

ESSB 6041 - H COMM AMD

By Committee on Agriculture & Natural Resources

ADOPTED AS AMENDED 03/05/2014

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 77.08.010 and 2012 c 176 s 4 are each reenacted and
4 amended to read as follows:

5 The definitions in this section apply throughout this title or
6 rules adopted under this title unless the context clearly requires
7 otherwise.

8 (1) "Anadromous game fish buyer" means a person who purchases or
9 sells steelhead trout and other anadromous game fish harvested by
10 Indian fishers lawfully exercising fishing rights reserved by federal
11 statute, treaty, or executive order, under conditions prescribed by
12 rule of the director.

13 (2) "Angling gear" means a line attached to a rod and reel capable
14 of being held in hand while landing the fish or a hand-held line
15 operated without rod or reel.

16 (3) "Aquatic invasive species" means any invasive, prohibited,
17 regulated, unregulated, or unlisted aquatic animal or plant species as
18 defined under subsections (4), (34), (49), (53), (~~(70)~~) (73), and
19 (~~(71)~~) (74) of this section, aquatic noxious weeds as defined under
20 RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW
21 77.60.130(1).

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

25 (5) "Bag limit" means the maximum number of game animals, game
26 birds, or game fish which may be taken, caught, killed, or possessed by
27 a person, as specified by rule of the commission for a particular
28 period of time, or as to size, sex, or species.

29 (6) "Building" means a private domicile, garage, barn, or public or
30 commercial building.

1 (7) "Closed area" means a place where the hunting of some or all
2 species of wild animals or wild birds is prohibited.

3 (8) "Closed season" means all times, manners of taking, and places
4 or waters other than those established by rule of the commission as an
5 open season. "Closed season" also means all hunting, fishing, taking,
6 or possession of game animals, game birds, game fish, food fish, or
7 shellfish that do not conform to the special restrictions or physical
8 descriptions established by rule of the commission as an open season or
9 that have not otherwise been deemed legal to hunt, fish, take, harvest,
10 or possess by rule of the commission as an open season.

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

13 (10) "Commercial" means related to or connected with buying,
14 selling, or bartering.

15 (11) "Commission" means the state fish and wildlife commission.

16 (12) "Concurrent waters of the Columbia river" means those waters
17 of the Columbia river that coincide with the Washington-Oregon state
18 boundary.

19 (13) "Contraband" means any property that is unlawful to produce or
20 possess.

21 (14) "Deleterious exotic wildlife" means species of the animal
22 kingdom not native to Washington and designated as dangerous to the
23 environment or wildlife of the state.

24 (15) "Department" means the department of fish and wildlife.

25 (16) "Director" means the director of fish and wildlife.

26 (17) "Endangered species" means wildlife designated by the
27 commission as seriously threatened with extinction.

28 (18) "Ex officio fish and wildlife officer" means:

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

33 (b) An officer or special agent commissioned by one of the
34 following: The national marine fisheries service; the Washington state
35 parks and recreation commission; the United States fish and wildlife
36 service; the Washington state department of natural resources; the
37 United States forest service; or the United States parks service, if
38 the agent or officer is in the respective jurisdiction of the primary

1 commissioning agency and is acting under a mutual law enforcement
2 assistance agreement between the department and the primary
3 commissioning agency;

4 (c) A commissioned fish and wildlife peace officer from another
5 state who meets the training standards set by the Washington state
6 criminal justice training commission pursuant to RCW 10.93.090,
7 43.101.080, and 43.101.200, and who is acting under a mutual law
8 enforcement assistance agreement between the department and the primary
9 commissioning agency; or

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

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

20 (20) "Fish and wildlife officer" means a person appointed and
21 commissioned by the director, with authority to enforce this title and
22 rules adopted pursuant to this title, and other statutes as prescribed
23 by the legislature. Fish and wildlife officer includes a person
24 commissioned before June 11, 1998, as a wildlife agent or a fisheries
25 patrol officer.

26 (21) "Fish broker" means a person whose business it is to bring a
27 seller of fish and shellfish and a purchaser of those fish and
28 shellfish together.

29 (22) "Fish buyer" means ~~((a person engaged by a wholesale fish
30 dealer to purchase food fish or shellfish from a licensed commercial
31 fisher))~~;

32 (a) A wholesale fish dealer or a retail seller who directly
33 receives fish or shellfish from a commercial fisher or receives fish or
34 shellfish in interstate or foreign commerce; or

35 (b) A person engaged by a wholesale fish dealer who receives fish
36 or shellfish from a commercial fisher.

37 (23) "Fishery" means the taking of one or more particular species

1 of fish or shellfish with particular gear in a particular geographical
2 area.

3 (24) "Food, food waste, or other substance" includes human and pet
4 food or other waste or garbage that could attract large wild
5 carnivores.

6 (25) "Freshwater" means all waters not defined as saltwater
7 including, but not limited to, rivers upstream of the river mouth,
8 lakes, ponds, and reservoirs.

9 (26) "Fur-bearing animals" means game animals that shall not be
10 trapped except as authorized by the commission.

11 (27) "Fur dealer" means a person who purchases, receives, or
12 resells raw furs for commercial purposes.

13 (28) "Game animals" means wild animals that shall not be hunted
14 except as authorized by the commission.

15 (29) "Game birds" means wild birds that shall not be hunted except
16 as authorized by the commission.

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

21 (31) "Game reserve" means a closed area where hunting for all wild
22 animals and wild birds is prohibited.

23 (32) "Illegal items" means those items unlawful to be possessed.

24 (33)(a) "Intentionally feed, attempt to feed, or attract" means to
25 purposefully or knowingly provide, leave, or place in, on, or about any
26 land or building any food, food waste, or other substance that attracts
27 or could attract large wild carnivores to that land or building.

28 (b) "Intentionally feed, attempt to feed, or attract" does not
29 include keeping food, food waste, or other substance in an enclosed
30 garbage receptacle or other enclosed container unless specifically
31 directed by a fish and wildlife officer or animal control authority to
32 secure the receptacle or container in another manner.

33 (34) "Invasive species" means a plant species or a nonnative animal
34 species that either:

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

37 (b) Threatens or may threaten natural resources or their use in the
38 state;

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

3 (d) Threatens or harms human health.

4 (35) "Large wild carnivore" includes wild bear, cougar, and wolf.

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

8 (37) "Limited-entry license" means a license subject to a license
9 limitation program established in chapter 77.70 RCW.

10 (38) "Money" means all currency, script, personal checks, money
11 orders, or other negotiable instruments.

12 (39) "Natural person" means a human being.

13 (40)(a) "Negligently feed, attempt to feed, or attract" means to
14 provide, leave, or place in, on, or about any land or building any
15 food, food waste, or other substance that attracts or could attract
16 large wild carnivores to that land or building, without the awareness
17 that a reasonable person in the same situation would have with regard
18 to the likelihood that the food, food waste, or other substance could
19 attract large wild carnivores to the land or building.

