
SENATE BILL 5446

State of Washington

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By Senators Owen, Oke, Haugen and Spanel; by request of Department of Wildlife

Read first time 01/28/93. Referred to Committee on Natural Resources.

1 AN ACT Relating to the wildlife violator compact; adding a new
2 section to chapter 77.21 RCW; adding a new section to chapter 75.10
3 RCW; and adding a new chapter to Title 77 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The wildlife violator compact is hereby
6 established in the form substantially as follows, and the Washington
7 state department of wildlife is authorized to enter into such compact
8 on behalf of the state with all other jurisdictions legally joining
9 therein:

10 ARTICLE I

11 FINDINGS, DECLARATION OF POLICY, AND PURPOSE

12 (a) The party states find that:

13 (1) Wildlife resources are managed in trust by the respective
14 states for the benefit of all residents and visitors.

15 (2) The protection of their respective wildlife resources can be
16 materially affected by the degree of compliance with state statute,
17 law, regulation, ordinance, or administrative rule relating to the
18 management of those resources.

1 (3) The preservation, protection, management, and restoration of
2 wildlife contributes immeasurably to the aesthetic, recreational, and
3 economic aspects of these natural resources.

4 (4) Wildlife resources are valuable without regard to political
5 boundaries, therefore, all persons should be required to comply with
6 wildlife preservation, protection, management, and restoration laws,
7 ordinances, and administrative rules and regulations of all party
8 states as a condition precedent to the continuance or issuance of any
9 license to hunt, fish, trap, or possess wildlife.

10 (5) Violation of wildlife laws interferes with the management of
11 wildlife resources and may endanger the safety of persons and property.

12 (6) The mobility of many wildlife law violators necessitates the
13 maintenance of channels of communications among the various states.

14 (7) In most instances, a person who is cited for a wildlife
15 violation in a state other than the person's home state:

16 (i) Must post collateral or bond to secure appearance for a trial
17 at a later date; or

18 (ii) If unable to post collateral or bond, is taken into custody
19 until the collateral or bond is posted; or

20 (iii) Is taken directly to court for an immediate appearance.

21 (8) The purpose of the enforcement practices described in paragraph
22 (7) of this subdivision is to ensure compliance with the terms of a
23 wildlife citation by the person who, if permitted to continue on the
24 person's way after receiving the citation, could return to the person's
25 home state and disregard the person's duty under the terms of the
26 citation.

27 (9) In most instances, a person receiving a wildlife citation in
28 the person's home state is permitted to accept the citation from the
29 officer at the scene of the violation and to immediately continue on
30 the person's way after agreeing or being instructed to comply with the
31 terms of the citation.

32 (10) The practice described in paragraph (7) of this subdivision
33 causes unnecessary inconvenience and, at times, a hardship for the
34 person who is unable at the time to post collateral, furnish a bond,
35 stand trial, or pay the fine, and thus is compelled to remain in
36 custody until some alternative arrangement can be made.

37 (11) The enforcement practices described in paragraph (7) of this
38 subdivision consume an undue amount of law enforcement time.

39 (b) It is the policy of the party states to:

1 (1) Promote compliance with the statutes, laws, ordinances,
2 regulations, and administrative rules relating to management of
3 wildlife resources in their respective states.

4 (2) Recognize the suspension of wildlife license privileges of any
5 person whose license privileges have been suspended by a party state
6 and treat this suspension as if it had occurred in their state.

7 (3) Allow violators to accept a wildlife citation, except as
8 provided in subdivision (b) of Article III, and proceed on the
9 violator's way without delay whether or not the person is a resident in
10 the state in which the citation was issued, provided that the
11 violator's home state is party to this compact.

12 (4) Report to the appropriate party state, as provided in the
13 compact manual, any conviction recorded against any person whose home
14 state was not the issuing state.

15 (5) Allow the home state to recognize and treat convictions
16 recorded for their residents which occurred in another party state as
17 if they had occurred in the home state.

