

HOUSE BILL REPORT

HB 1641

As Passed Legislature

Title: An act relating to adding shellfish to the list of species types listed in RCW 77.15.260(1) (a).

Brief Description: Adding shellfish to the list of species types listed in RCW 77.15.260(1)(a).

Sponsors: Representatives Blake, Lytton and Tharinger.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/27/15, 2/3/15 [DP].

Floor Activity:

Passed House: 3/3/15, 97-0.

Passed Senate: 4/13/15, 49-0.

Passed Legislature.

Brief Summary of Bill

- Adds the word "shellfish" to the phrase "fish or wildlife" for the purposes of the scope of one element to the crime of Unlawful Trafficking in Fish, Shellfish, or Wildlife in the second degree.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 13 members: Representatives Blake, Chair; Lytton, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler, Dunshee, Hurst, Kretz, Orcutt, Pettigrew, Schmick, Stanford and Van De Wege.

Staff: Jason Callahan (786-7117).

Background:

The crime of Unlawful Trafficking in Fish, Shellfish, or Wildlife in the second degree is a class C felony. This crime applies if a person traffics in fish, shellfish, or wildlife with a wholesale value of less than \$250 and the trafficked product is either in violation of a rule for

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unclassified species or the species is classified as a game species, food fish, shellfish, game fish, or a protected species.

Prior to the year 2001, the crime only applied to fish and wildlife. Legislation that year added shellfish to the scope of the crime. The mechanics of the 2001 legislation were such that the word "shellfish" was added to the phrase "fish or wildlife" to create the re-occurring phrase "fish, shellfish, or wildlife."

The addition of the word "shellfish" occurred eight times in the 2001 legislation. However, the phrase "fish and wildlife" occurs nine times. This resulted in one instance in the statutory basis for the crime of Unlawful Trafficking in Fish, Shellfish, or Wildlife where "shellfish" is not included in the phrase "fish or wildlife." This appears in the element of the crime that describes the species classification that must apply for the crime to be prosecuted, and results in only "fish or wildlife," but not "shellfish," being a species type that qualifies under that element.

Summary of Bill:

The word "shellfish" is added to the phrase "fish or wildlife" for the purposes of the scope of one element to the crime of Unlawful Trafficking in Fish, Shellfish, or Wildlife in the second degree.

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) This is a correction to an oversight in an existing statute. There has already been one case against an alleged shellfish trafficker that was dropped by a prosecutor by the lack of the word "shellfish" in the underlying statute.

(Opposed) None.

Persons Testifying: Representative Blake, prime sponsor; and Erik Olson, Washington Department of Fish and Wildlife.

Persons Signed In To Testify But Not Testifying: None.