20 (b) "Negligently feed, attempt to feed, or attract" does not
21 include keeping food, food waste, or other substance in an enclosed
22 garbage receptacle or other enclosed container unless specifically
23 directed by a fish and wildlife officer or animal control authority to
24 secure the receptacle or container in another manner.

25 (41) "Nonresident" means a person who has not fulfilled the
26 qualifications of a resident.

27 (42) "Offshore waters" means marine waters of the Pacific Ocean
28 outside the territorial boundaries of the state, including the marine
29 waters of other states and countries.

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

1 (44) "Owner" means the person in whom is vested the ownership
2 dominion, or title of the property.

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

9 (46) "Personal property" or "property" includes both corporeal and
10 incorporeal personal property and includes, among other property,
11 contraband and money.

12 (47) "Personal use" means for the private use of the individual
13 taking the fish or shellfish and not for sale or barter.

14 (48) "Predatory birds" means wild birds that may be hunted
15 throughout the year as authorized by the commission.

16 (49) "Prohibited aquatic animal species" means an invasive species
17 of the animal kingdom that has been classified as a prohibited aquatic
18 animal species by the commission.

19 (50) "Protected wildlife" means wildlife designated by the
20 commission that shall not be hunted or fished.

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

26 (52) "Recreational and commercial watercraft" includes the boat, as
27 well as equipment used to transport the boat, and any auxiliary
28 equipment such as attached or detached outboard motors.

29 (53) "Regulated aquatic animal species" means a potentially
30 invasive species of the animal kingdom that has been classified as a
31 regulated aquatic animal species by the commission.

32 (54) "Resident" has the same meaning as defined in RCW 77.08.075.

33 (55) "Retail-eligible species" means commercially harvested salmon,
34 crab, and sturgeon.

35 (56) "Saltwater" means those marine waters seaward of river mouths.

36 (57) "Seaweed" means marine aquatic plant species that are
37 dependent upon the marine aquatic or tidal environment, and exist in

1 either an attached or free floating form, and includes but is not
2 limited to marine aquatic plants in the classes Chlorophyta,
3 Phaeophyta, and Rhodophyta.

4 (58) "Senior" means a person seventy years old or older.

5 (59) "Shark fin" means a raw, dried, or otherwise processed
6 detached fin or tail of a shark.

7 (60)(a) "Shark fin derivative product" means any product intended
8 for use by humans or animals that is derived in whole or in part from
9 shark fins or shark fin cartilage.

10 (b) "Shark fin derivative product" does not include a drug approved
11 by the United States food and drug administration and available by
12 prescription only or medical device or vaccine approved by the United
13 States food and drug administration.

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

19 (62) "State waters" means all marine waters and fresh waters within
20 ordinary high water lines and within the territorial boundaries of the
21 state.

22 (63) "Taxidermist" means a person who, for commercial purposes,
23 creates lifelike representations of fish and wildlife using fish and
24 wildlife parts and various supporting structures.

25 (64) "To fish(~~(,)~~)" (~~("to harvest," and "to take,")~~) and (~~(their)~~)
26 its derivatives means an effort to kill, injure, harass, harvest, or
27 (~~(catch)~~) capture a fish or shellfish.

28 (65) "To hunt" and its derivatives means an effort to kill, injure,
29 harass, harvest, or capture(~~(, or harass)~~) a wild animal or wild bird.

30 (66) "To process" and its derivatives mean preparing or preserving
31 fish, wildlife, or shellfish.

32 (67) "To take" and its derivatives means to kill, injure, harvest,
33 or capture a fish, shellfish, wild animal, bird, or seaweed.

34 (68) "To trap" and its derivatives means a method of hunting using
35 devices to capture wild animals or wild birds.

36 (~~(+68+)~~) (69) "To waste" or "to be wasted" means to allow any
37 edible portion of any game bird, food fish, game fish, shellfish, or
38 big game animal other than cougar to be rendered unfit for human

1 consumption, or to fail to retrieve edible portions of such a game
2 bird, food fish, game fish, shellfish, or big game animal other than
3 cougar from the field. For purposes of this chapter, edible portions
4 of game birds must include, at a minimum, the breast meat of those
5 birds. Entrails, including the heart and liver, of any wildlife
6 species are not considered edible.

7 (70) "Trafficking" means offering, attempting to engage, or
8 engaging in sale, barter, or purchase of fish, shellfish, wildlife, or
9 deleterious exotic wildlife.

10 ((+69+)) (71) "Unclaimed" means that no owner of the property has
11 been identified or has requested, in writing, the release of the
12 property to themselves nor has the owner of the property designated an
13 individual to receive the property or paid the required postage to
14 effect delivery of the property.

15 ((+70+)) (72) "Unclassified wildlife" means wildlife existing in
16 Washington in a wild state that have not been classified as big game,
17 game animals, game birds, predatory birds, protected wildlife,
18 endangered wildlife, or deleterious exotic wildlife.

19 (73) "Unlisted aquatic animal species" means a nonnative animal
20 species that has not been classified as a prohibited aquatic animal
21 species, a regulated aquatic animal species, or an unregulated aquatic
22 animal species by the commission.

23 ((+71+)) (74) "Unregulated aquatic animal species" means a
24 nonnative animal species that has been classified as an unregulated
25 aquatic animal species by the commission.

26 ((+72+)) (75) "Wholesale fish dealer" means a person who, acting
27 for commercial purposes, takes possession or ownership of fish or
28 shellfish and sells, barter, or exchanges or attempts to sell, barter,
29 or exchange fish or shellfish that have been landed into the state of
30 Washington or entered the state of Washington in interstate or foreign
31 commerce.

32 ((+73+)) (76) "Wild animals" means those species of the class
33 Mammalia whose members exist in Washington in a wild state. The term
34 "wild animal" does not include feral domestic mammals or old world rats
35 and mice of the family Muridae of the order Rodentia.

36 ((+74+)) (77) "Wild birds" means those species of the class Aves
37 whose members exist in Washington in a wild state.

1 ~~((75))~~ (78) "Wildlife" means all species of the animal kingdom
2 whose members exist in Washington in a wild state. This includes but
3 is not limited to mammals, birds, reptiles, amphibians, fish, and
4 invertebrates. The term "wildlife" does not include feral domestic
5 mammals, old world rats and mice of the family Muridae of the order
6 Rodentia, or those fish, shellfish, and marine invertebrates classified
7 as food fish or shellfish by the director. The term "wildlife"
8 includes all stages of development and the bodily parts of wildlife
9 members.

10 ~~((76))~~ (79) "Wildlife meat cutter" means a person who packs,
11 cuts, processes, or stores wildlife for consumption for another for
12 commercial purposes.

13 ~~((77))~~ (80) "Youth" means a person fifteen years old for fishing
14 and under sixteen years old for hunting.

