
**Agriculture & Natural Resources
Committee**

HB 1191

Brief Description: Protecting livestock against predator attacks.

Sponsors: Representatives Short, Blake, Takko, Shea, Kretz, Crouse, Schmick, Chandler, Orcutt and Fagan.

Brief Summary of Bill

- Authorizes the owner of livestock to kill a mammalian predator without a permit or license if the predator is in the act of threatening livestock.

Hearing Date: 2/5/13

Staff: Jason Callahan (786-7117).

Background:

Owners of property are authorized, subject to limitations adopted in rule by the Fish and Wildlife Commission (Commission) to kill any wildlife that is in the act of threatening human safety of causing property damage [RCW 77.36.030]. This action may be taken without having to first receive a license or permit from the Washington Department of Fish and Wildlife (WDFW).

Under rules adopted by the Commission, it is permissible to kill wild animals engaged in the physical act of attacking a person or posing an immediate threat of physical harm to a person [WAC 232-36-050].

The conditions for killing wildlife to protect property vary based on the classification of the wildlife species, the imminent nature of the threat to damage private property, the type of private property damage, and the preventive and nonlethal methods employed by the person prior to the damage event [WAC 232-36-051]. For wildlife that is causing damage to a commercial crop or commercial livestock, it is permissible to kill one individual big game animal if the owner has a

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

valid, written damage prevention agreement with the WDFW. Multiple big game animals may only be killed if the owner is issued a kill permit by the WDFW.

The damage prevention agreement, or kill permit, must include: a checklist of the reasonable preventative and nonlethal means that must be employed prior to lethal removal; a description of the properties where lethal removal is allowed; the species and sex of the animal that may be killed; the terms of the agreement/permit; the dates when lethal removal is authorized; who may kill the animals; and other conditions developed by the WDFW [WAC 232-36-051].

The WDFW may make agreements with landowners to prevent wildlife damage. The agreements may include special hunting season permits. Landowners are also encouraged to allow general season hunters during established hunting seasons on their property to help minimize damage potential [WAC 232-36-051].

Summary of Bill:

The Commission must allow in its rules for the owner of livestock being threatened by a mammalian predator to kill that predator without a permit or license being issued from the WDFW. The permission to kill a mammalian predator applies when that predator is in the act of threatening the property owner's property (which is, in this case, is the livestock or other property).

The permission to kill a threatening predator applies to not only the owner of the livestock, but also to the owner's immediate family members, the agents of the owner, and the owner's employees. The permission applies across all lands where livestock are found; both public and private.

Applicable criminal statutes are amended to ensure that a person killing a mammalian predator under the permission to do so is not prosecuted for an otherwise related crime.

Appropriation: None.

Fiscal Note: Not requested.

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