56-116; WAC 220-56-315(11); or WAC 220-
20 56-355 (1) through (4).

21 (b) The commission may, by rule, designate infractions that do not
22 count towards the revocation and suspension of recreational hunting and
23 fishing privileges.

24 (3) If either the deferred education licensee or the required
25 nondeferred accompanying person, hunting under the authority of RCW
26 77.32.155(2), is convicted of a violation of this title, fails to
27 appear at a hearing to contest a fish and wildlife infraction or a
28 criminal citation, or has an unvacated payment of a fine or a finding
29 of committed as a final disposition for any fish and wildlife
30 infraction, except for a violation of RCW 77.15.400 (1) through ~~((+3))~~
31 (4), the department may revoke all hunting licenses and tags and may
32 order a suspension of either or both the deferred education licensee's
33 and the nondeferred accompanying person's hunting privileges for one
34 year.

35 (4) A person who has a recreational license revoked and privileges
36 suspended under this section may file an appeal with the department
37 pursuant to chapter 34.05 RCW. An appeal must be filed within twenty
38 days of notice of license revocation and privilege suspension. If an

1 appeal is filed, the revocation and suspension issued by the department
2 do not take effect until twenty-one days after the department has
3 delivered an opinion. If no appeal is filed within twenty days of
4 notice of license revocation and suspension, the right to an appeal is
5 waived, and the revocation and suspension take effect twenty-one days
6 following the notice of revocation and suspension.

7 (5) A recreational license revoked and privilege suspended under
8 this section is in addition to the statutory penalties assigned to the
9 underlying violation.

10 **Sec. 36.** RCW 77.15.720 and 2000 c 107 s 258 are each amended to
11 read as follows:

12 (1)(a) If a person ((shoots)) discharges a firearm, bow, or
13 crossbow while hunting and in a manner that injures, or that a
14 reasonable person would believe is likely to injure, another person
15 ((or domestic livestock while hunting)), the director shall revoke all
16 of the shooter's hunting licenses and suspend all hunting privileges
17 for three years. If the shooting ((of another person or livestock is
18 the result of criminal negligence or reckless or intentional conduct,
19 then the person's)) kills or results in the death of another person,
20 then the director shall revoke all of the shooter's hunting licenses
21 and suspend all of the person's hunting privileges ((shall be
22 suspended)) for ten years. ((The))

23 (b) If a person, with malice, discharges a firearm, bow, or
24 crossbow while hunting and in a manner that kills or causes substantial
25 bodily harm to livestock belonging to another person, the director
26 shall revoke all of the shooter's hunting licenses and suspend all
27 hunting privileges for three years. For the purposes of this
28 subsection (1)(b), "malice" has the same meaning as provided in RCW
29 9A.04.110 but applies to acts against livestock.

30 (2) A suspension under subsection (1) of this section shall be
31 continued beyond ((these)) the applicable periods if damages owed to
32 the victim or livestock owner have not been paid by the suspended
33 person. ((A)) In such a case, no hunting license shall ((not)) be
34 reissued to the suspended person unless authorized by the director.

35 ((2) Within twenty days of service of an order suspending
36 privileges or imposing conditions under this section or RCW 77.15.710,
37 a person may petition for administrative review under chapter 34.05 RCW

1 ~~by serving the director with a petition for review. The order is final~~
2 ~~and unappealable if there is no timely petition for administrative~~
3 ~~review.)) (3) A person who is notified of a license revocation under~~
4 ~~this section may request an appeal hearing under chapter 34.05 RCW.~~

5 ~~((+3)) (4) The commission may by rule authorize petitions for~~
6 ~~reinstatement of administrative suspensions and define circumstances~~
7 ~~under which such a reinstatement will be allowed.~~

8 **Sec. 37.** RCW 77.15.740 and 2008 c 225 s 2 are each amended to read
9 as follows:

10 (1) Except as provided in subsection (2) of this section, it is
11 unlawful to:

12 (a) ~~((Approach, by any means, within three hundred feet of a~~
13 ~~southern resident orca whale (*Orcinus orca*);~~

14 ~~(b) Cause a vessel or other object to approach within three hundred~~
15 ~~feet of a southern resident orca whale;~~

16 ~~(c) Intercept a southern resident orca whale. A person intercepts~~
17 ~~a southern resident orca whale when that person places a vessel or~~
18 ~~allows a vessel to remain in the path of a whale and the whale~~
19 ~~approaches within three hundred feet of that vessel;~~