15 **Sec. 2.** RCW 77.08.075 and 2012 c 176 s 5 are each amended to read
16 as follows:

17 For the purposes of this title or rules adopted under this title,
18 "resident" means:

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

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

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

29 (i) Uses a Washington state address for federal income tax or state
30 tax purposes;

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

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

34 (iv) Is a custodial parent with a child attending prekindergarten,
35 kindergarten, elementary school, middle school, or high school in this
36 state.

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

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

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

6 (iii) Has registered the person's vehicle or vehicles in Washington
7 state;

8 (2) The spouse of a member of the United States armed forces if the
9 member qualifies as a resident under subsection (1), (3), or (4) of
10 this section, or a natural person age eighteen or younger who does not
11 qualify as a resident under subsection (1) of this section, but who has
12 a parent or legal guardian who qualifies as a resident under subsection
13 (1), (3), or (4) of this section;

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

17 (4) ((A)) An active duty, nonretired member of the United States
18 armed forces who is permanently stationed in Washington ((state)) or
19 who designates Washington ((state)) on ((their)) his or her military
20 "state of legal residence certificate" or enlistment or re-enlistment
21 documents. A copy of the person's "state of legal residence
22 certificate" or enlistment or re-enlistment documents is required to
23 meet the conditions of this subsection.

24 **Sec. 3.** RCW 77.15.080 and 2012 c 176 s 9 are each amended to read
25 as follows:

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

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

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

10 **Sec. 4.** RCW 77.15.100 and 2012 c 176 s 10 are each amended to read
11 as follows:

12 (1) Fish, shellfish, and wildlife are property of the state under
13 RCW 77.04.012. Fish and wildlife officers may sell seized,
14 commercially (~~(harvested)~~) taken or possessed fish and shellfish to a
15 wholesale buyer and deposit the proceeds into the fish and wildlife
16 enforcement reward account under RCW 77.15.425. Seized, recreationally
17 (~~(harvested)~~) taken or possessed fish, shellfish, and wildlife may be
18 donated to nonprofit charitable organizations. The charitable
19 organization must qualify for tax-exempt status under 26 U.S.C. Sec.
20 501(c)(3) of the federal internal revenue code.

21 (2) Unless otherwise provided in this title, fish, shellfish, or
22 wildlife taken(~~(7)~~) or possessed(~~(7-or-harvested)~~) in violation of this
23 title or department rule shall be forfeited to the state upon
24 conviction or any outcome in criminal court whereby a person
25 voluntarily enters into a disposition that continues or defers the case
26 for dismissal upon the successful completion of specific terms or
27 conditions. For criminal cases resulting in other types of
28 dispositions, the fish, shellfish, or wildlife may be returned, or its
29 equivalent value paid, if the fish, shellfish, or wildlife have already
30 been donated or sold.

31 **Sec. 5.** RCW 77.15.120 and 2000 c 107 s 236 are each amended to
32 read as follows:

33 (1) A person is guilty of unlawful taking of endangered fish or
34 wildlife in the second degree if:

35 (a) The person hunts for, fishes for, possesses, maliciously

1 harasses, or kills fish or wildlife, or (~~maliciously~~) possesses or
2 intentionally destroys the nests or eggs of fish or wildlife (~~and~~);

3 (b) The fish or wildlife is designated by the commission as
4 endangered(~~(7)~~); and

5 (c) The taking of the fish or wildlife or the destruction of the
6 nests or eggs has not been authorized by rule of the commission, a
7 permit issued by the department, or a permit issued pursuant to the
8 federal endangered species act.

9 (2) A person is guilty of unlawful taking of endangered fish or
10 wildlife in the first degree if the person has been:

11 (a) Convicted under subsection (1) of this section or convicted of
12 any crime under this title involving the (~~the killing, possessing,~~
13 ~~harassing, or harming~~) taking, possessing, or malicious harassment of
14 endangered fish or wildlife; and

15 (b) Within five years of the date of the prior conviction the
16 person commits the act described by subsection (1) of this section.

17 (3)(a) Unlawful taking of endangered fish or wildlife in the second
18 degree is a gross misdemeanor.

19 (b) Unlawful taking of endangered fish or wildlife in the first
20 degree is a class C felony. The department shall revoke any licenses
21 or tags used in connection with the crime and order the person's
22 privileges to hunt, fish, trap, or obtain licenses under this title to
23 be suspended for two years.

24 **Sec. 6.** RCW 77.15.130 and 2012 c 176 s 14 are each amended to read
25 as follows:

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

28 (a) The person hunts for, fishes for, maliciously takes, harasses,
29 or possesses(~~(, or maliciously kills protected)~~) fish or wildlife, or
30 the person possesses or maliciously destroys the eggs or nests of
31 (~~protected~~) fish or wildlife designated by the commission as
32 protected, other than species designated as threatened or sensitive,
33 and the taking has not been authorized by rule of the commission or by
34 a permit issued by the department; (~~(or)~~)

35 (b) The person violates any rule of the commission regarding the
36 taking, (~~harming, harassment~~) harassing, possession, or transport of
37 protected fish or wildlife; or

1 (c)(i) The person hunts for, fishes for, intentionally takes,
2 harasses, or possesses fish or wildlife, or the person possesses or
3 intentionally destroys the nests or eggs of fish or wildlife designated
4 by the commission as threatened or sensitive; and

5 (ii) The taking of the fish or wildlife, or the destruction of the
6 nests or eggs, has not been authorized by rule of the commission, a
7 permit issued by the department, or a permit issued pursuant to the
8 federal endangered species act.

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

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

18 (a) Ferruginous hawk, two thousand dollars;

19 (b) Common loon, two thousand dollars;

20 (c) Bald eagle, two thousand dollars;

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

22 (e) Peregrine falcon, two thousand dollars.

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

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

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

36 (6) A defaulted criminal wildlife penalty assessment authorized
37 under subsection (3) of this section may be collected by any means

1 authorized by law for the enforcement of orders of the court or
2 collection of a fine or costs, including but not limited to vacation of
3 a deferral of sentencing or vacation of a suspension of sentence.

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

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

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

15 (b) When the trier of fact determines that the person ((killed))
16 took or possessed the protected wildlife in question with the intent of
17 bartering, selling, or otherwise deriving economic profit from the
18 wildlife or wildlife parts.

19 **Sec. 7.** RCW 77.15.160 and 2013 c 307 s 2 are each amended to read
20 as follows:

21 The following acts are infractions and must be cited and punished
22 as provided under chapter 7.84 RCW:

23 (1) Fishing and shellfishing infractions:

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

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

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

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

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

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

6 (e) Seaweed: Taking(~~(τ)~~) or possessing(~~(τ, or harvesting)~~) less
7 than two times the daily possession limit of seaweed:

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

10 (ii) In violation of any rule of the department or the department
11 of natural resources regarding seasons, closed areas, closed times, or
12 any other rule addressing the manner or method of taking(~~(τ)~~) or
13 possessing(~~(τ, or harvesting of)~~) seaweed.

