

# HOUSE BILL REPORT

## HB 1627

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### As Passed Legislature

**Title:** An act relating to expanding the existing prohibition on unlawfully entering the land of another to hunt or to retrieve hunted wildlife under Title 77 RCW to include entering the land of another to collect wildlife parts.

**Brief Description:** Expanding the existing prohibition on unlawfully entering the land of another to hunt or to retrieve hunted wildlife under Title 77 RCW to include entering the land of another to collect wildlife parts.

**Sponsors:** Representative Schmick.

### Brief History:

#### Committee Activity:

Agriculture & Natural Resources: 2/10/15, 2/19/15 [DP].

#### Floor Activity:

Passed House: 3/9/15, 98-0.

Passed Senate: 4/13/15, 48-0.

Passed Legislature.

### Brief Summary of Bill

- Expands the existing prohibition on entering the premises of another to hunt or retrieve hunted wildlife to include the act of collecting wildlife parts from the premises of another.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 12 members: Representatives Blake, Chair; Lytton, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler, Dunshee, Kretz, Orcutt, Pettigrew, Schmick, Stanford and Van De Wege.

**Staff:** Peter Clodfelter (786-7127).

### Background:

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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.*

It is a misdemeanor to unlawfully hunt on or retrieve hunted wildlife from the premises of another if a person knowingly enters or remains unlawfully in or on the premises of another for the purpose of hunting wildlife or retrieving hunted wildlife. The following are defenses to a prosecution for unlawfully hunting on or retrieving hunted wildlife from the premises of another:

- The premises were open to the public for hunting purposes, and the actor complied with all lawful conditions imposed on access to or remaining on the premises.
- The actor reasonably believed that the premises' owner—or another person with authority to license access—would have licensed the actor to enter or remain on the premises to hunt wildlife or retrieve hunted wildlife.
- The actor reasonably believed the premises were not privately owned.
- After reasonable attempts to contact the premises' owner, the actor retrieved hunted wildlife for the sole purpose of avoiding wasting fish or wildlife (which is a violation of the Fish and Wildlife Code). This defense applies only to the retrieval of hunted wildlife, not to the act of hunting itself.

If a person is found guilty of unlawfully hunting on or retrieving hunted wildlife from the premises of another, then, upon conviction, the Washington Department of Fish and Wildlife (WDFW) must revoke all of the person's hunting licenses and tags and order a suspension of the person's hunting privileges for two years. The WDFW must seize any wildlife or wildlife parts that were unlawfully hunted or unlawfully retrieved from the premises of another.

**Summary of Bill:**

The existing prohibition on unlawfully hunting on or retrieving hunted wildlife from the premises of another is expanded to include the act of collecting wildlife parts from the premises of another. Generally, a person charged with unlawfully collecting wildlife parts from the premises of another may assert the same defenses as a person charged with unlawfully hunting wildlife on the premises of another. However, just as the defense of avoiding wasting fish or wildlife is unavailable to a person who is charged with unlawfully hunting wildlife on the premises of another, the defense of avoiding wasting fish or wildlife is unavailable to a person charged with unlawfully collecting wildlife parts from the premises of another.

A person convicted of unlawfully collecting wildlife parts from the premises of another will not have any hunting licenses or tags they may possess revoked or have their hunting privileges suspended for two years like a person would have if convicted of unlawfully hunting on or retrieving hunted wildlife from the premises of another. The WDFW must seize wildlife parts that were unlawfully collected from the premises of another.

**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.

**Staff Summary of Public Testimony:**

(In support) The purpose of the bill is to stop people from trespassing on private land to collect elk antler sheds. People use dogs to run elk back and forth until elk antlers fall off, and then collect those elk antler sheds, even on other people's private property. Currently, it is economical for people to knowingly trespass in order to collect elk antler sheds because people can still retain the valuable elk antler sheds even if penalized for trespassing. This bill would allow the Washington Department of Fish and Wildlife (WDFW) to confiscate antler sheds that a person collected when that person who knew he or she was collecting the antler sheds on another person's property. Although proving a "knowing" violation is challenging, WDFW field officers support this bill because the WDFW's forfeiture power could deter trespassing because a trespasser would no longer be able to retain the collected antler sheds.

(Opposed) None.

**Persons Testifying:** Representative Schmick, prime sponsor; Jack Field, Washington Cattlemen's Association; and Mike Hobbs, Washington Department of Fish and Wildlife.

**Persons Signed In To Testify But Not Testifying:** None.