20 ~~(d) Fail to disengage the transmission of a vessel that is within~~
21 ~~three hundred feet of a southern resident orca whale, for which the~~
22 ~~vessel operator is strictly liable; or~~

23 ~~(e) Feed a southern resident orca whale, for which any person~~
24 ~~feeding a southern resident orca whale is strictly liable.~~

25 (2) ~~A person is exempt from subsection (1) of this section where:~~

26 (a) ~~A reasonably prudent person in that person's position would~~
27 ~~determine that compliance with the requirements of subsection (1) of~~
28 ~~this section will threaten the safety of the vessel, the vessel's crew~~
29 ~~or passengers, or is not feasible due to vessel design limitations, or~~
30 ~~because the vessel is restricted in its ability to maneuver due to~~
31 ~~wind, current, tide, or weather;~~

32 (b) ~~That person is lawfully participating in a commercial fishery~~
33 ~~and is engaged in actively setting, retrieving, or closely tending~~
34 ~~commercial fishing gear;~~

35 (c) ~~That person is acting in the course of official duty for a~~
36 ~~state, federal, tribal, or local government agency; or~~

1 ~~(d) That person is acting pursuant to and consistent with~~
2 ~~authorization from a state or federal government agency.~~

3 ~~(3) Nothing in this section is intended to conflict with existing~~
4 ~~rules regarding safe operation of a vessel or vessel navigation rules.~~

5 ~~(4))~~ Cause a vessel or other object to approach, in any manner,
6 within two hundred yards of a southern resident orca whale;

7 (b) Position a vessel to be in the path of a southern resident orca
8 whale at any point located within four hundred yards of the whale.
9 This includes intercepting a southern resident orca whale by
10 positioning a vessel so that the prevailing wind or water current
11 carries the vessel into the path of the whale at any point located
12 within four hundred yards of the whale;

13 (c) Fail to disengage the transmission of a vessel that is within
14 two hundred yards of a southern resident orca whale; or

15 (d) Feed a southern resident orca whale.

16 (2) A person is exempt from subsection (1) of this section if that
17 person is:

18 (a) Operating a federal government vessel in the course of his or
19 her official duties, or operating a state, tribal, or local government
20 vessel when engaged in official duties involving law enforcement,
21 search and rescue, or public safety;

22 (b) Operating a vessel in conjunction with a vessel traffic service
23 established under 33 C.F.R. and following a traffic separation scheme,
24 or complying with a vessel traffic service measure of direction. This
25 also includes support vessels escorting ships in the traffic lanes,
26 such as tug boats;

27 (c) Engaging in an activity, including scientific research,
28 pursuant to a permit or other authorization from the national marine
29 fisheries service and the department;

30 (d) Lawfully engaging in a treaty Indian or commercial fishery that
31 is actively setting, retrieving, or closely tending fishing gear; or

32 (e) Conducting vessel operations necessary to avoid an imminent and
33 serious threat to a person, vessel, or the environment, including when
34 necessary for overall safety of navigation and to comply with state and
35 federal navigation requirements.

36 (3) For the purpose of this section, "vessel" includes aircraft,
37 canoes, fishing vessels, kayaks, personal watercraft, rafts,

1 recreational vessels, tour boats, whale watching boats, vessels engaged
2 in whale watching activities, or other small craft including power
3 boats and sailboats.

4 ~~((+5))~~ (4)(a) A violation of this section is a natural resource
5 infraction punishable under chapter 7.84 RCW.

6 (b) A person who qualifies for an exemption under subsection (2) of
7 this section may offer that exemption as an affirmative defense, which
8 that person must prove by a preponderance of the evidence.

9 NEW SECTION. **Sec. 38.** The following acts or parts of acts are
10 each repealed:

11 (1) RCW 77.12.315 (Dogs harassing deer and elk--Declaration of
12 emergency--Taking dogs into custody or destroying--Immunity) and 2000
13 c 107 s 221, 1987 c 506 s 40, 1980 c 78 s 49, & 1971 ex.s. c 183 s 1;

14 (2) RCW 77.15.140 (Unclassified fish or wildlife--Unlawful taking--
15 Penalty) and 1998 c 190 s 15;

16 (3) RCW 77.15.220 (Unlawful posting--Penalty) and 1998 c 190 s 25;
17 and

18 (4) RCW 77.15.330 (Unlawful hunting or fishing contests--Penalty)
19 and 2001 c 253 s 36 & 1998 c 190 s 56.

20 NEW SECTION. **Sec. 39.** If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected.

--- END ---