14 (f) Unclassified fish or shellfish: Fishing for or taking
15 unclassified fish or shellfish in violation of (~~(any department rule by~~
16 ~~killing, fishing, taking, holding, possessing, or maliciously injuring~~
17 ~~or harming fish or shellfish that is not classified as game fish, food~~
18 ~~fish, shellfish, protected fish, or endangered fish)~~) this title or
19 department rule.

20 (g) Wasting fish or shellfish: (~~(Killing~~τ~~)~~) Taking(τ) or
21 possessing food fish, game fish, or shellfish having a value of less
22 than two hundred fifty dollars and recklessly allowing the fish or
23 shellfish to be wasted.

24 (2) Hunting infractions:

25 (a) Eggs or nests: Maliciously, and without permit authorization,
26 destroying, taking, or harming the eggs or active nests of a wild bird
27 or wild animal not classified as endangered or protected. For purposes
28 of this subsection, "active nests" means nests that are attended by an
29 adult or contain eggs or (~~(fledglings)~~) young.

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

36 (c) Wasting wildlife: (~~(Killing~~τ~~)~~) Taking(τ) or possessing
37 wildlife (~~(that is not)~~) classified as (~~(big)~~) game birds and (~~(has)~~)

1 having a value of less than two hundred fifty dollars, and recklessly
2 allowing the ((wildlife)) game birds to be wasted.

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

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

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

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

14 (3) Trapping, taxidermy, fur dealing, ((and)) wildlife meat
15 cutting, and wildlife rehabilitator infractions:

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

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

20 (ii) Report information from these records as required by
21 department rule.

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

24 (c) Wildlife rehabilitator's recordkeeping and reporting: If a
25 person is a primary permittee or a subpermittee on a wildlife
26 rehabilitation permit issued by the department, failing to:

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

28 (ii) Report information from these records as required by
29 department rule.

30 (4) Aquatic invasive species infraction: Entering Washington by
31 road and transporting a recreational or commercial watercraft that has
32 been used outside of Washington without meeting documentation
33 requirements as provided under RCW 77.12.879.

34 (5) Other infractions:

35 (a) Contests: Unlawfully conducting, holding, or sponsoring a
36 hunting contest, a fishing contest involving game fish, or a
37 competitive field trial using live wildlife.

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

3 (c) Posting signs: Posting signs preventing hunting or fishing on
4 any land not owned or leased by the person doing the posting, or
5 without the permission of the person who owns, leases, or controls the
6 land posted.

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

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

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

13 (e) Transporting aquatic plants: Unlawfully transporting aquatic
14 plants on any state or public road, including forest roads. However:

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

16 (A) Being transported to the department or to another destination
17 designated by the director, in a manner designated by the department,
18 for purposes of identifying a species or reporting the presence of a
19 species;

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

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

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

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

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

30 (A) Is stopped at an aquatic invasive species check station and
31 possesses a recreational or commercial watercraft that is contaminated
32 with an aquatic invasive plant species if that person complies with all
33 department directives for the proper decontamination of the watercraft
34 and equipment; or

35 (B) Has voluntarily submitted a recreational or commercial
36 watercraft for inspection by the department or its designee and has
37 received a receipt verifying that the watercraft has not been
38 contaminated since its last use.

1 **Sec. 8.** RCW 77.15.170 and 2012 c 176 s 16 are each amended to read
2 as follows:

3 (1) A person is guilty of waste of fish and wildlife if the person:

4 (a) (~~The person kills,~~) Takes(~~(,)~~) or possesses wildlife
5 classified as food fish, game fish, shellfish, or ((wildlife)) game
6 birds having a value of two hundred fifty dollars or more, or wildlife
7 classified as big game; and

8 (b) (~~The person~~) Recklessly allows such fish, shellfish, or
9 wildlife to be wasted.

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

15 (3) It is prima facie evidence of waste if:

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

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

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

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

36 **Sec. 9.** RCW 77.15.180 and 2001 c 253 s 29 are each amended to read
37 as follows:

1 (1) A person is guilty of unlawful interference with fishing or
2 hunting gear in the second degree if the person:

3 (a) (~~Takes~~) Removes or releases a wild animal from another
4 person's trap without permission;

5 (b) Springs, pulls up, damages, possesses, or destroys another
6 person's trap without the owner's permission; or

7 (c) Interferes with recreational gear used to take fish or
8 shellfish.

9 (2) Unlawful interference with fishing or hunting gear in the
10 second degree is a misdemeanor.

11 (3) A person is guilty of unlawful interference with fishing or
12 hunting gear in the first degree if the person:

13 (a) (~~Takes~~) Removes or releases fish or shellfish from commercial
14 fishing gear without the owner's permission; or

15 (b) Intentionally destroys or interferes with commercial fishing
16 gear.

17 (4) Unlawful interference with fishing or hunting gear in the first
18 degree is a gross misdemeanor.

19 (5) A person is not in violation of unlawful interference with
20 fishing or hunting gear if the person removes a trap placed on property
21 owned, leased, or rented by the person.

22 **Sec. 10.** RCW 77.15.190 and 2012 c 176 s 17 are each amended to
23 read as follows:

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

25 (a) Sets out traps that are capable of taking wild animals, wild
26 birds, game animals, or furbearing mammals and does not possess (~~all~~)
27 the licenses, tags, or permits required under this title;

28 (b) Violates any department rule regarding seasons, bag, or
29 possession limits, closed areas including game reserves, closed times,
30 or any other rule governing the trapping of wild animals or wild birds,
31 with the exception of reporting rules; or

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

1 (2) Unlawful trapping is a misdemeanor.

2 **Sec. 11.** RCW 77.15.240 and 2012 c 176 s 18 are each amended to
3 read as follows:

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

5 ((+a)) (i) Negligently fails to prevent a dog under the person's
6 control from pursuing, harassing, attacking, or killing deer, elk,
7 moose, caribou, mountain sheep, or animals classified as endangered
8 under this title; or

9 ((+b)) (ii) Uses the dog to hunt deer or elk.

10 ((+2)) (b) For the purposes of this subsection, a dog is "under a
11 person's control" if the dog is owned or possessed by, or in the
12 custody of, a person.

13 ((+3)) (2) Unlawful use of dogs is a misdemeanor.

14 ((+4)) (3)(a) Based on a reasonable belief that a dog is pursuing,
15 harassing, attacking, or killing a ((snow-bound)) deer, elk, moose,
16 caribou, mountain sheep, or animals classified as protected or
17 endangered under this title, fish and wildlife officers and ex officio
18 fish and wildlife officers may:

19 (i) Lawfully take a dog into custody; or

20 (ii) If necessary to avoid repeated harassment, injury, or death of
21 wildlife under this section, destroy the dog.

