

# SENATE BILL REPORT

## SB 5081

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As of January 31, 2013

**Title:** An act relating to unlawful trade in shark fins.

**Brief Description:** Regarding unlawful trade in shark fins.

**Sponsors:** Senators Ranker, Litzow, Shin, Kline, Keiser and Frockt.

**Brief History:**

**Committee Activity:** Natural Resources & Parks: 1/31/13.

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### SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

**Staff:** Curt Gavigan (786-7437)

**Background:** Unlawful Trade in Shark Fins. In 2011, the Legislature passed SSB 5688 that created the crime of unlawful trade in shark fins. A person commits the crime if that person:

- offers to or does sell, purchase, or otherwise exchange a shark fin or derivative product for commercial purposes; or
- prepares or processes a shark fin or derivative product for human or animal consumption for commercial purposes.

A violation is generally a gross misdemeanor and triggers suspension of commercial fishing privileges for one year. However, the violation is a class C felony if the violation involves product with a market value exceeding \$250, the person acted with knowledge that the shark was harvested unlawfully, or occurs within five years of a prior commercial fishing violation classified as a gross misdemeanor or felony.

Exemptions. The 2011 bill also provided two exemptions. A person may:

- conduct research or education activities under a Department of Fish and Wildlife (DFW) permit without being liable for unlawful trade in shark fins; and
- offer to or sell, purchase, or otherwise exchange for commercial purposes shark fins or derivative products lawfully caught or acquired before July 22, 2011, which was the date the law took effect.

**Summary of Bill:** Removes the exemption allowing a person to offer to or sell, purchase, or otherwise exchange for commercial purposes shark fins or derivative products lawfully caught or acquired before July 22, 2011, which was the date the 2011 law took effect.

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*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.*

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: In 2011 Washington was part of a multistate effort to pass legislation to address shark finning and the market for shark fins. There has been an enforcement investment in educating businesses and restaurants on the new law. However, the exemption for shark fins acquired before the ban creates enforcement challenges. There is concern that people are using a receipt pre-dating the ban to justify shark fins that were actually acquired after the ban.

**Persons Testifying:** PRO: Senator Ranker, prime sponsor; Mike Censi, DFW.