

SENATE BILL REPORT

SB 5137

As of February 1, 2013

Title: An act relating to department of fish and wildlife license suspensions.

Brief Description: Concerning department of fish and wildlife license suspensions.

Sponsors: Senators Hargrove, Carrell, Sheldon, Dammeier, Fraser, Roach, Hatfield, Schoesler, Hewitt, Billig, Smith, Honeyford and Shin; by request of Department of Fish and Wildlife.

Brief History:

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

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Staff: Curt Gavigan (786-7437)

Background: A person's hunting or fishing privileges may be suspended under certain circumstances. Typically, the court may require the Department of Fish and Wildlife (DFW) to suspend a person's license for engaging in a criminal violation of the Fish and Wildlife Enforcement Code. The suspension generally lasts for a specified period of years.

The Department of Child Support (DCS) also has the ability to ask DFW to suspend a person's hunting and fishing privileges as the result of the nonpayment of child support. Federal law requires that states have procedures allowing them to suspend or restrict the use of state issued licenses, including driver licenses, occupational licenses, and recreational and sporting licenses of individuals owing past-due child support. Failure to have these procedures will result in penalties to the state's Temporary Assistance to Needy Families Block Grant. Once a parent's license is suspended, DCS must promptly provide the parent with a release if the parent later comes into compliance.

A person commits the crime of violating a suspension of department privileges if the person engages in hunting or fishing while their license is suspended. The person is guilty of violating a suspension in the second degree for any violation of this provision. A person is guilty of violating a suspension in the first degree if the person commits the violation and:

- the person's privileges have been permanently suspended;
- the person takes or possesses more than \$250 worth of fish or wildlife; or
- the violation involves the hunting or taking of fish or wildlife classified as endangered, threatened, or big game.

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.

Conviction of violating a suspension in the first or second degree will result in a permanent revocation of the person's privileges to hunt, fish, trap, or take wildlife, food fish, game fish, or shellfish.

Summary of Bill: If a person engages in any activity licensed by DFW while the person's privileges are suspended due to the nonpayment of child support, it will result in a two-year suspension of privileges if violating a suspension in the second degree; and a four-year suspension of privileges if violating a suspension in the first degree.

Completion of the two or four year suspensions above do not impact any underlying suspension resulting from the nonpayment of child support.

Appropriation: None.

Fiscal Note: Available.

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: This bill provides an avenue for a person to get their license back if they violated a suspension of hunting or fishing privileges due to the nonpayment of child support. The law currently creates a disincentive for parents to meet their child support obligations.

Persons Testifying: PRO: Bruce Bjork, DFW.