22 (b) Fish and wildlife officers and ex officio fish and wildlife
23 officers who destroy a dog pursuant to this section are immune from
24 civil or criminal liability arising from their actions.

25 (4)(a) This section does not apply to a person using a dog to
26 conduct a department-approved and controlled hazing activity, as long
27 as the person prevents or minimizes physical contact between the dog
28 and the wildlife, and the hazing is being done only for the purposes of
29 wildlife control and the prevention of damage to commercial crops.

30 (b) For the purposes of this subsection, "hazing" means the act of
31 chasing or herding wildlife in an effort to move them from one location
32 to another.

33 **Sec. 12.** RCW 77.15.250 and 2001 c 253 s 32 are each amended to
34 read as follows:

35 (1)(a) A person is guilty of unlawfully releasing, planting,
36 possessing, or placing fish, shellfish, or wildlife if the person

1 knowingly releases, plants, possesses, or places live fish, shellfish,
2 wildlife, or aquatic plants within the state in violation of this title
3 or rule of the department, and the fish, shellfish, or wildlife have
4 not been classified as deleterious wildlife. This subsection does not
5 apply to a release of game fish into private waters for which a game
6 fish stocking permit has been obtained, or the planting of fish or
7 shellfish by permit of the commission.

8 (b) A violation of this subsection is a gross misdemeanor. In
9 addition, the department shall order the person to pay all costs the
10 department incurred in capturing, killing, or controlling the fish,
11 shellfish, aquatic plants, ~~((or wildlife released or its progeny))~~
12 wildlife, or progeny unlawfully released, planted, possessed, or
13 placed. This does not affect the existing authority of the department
14 to bring a separate civil action to recover costs of capturing,
15 killing, or controlling the fish, shellfish, aquatic plants, ~~((or))~~
16 wildlife ~~((released or their progeny, or restoration of habitat~~
17 ~~necessitated by the unlawful release)), or progeny unlawfully released,~~
18 planted, possessed, or placed, or the costs of habitat restoration
19 necessitated by the unlawful release, planting, possession, or placing.

20 (2)(a) A person is guilty of ~~((unlawful release of))~~ unlawfully
21 releasing, planting, possessing, or placing deleterious exotic wildlife
22 if the person knowingly releases, plants, possesses, or places live
23 fish, shellfish, or wildlife within the state in violation of this
24 title or rule of the department, and ~~((such))~~ the fish, shellfish, or
25 wildlife ~~((has))~~ have been classified as deleterious exotic wildlife by
26 rule of the commission.

27 (b) A violation of this subsection is a class C felony. In
28 addition, the department shall ~~((also))~~ order the person to pay all
29 costs the department incurred in capturing, killing, or controlling the
30 fish, shellfish, ~~((or))~~ wildlife ~~((released or its progeny)), or~~
31 progeny unlawfully released, planted, possessed, or placed. This does
32 not affect the existing authority of the department to bring a separate
33 civil action to recover costs of capturing, killing, or controlling the
34 fish, shellfish, ~~((or wildlife released or their progeny, or~~
35 ~~restoration of habitat necessitated by the unlawful release))~~ wildlife,
36 or progeny unlawfully released, planted, possessed, or placed, or the
37 costs of habitat restoration necessitated by the unlawful release,
38 planting, possession, or placing.

1 **Sec. 13.** RCW 77.15.370 and 2012 c 176 s 22 are each amended to
2 read as follows:

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

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

10 (b) The person fishes in a fishway;

11 (c) The person shoots, gaffs, snags, snares, spears, dipnets, or
12 stones fish or shellfish in state waters, or possesses fish or
13 shellfish taken by such means, unless such means are authorized by
14 express department rule;

15 (d) The person fishes for or possesses a fish listed as threatened
16 or endangered in 50 C.F.R. Sec. 223.102 (2006) or Sec. 224.101 (2010),
17 unless fishing for or (~~(possession of)~~) possessing such fish is
18 specifically allowed under federal or state law;

19 (e) The person possesses a white sturgeon measuring in excess of
20 the maximum size limit as established by rules adopted by the
21 department; (~~(or)~~)

22 (f) (~~(The person possesses a salmon or steelhead during a season~~
23 ~~closed for that species))~~ The person possesses a green sturgeon of any
24 size; or

25 (g)(i) The person possesses a wild salmon or wild steelhead during
26 a season closed for wild salmon or wild steelhead.

27 (ii) For the purposes of this subsection:

28 (A) "Wild salmon" means a salmon with an unclipped adipose fin,
29 regardless of whether the salmon's ventral fin is clipped.

30 (B) "Wild steelhead" means a steelhead with no fins clipped.

31 (2) Unlawful recreational fishing in the first degree is a gross
32 misdemeanor.

33 (3) In addition to the penalties set forth in subsection (2) of
34 this section, if a person is convicted of violating this section and
35 the violation results in the death of fish listed in this subsection,
36 the court shall require payment of the following amounts for each fish
37 taken or possessed. This is a criminal wildlife penalty assessment

1 that must be paid to the clerk of the court and distributed each month
2 to the state treasurer for deposit in the fish and wildlife enforcement
3 reward account created in RCW 77.15.425:

4 (a) White sturgeon longer than fifty-five inches in fork length,
5 two thousand dollars;

6 (b) Green sturgeon, two thousand dollars; and

7 (c) Wild salmon or wild steelhead, five hundred dollars.

8 (4) If two or more persons are convicted under subsection (1) of
9 this section, and subsection (3) of this section is applicable, the
10 criminal wildlife penalty assessment must be imposed against the
11 persons jointly and severally.

12 (5)(a) The criminal wildlife penalty assessment under subsection
13 (3) of this section must be imposed regardless of and in addition to
14 any sentence, fines, or costs otherwise provided for violating any
15 provision of this section. The criminal wildlife penalty assessment
16 must be included by the court in any pronouncement of sentence and may
17 not be suspended, waived, modified, or deferred in any respect.

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

21 (6) A defaulted criminal wildlife penalty assessment authorized
22 under subsection (3) of this section may be collected by any means
23 authorized by law for the enforcement of orders of the court or
24 collection of a fine or costs, including but not limited to vacation of
25 a deferral of sentencing or vacation of a suspension of sentence.

26 (7) The department shall revoke the fishing license and suspend the
27 fishing privileges of a person assessed a criminal wildlife penalty
28 assessment under this section until the penalty assessment is paid
29 through the registry of the court in which the penalty assessment was
30 assessed.

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

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

37 (b) When the trier of fact determines that the person took or

1 possessed the fish in question with the intent of bartering, selling,
2 or otherwise deriving economic profit from the fish or fish parts.

