

HOUSE BILL REPORT

SB 6400

As Passed House:
March 4, 2016

Title: An act relating to the technical changes that clarify fish and wildlife enforcement laws.

Brief Description: Concerning technical changes that clarify fish and wildlife enforcement laws.

Sponsors: Senators Hewitt, Hargrove and Warnick; by request of Department of Fish and Wildlife.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/23/16 [DP].

Floor Activity:

Passed House: 3/4/16, 97-0.

Brief Summary of Bill

- Allows the Washington Department of Fish and Wildlife (WDFW) to enforce the crime of Unlawful Recreational Fishing during seasons that are closed to the harvest of wild salmon if a person is found in possession of a salmon that does not have a healed scar over the area where the adipose fin was once connected.
- Allows the WDFW to enforce the crime of Unlawful Hunting of Wild Birds based on the failure to possess licensure documents that are in a form other than a true license, such as a tag, permit, or stamp.
- Specifies that any suspension or revocation of hunting licenses or privileges due to failure to pay a criminal wildlife penalty assessment is in addition to, and runs concurrently with, any other revocation or suspension required under the law.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

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.

Majority Report: Do pass. Signed by 11 members: Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hurst, Lytton, Orcutt, Pettigrew, Schmick, Stanford and Van De Wege.

Staff: Jason Callahan (786-7117).

Background:

Title 77 is primarily enforced by the Washington Department of Fish and Wildlife (WDFW) enforcement staff. The WDFW enforces a myriad of offenses and criminal sanctions. Among those are crimes related to the Unlawful Hunting of Wild Birds and Unlawful Recreational Fishing. A successful enforcement of the crime of Unlawful Recreational Fishing can, on occasion, rely on the WDFW enforcement staff being able to ascertain whether the harvested salmon in question was a wild fish or a fish of hatchery origin. To do this, the adipose fin of the salmon is examined. If there is no adipose fin present, the fish is statutorily considered to be a hatchery-raised fish and not a wild fish.

The enforcement of the crime of Unlawful Hunting of Wild Birds requires the enforcement staff to review the licensing documents of the suspected violator. It is illegal to hunt wild birds without possessing, specifically, a license issued by the WDFW. The statute makes no reference to other types of permitting documents that may be issued by the WDFW, such as stamps, permits, or game tags.

Some violations of Title 77 carry with them monetary penalties that are in addition to any of the underlying criminal penalties. These monetary penalties, called criminal wildlife penalty assessments, are required to be paid by someone convicted of one of the qualifying crimes and may not be waived by the court. All hunting licenses must be revoked, and all hunting privileges must be suspended, until the person makes full payment of all criminal wildlife penalty assessments.

Summary of Bill:

Enforcement staff of the WDFW are able to enforce the crime of Unlawful Recreational Fishing during seasons that are closed to the harvest of wild salmon if a person is found in possession of a salmon that does not have a healed scar over the area where the adipose fin was once connected.

A clarification is made to the elements of the crime known as Unlawful Hunting of Wild Birds. This clarity provides that the WDFW may enforce the crime even if the WDFW issues licensure documents that are in a form other than a true license, such as a tag, permit, or stamp.

A change is made regarding criminal wildlife penalty assessments specifying that any suspension or revocation of hunting licenses or privileges due to failure to pay a criminal wildlife penalty assessment is in addition to, and runs concurrently with, any other revocation or suspension required under the law.

Appropriation: None.

Fiscal Note: Available.

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 WDFW has lost court cases due to loopholes in current law that are being closed by this bill. For instance, a number of anglers have discovered that they can illegally harvest wild fish by removing the adipose fin of an adult fish and take advantage of an incomplete legal definition in state law.

(Opposed) None.

Persons Testifying: Mike Censi, Department of Fish and Wildlife.

Persons Signed In To Testify But Not Testifying: None.