3 **Sec. 14.** RCW 77.15.380 and 2012 c 176 s 23 are each amended to
4 read as follows:

5 (1) A person is guilty of unlawful recreational fishing in the
6 second degree if the person fishes for fish or shellfish and, whether
7 or not the person possesses fish or shellfish, the person has not
8 purchased the appropriate fishing or shellfishing license and catch
9 record card issued to Washington residents or nonresidents under
10 chapter 77.32 RCW.

11 (2) A person is guilty of unlawful recreational fishing in the
12 second degree if the person takes(~~(τ)~~) or possesses(~~(τ-or-harvests)~~)
13 fish or shellfish and:

14 (a) The person owns, but does not have in the person's possession,
15 the license or the catch record card required by chapter 77.32 RCW for
16 such activity; or

17 (b) The action violates any department rule regarding seasons, bag
18 or possession limits but less than two times the bag or possession
19 limit, closed areas, closed times, or any other rule addressing the
20 manner or method of fishing for, taking, or (~~(possession-of)~~)
21 possessing fish or shellfish. This section does not apply to use of a
22 net to take fish under RCW 77.15.580 or the unlawful use of shellfish
23 gear for personal use under RCW 77.15.382.

24 (3) Unlawful recreational fishing in the second degree is a
25 misdemeanor.

26 **Sec. 15.** RCW 77.15.390 and 2012 c 176 s 24 are each amended to
27 read as follows:

28 (1) A person is guilty of unlawful taking of seaweed if the person
29 takes(~~(τ)~~) or possesses(~~(τ-or-harvests)~~) seaweed and:

30 (a) The person has not purchased a personal use shellfish and
31 seaweed license issued to Washington residents or nonresidents under
32 chapter 77.32 RCW; or

33 (b) The person takes(~~(τ)~~) or possesses(~~(τ-or-harvests)~~) seaweed in
34 an amount that is two times or more of the daily possession limit of
35 seaweed.

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

4 **Sec. 16.** RCW 77.15.420 and 2005 c 406 s 5 are each amended to read
5 as follows:

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

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

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

27 ~~(3))~~ (a) For the purpose of this section a "trophy animal" is:
28 ((+a)) (i) A buck deer with four or more antler points on both
29 sides, not including eyeguards;
30 ((+b)) (ii) A bull elk with five or more antler points on both
31 sides, not including eyeguards; or
32 ((+c)) (iii) A mountain sheep with a horn curl of three-quarter
33 curl or greater.
34 (b) For purposes of this subsection, "eyeguard" means an antler

1 protrusion on the main beam of the antler closest to the eye of the
2 animal.

3 ~~((+4))~~ (3) If two or more persons are convicted of illegally
4 possessing wildlife in subsection (1) of this section, the criminal
5 wildlife penalty assessment shall be imposed on them jointly and
6 ~~((separately))~~ severally.

7 ~~((+5))~~ (4) The criminal wildlife penalty assessment shall be
8 imposed regardless of and in addition to any sentence, fines, or costs
9 otherwise provided for violating any provision of this title. The
10 criminal wildlife penalty assessment shall be included by the court in
11 any pronouncement of sentence and may not be suspended, waived,
12 modified, or deferred in any respect. This section may not be
13 construed to abridge or alter alternative rights of action or remedies
14 in equity or under common law or statutory law, criminal or civil.

15 ~~((+6))~~ (5) A defaulted criminal wildlife penalty assessment may be
16 collected by any means authorized by law for the enforcement of orders
17 of the court or collection of a fine or costs, including but not
18 limited to vacation of a deferral of sentencing or vacation of a
19 suspension of sentence.

20 ~~((+7))~~ (6) A person assessed a criminal wildlife penalty
21 assessment under this section shall have his or her hunting license
22 revoked and all hunting privileges suspended until the penalty
23 assessment is paid through the registry of the court in which the
24 penalty assessment was assessed.

25 ~~((+8))~~ (7) The criminal wildlife penalty assessments provided in
26 subsection (1) of this section shall be doubled in the following
27 instances:

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

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

33 (c) When the trier of fact determines that the person ~~((killed))~~
34 took or possessed the animal in question with the intent of bartering,
35 selling, or otherwise deriving economic profit from the animal or the
36 animal's parts; or

37 (d) When ~~((a))~~ the trier of fact determines that the person
38 ~~((kills))~~ took the animal under the supervision of a licensed guide.

1 **Sec. 17.** RCW 77.15.425 and 2009 c 333 s 18 are each amended to
2 read as follows:

3 The fish and wildlife enforcement reward account is created in the
4 custody of the state treasurer. Deposits to the account include:
5 Receipts from fish and shellfish overages as a result of a department
6 enforcement action; fees for hunter education deferral applications;
7 fees for master hunter applications and master hunter certification
8 renewals; all receipts from criminal wildlife penalty assessments under
9 RCW 77.15.370, 77.15.400, and 77.15.420; all receipts of court-ordered
10 restitution or donations associated with any fish, shellfish, or
11 wildlife enforcement action; and proceeds from forfeitures and evidence
12 pursuant to RCW 77.15.070 and 77.15.100. The department may accept
13 money or personal property from persons under conditions requiring the
14 property or money to be used consistent with the intent of expenditures
15 from the fish and wildlife enforcement reward account. Expenditures
16 from the account may be used only for investigation and prosecution of
17 fish and wildlife offenses, to provide rewards to persons informing the
18 department about violations of this title and rules adopted under this
19 title, to offset department-approved costs incurred to administer the
20 hunter education deferral program and the master hunter (~~(permit)~~)
21 permit program, and for other valid enforcement uses as determined by
22 the commission. Only the director or the director's designee may
23 authorize expenditures from the account. The account is subject to
24 allotment procedures under chapter 43.88 RCW, but an appropriation is
25 not required for expenditures.

26 **Sec. 18.** RCW 77.15.460 and 2012 c 176 s 28 are each amended to
27 read as follows:

28 (1) A person is guilty of unlawful possession of a loaded rifle or
29 shotgun in a motor vehicle, as defined in RCW 46.04.320, or upon an
30 off-road vehicle, as defined in RCW 46.04.365, if:

31 (a) The person carries, transports, conveys, possesses, or controls
32 a rifle or shotgun in a motor vehicle, or upon an off-road vehicle,
33 except as allowed by department rule; and

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

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

1 (a) The person negligently discharges a firearm from, across, or
2 along the maintained portion of a public highway; or

3 (b) The person discharges a firearm from within a moving motor
4 vehicle or from upon a moving off-road vehicle.

5 (3) Unlawful possession of a loaded rifle or shotgun in a motor
6 vehicle or upon an off-road vehicle, and unlawful use of a loaded
7 firearm are misdemeanors.

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

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

11 (b) Possesses a disabled hunter's permit as provided by RCW
12 77.32.237 and complies with all rules of the department concerning
13 hunting by persons with disabilities; or

14 (c) Discharges the rifle or shotgun from upon a nonmoving motor
15 vehicle (~~(or a nonmoving off-road vehicle)~~), as long as the engine is
16 turned off and the motor vehicle (~~(or off-road vehicle)~~) is not parked
17 on or beside the maintained portion of a public road, except as
18 authorized by the commission by rule. This subsection (4)(c) does not
19 apply to off-road vehicles, which are unlawful to use for hunting under
20 RCW 46.09.480, unless the person has a department permit issued under
21 RCW 77.32.237.

22 (5) For purposes of subsection (1) of this section, a rifle or
23 shotgun shall not be considered loaded if the detachable clip or
24 magazine is not inserted in or attached to the rifle or shotgun.

25 **Sec. 19.** RCW 77.15.470 and 2000 c 107 s 246 are each amended to
26 read as follows:

27 (1) A person is guilty of unlawfully avoiding wildlife check
28 stations or field inspections if the person fails to:

29 (a) Obey check station signs;

30 (b) Stop and report at a check station if directed to do so by a
31 uniformed fish and wildlife officer or if directed by an ex officio
32 fish and wildlife officer participating in a department-authorized
33 check station; or

34 (c) Produce for inspection upon request by a fish and wildlife
35 officer or ex officio fish and wildlife officer: (i) Hunting or
36 fishing equipment; (ii) seaweed, fish, shellfish, or wildlife; or (iii)

1 licenses, permits, tags, stamps, or catch record cards required by this
2 title.

3 (2) Unlawfully avoiding wildlife check stations or field
4 inspections is a gross misdemeanor.

5 (3) Wildlife check stations may not be established upon interstate
6 highways or state routes.

7 **Sec. 20.** RCW 77.15.480 and 2001 c 253 s 42 are each amended to
8 read as follows:

9 Articles or devices unlawfully used, possessed, or maintained for
10 (~~catching,~~) taking, (~~killings,~~) harassing, attracting, or decoying
11 wildlife, fish, and shellfish are public nuisances. If necessary, fish
12 and wildlife officers and ex officio fish and wildlife officers may
13 seize, abate, or destroy these public nuisances without warrant or
14 process.

15 **Sec. 21.** RCW 77.15.630 and 2012 c 176 s 31 are each amended to
16 read as follows:

17 (1) A person (~~who acts in the capacity of a wholesale fish dealer,~~
18 ~~anadromous game fish buyer, or a fish buyer is guilty of unlawful fish~~
19 ~~and shellfish catch accounting in the second degree if the person:~~

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

22 ~~(b))~~ licensed as a commercial fisher, wholesale fish dealer,
23 direct retail seller, anadromous game fish buyer, or a fish buyer, or
24 a person not so licensed but acting in such a capacity, is guilty of
25 unlawful fish and shellfish catch accounting in the second degree if he
26 or she receives or delivers for commercial purposes fish or shellfish
27 worth less than two hundred fifty dollars; and

28 (a) Fails to document such fish or shellfish with a fish-receiving
29 ticket or other documentation required by statute or department rule;
30 ~~(or~~

31 ~~(e))~~ (b) Fails to sign the fish receiving ticket or other required
32 documentation, fails to provide all of the information required by
33 statute or department rule on the fish receiving ticket or other
34 documentation, or both; or

35 (c) Fails to submit the fish receiving ticket to the department as
36 required by statute or department rule.

1 (2) A person is guilty of unlawful fish and shellfish catch
2 accounting in the first degree if the person commits ((the)) an act
3 described by subsection (1) of this section and:

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

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

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

11 (3)(a) Unlawful fish and shellfish catch accounting in the second
12 degree is a gross misdemeanor.

13 (b) Unlawful fish and shellfish catch accounting in the first
14 degree is a class C felony. Upon conviction, the department shall
15 suspend all privileges to engage in fish buying or dealing for two
16 years.

17 (4) For the purposes of this section:

18 (a) A person "receives" fish or shellfish when title or control of
19 the fish or shellfish is transferred or conveyed to the person.

20 (b) A person "delivers" fish or shellfish when title or control of
21 the fish or shellfish is transferred or conveyed from the person.

22 **Sec. 22.** RCW 77.15.740 and 2012 c 176 s 37 are each amended to
23 read as follows:

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

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

28 (b) Position a vessel to be in the path of a southern resident orca
29 whale at any point located within four hundred yards of the whale.
30 This includes intercepting a southern resident orca whale by
31 positioning a vessel so that the prevailing wind or water current
32 carries the vessel into the path of the whale at any point located
33 within four hundred yards of the whale;

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

36 (d) Feed a southern resident orca whale.

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

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

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

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

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

17 (e) Conducting vessel operations necessary to avoid an imminent and
18 serious threat to a person, vessel, or the environment, including when
19 necessary for overall safety of navigation and to comply with state and
20 federal navigation requirements; or

21 (f) Engaging in rescue or clean-up efforts of a beached southern
22 resident orca whale overseen, coordinated, or authorized by a volunteer
23 stranding network.

24 (3) For the purpose of this section, "vessel" includes aircraft(~~(~~
25 ~~canoes, fishing vessels, kayaks, personal watercraft, rafts,~~
26 ~~recreational vessels, tour boats, whale watching boats, vessels engaged~~
27 ~~in whale watching activities, or other small craft including power~~
28 ~~boats and sailboats)) while on the surface of the water, and every
29 description of watercraft on the water that is used or capable of being
30 used as a means of transportation on the water. However, "vessel" does
31 not include inner tubes, air mattresses, sailboards, and small rafts,
32 or flotation devices or toys customarily used by swimmers.~~

33 (4)(a) A violation of this section is a natural resource infraction
34 punishable under chapter 7.84 RCW and carries a fine of five hundred
35 dollars, not including statutory assessments added pursuant to RCW
36 3.62.090.

37 (b) A person who qualifies for an exemption under subsection (2) of

1 this section may offer that exemption as an affirmative defense, which
2 that person must prove by a preponderance of the evidence.

3 **Sec. 23.** RCW 77.15.770 and 2011 c 324 s 2 are each amended to read
4 as follows:

5 (1) Except as otherwise provided in this section, a person is
6 guilty of unlawful trade in shark fins in the second degree if:

7 (a) The person sells, offers for sale, purchases, offers to
8 purchase, or otherwise exchanges a shark fin or shark fin derivative
9 product for commercial purposes; or

10 (b) The person prepares or processes a shark fin or shark fin
11 derivative product for human or animal consumption for commercial
12 purposes.

13 (2) Except as otherwise provided in this section, a person is
14 guilty of unlawful trade in shark fins in the first degree if:

15 (a) The person commits the act described by subsection (1) of this
16 section and the violation involves shark fins or a shark fin derivative
17 product with a total market value of two hundred fifty dollars or more;

18 (b) The person commits the act described by subsection (1) of this
19 section and acted with knowledge that the shark fin or shark fin
20 derivative product originated from a shark that was harvested in an
21 area or at a time where or when the harvest was not legally allowed or
22 by a person not licensed to harvest the shark; or

23 (c) The person commits the act described by subsection (1) of this
24 section and the violation occurs within five years of entry of a prior
25 conviction under this section or a prior conviction for any other gross
26 misdemeanor or felony under this title involving fish, other than a
27 recreational fishing violation.

28 (3)(a) Unlawful trade in shark fins in the second degree is a gross
29 misdemeanor. Upon conviction, the department shall suspend any
30 commercial fishing privileges for the person that requires a license
31 under this title for a period of one year.

32 (b) Unlawful trade in shark fins in the first degree is a class C
33 felony. Upon conviction, the department shall suspend any commercial
34 fishing privileges for the person that requires a license under this
35 title for a period of one year.

36 (4) Any person who obtains a license or permit issued by the
37 department to take or possess sharks or shark parts for bona fide

1 research or educational purposes, and who sells, offers for sale,
2 purchases, offers to purchase, or otherwise trades a shark fin or shark
3 fin derivative product, exclusively for bona fide research or
4 educational purposes, may not be held liable under or subject to the
5 penalties of this section.

6 ~~((5) Nothing in this section prohibits the sale, offer for sale,
7 purchase, offer to purchase, or other exchange of shark fins or shark
8 fin derivative products for commercial purposes, or preparation or
9 processing of shark fins or shark fin derivative products for purposes
10 of human or animal consumption for commercial purposes, if the shark
11 fins or shark fin derivative products were lawfully harvested or
12 lawfully acquired prior to July 22, 2011.))~~

13 NEW SECTION. **Sec. 24.** A new section is added to chapter 77.15 RCW
14 to read as follows:

15 (1) It is unlawful for any person to possess in Washington any
16 fish, shellfish, or wildlife that the person knows was taken in another
17 state or country in violation of that state's or country's laws or
18 regulations relating to licenses or tags, seasons, areas, methods, or
19 bag or possession limits.

20 (2) As used in this section, the terms "fish," "shellfish," and
21 "wildlife" have the meaning ascribed to those terms in the applicable
22 law or regulation of the state or country of the fish's, shellfish's,
23 or wildlife's origin.

24 (3) Unlawful possession of fish, shellfish, or wildlife taken or
25 possessed in violation of another state's or country's laws or
26 regulations is a gross misdemeanor.

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

29 (1) A person is guilty of engaging in wildlife rehabilitation
30 without a permit if the person captures, transports, treats, feeds,
31 houses, conditions, or trains injured, diseased, oiled, or abandoned
32 wildlife without department authority for temporary actions or a
33 wildlife rehabilitation permit issued by the department.

34 (2) A person who is a primary permittee or subpermittee on a
35 wildlife rehabilitation permit issued by the department is guilty of
36 unlawful use of a wildlife rehabilitation permit if the person violates

1 any permit provisions or department rules pertaining to wildlife
2 rehabilitation other than those addressing recordkeeping and reporting
3 requirements.

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

5 **Sec. 26.** RCW 77.32.010 and 2011 c 320 s 19 are each amended to
6 read as follows:

7 (1) Except as otherwise provided in this chapter or department
8 rule, a recreational license issued by the director is required to hunt
9 ~~((for or take wild animals or wild birds, fish for, take, or harvest~~
10 ~~fish, shellfish, and))~~, fish, or take wildlife or seaweed. A
11 recreational fishing or shellfish license is not required for carp,
12 smelt, and crawfish, and a hunting license is not required for
13 bullfrogs.

14 (2) A pass or permit issued under RCW 79A.80.020, 79A.80.030, or
15 79A.80.040 is required to park or operate a motor vehicle on a
16 recreation site or lands, as defined in RCW 79A.80.010.

17 (3) ~~((During the 2009-2011 fiscal biennium to enable the~~
18 ~~implementation of the pilot project established in section 307, chapter~~
19 ~~329, Laws of 2008,))~~ The commission may, by rule, indicate that a
20 fishing permit issued to a nontribal member by the Colville Tribes
21 shall satisfy the license requirements in subsection (1) of this
22 section on the waters of Lake Rufus Woods and on the north shore of
23 Lake Rufus Woods, and that a Colville Tribes tribal member
24 identification card shall satisfy the license requirements in
25 subsection (1) of this section on all waters of Lake Rufus Woods.

26 **Sec. 27.** RCW 77.65.280 and 2013 c 23 s 244 are each amended to
27 read as follows:

28 (1) A wholesale fish dealer's license is required for:

29 ~~((+1))~~ (a) A business in the state to engage in the commercial
30 processing of food fish or shellfish, including custom canning or
31 processing of personal use food fish or shellfish.

32 ~~((+2))~~ (b) A business in the state to engage in the wholesale
33 selling, buying, or brokering of food fish or shellfish. A wholesale
34 fish dealer's license is not required of those businesses which buy
35 exclusively from Washington licensed wholesale dealers and sell solely
36 at retail.

1 ~~((+3))~~ (c) Fishers who land and sell their catch or harvest in the
2 state to anyone other than a licensed wholesale dealer within or
3 outside the state, unless the fisher has a direct retail endorsement.

4 ~~((+4))~~ (d) A business to engage in the commercial manufacture or
5 preparation of fertilizer, oil, meal, caviar, fish bait, or other by-
6 products from food fish or shellfish.

7 ~~((+5))~~ (e) A business ~~((employing))~~ engaging a fish buyer as
8 defined under RCW 77.65.340.

9 (2) The annual license fee for a wholesale dealer is two hundred
10 fifty dollars. The application fee is one hundred five dollars. A
11 wholesale fish dealer's license is not required for persons engaged in
12 the processing, wholesale selling, buying, or brokering of private
13 sector cultured aquatic products as defined in RCW 15.85.020. However,
14 if a means of identifying such products is required by rules adopted
15 under RCW 15.85.060, the exemption from licensing requirements
16 established by this subsection applies only if the aquatic products are
17 identified in conformance with those rules.

18 **Sec. 28.** RCW 77.65.340 and 2013 c 23 s 245 are each amended to
19 read as follows:

20 (1) A fish buyer's license is required of and shall be carried by
21 each individual engaged by a wholesale fish dealer to purchase food
22 fish or shellfish from a ~~((licensed))~~ commercial fisher. A fish buyer
23 may represent only one wholesale fish dealer.

24 (2) The annual fee for a fish buyer's license is ninety-five
25 dollars. The application fee is one hundred five dollars.

26 NEW SECTION. **Sec. 29.** RCW 77.15.560 (Commercial fish, shellfish
27 harvest or delivery--Failure to report--Penalty) and 1998 c 190 s 41
28 are each repealed.

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

33 Correct the title.

EFFECT: Creates an exception for the unlawful taking of eggs and

nests if the action was done under a Department of Fish and Wildlife permit or consistent with the federal Endangered Species Act, and removes redundancy of specifying that Washington means Washington State.

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