18 (6) Extend cooperation to its fullest extent among the party states
19 for obtaining compliance with the terms of a wildlife citation issued
20 in one party state to a resident of another party state.

21 (7) Maximize effective use of law enforcement personnel and
22 information.

23 (8) Assist court systems in the efficient disposition of wildlife
24 violations.

25 (c) The purpose of this compact is to:

26 (1) Provide a means through which the party states may participate
27 in a reciprocal program to effectuate policies enumerated in
28 subdivision (b) of this article in a uniform and orderly manner.

29 (2) Provide for the fair and impartial treatment of wildlife
30 violators operating within party states in recognition of the person's
31 right of due process and the sovereign status of a party state.

32 ARTICLE II

33 DEFINITIONS

34 Unless the context requires otherwise, the definitions in this
35 article apply through this compact and are intended only for the
36 implementation of this compact:

37 (a) "Citation" means any summons, complaint, ticket, penalty
38 assessment, or other official document issued by a wildlife officer or

1 other peace officer for a wildlife violation containing an order which
2 requires the person to respond.

3 (b) "Collateral" means any cash or other security deposited to
4 secure an appearance for trial, in connection with the issuance by a
5 wildlife officer or other peace officer of a citation for a wildlife
6 violation.

7 (c) "Compliance" with respect to a citation means the act of
8 answering the citation through appearance at a court, a tribunal, or
9 payment of fines, costs, and surcharges, if any, or both such
10 appearance and payment.

11 (d) "Conviction" means a conviction, including any court
12 conviction, of any offense related to the preservation, protection,
13 management, or restoration of wildlife which is prohibited by state
14 statute, law, regulation, ordinance, or administrative rule, or a
15 forfeiture of bail, bond, or other security deposited to secure
16 appearance by a person charged with having committed any such offense,
17 or payment of a penalty assessment, or a plea of nolo contendere, or
18 the imposition of a deferred or suspended sentence by the court.

19 (e) "Court" means a court of law, including Magistrate's Court and
20 the Justice of the Peace Court.

21 (f) "Home state" means the state of primary residence of a person.

22 (g) "Issuing state" means the party state which issues a wildlife
23 citation to the violator.

24 (h) "License" means any license, permit, or other public document
25 which conveys to the person to whom it was issued the privilege of
26 pursuing, possessing, or taking any wildlife regulated by statute, law,
27 regulation, ordinance, or administrative rule of a party state.

28 (i) "Licensing authority" means the department or division within
29 each party state which is authorized by law to issue or approve
30 licenses or permits to hunt, fish, trap, or possess wildlife.

31 (j) "Party state" means any state which enacts legislation to
32 become a member of this wildlife compact.

33 (k) "Personal recognizance" means an agreement by a person made at
34 the time of issuance of the wildlife citation that the person will
35 comply with the terms of that citation.

36 (l) "State" means any state, territory, or possession of the United
37 States, the District of Columbia, Commonwealth of Puerto Rico,
38 Provinces of Canada, or other countries.

1 (m) "Suspension" means any revocation, denial, or withdrawal of any
2 or all license privileges, including the privilege to apply for,
3 purchase, or exercise the benefits conferred by any license.

4 (n) "Terms of the citation" means those conditions and options
5 expressly stated upon the citation.

6 (o) "Wildlife" means all species of animals, including but not
7 necessarily limited to mammals, birds, fish, reptiles, amphibians,
8 mollusks, and crustaceans, which are defined as "wildlife" and are
9 protected or otherwise regulated by statute, law, regulation,
10 ordinance, or administrative rule in a party state. "Wildlife" also
11 means food fish and shellfish as defined by statute, law, regulation,
12 ordinance, or administrative rule in a party state. Species included
13 in the definition of "wildlife" vary from state to state and
14 determination of whether a species is "wildlife" for the purposes of
15 this compact shall be based on local law.

16 (p) "Wildlife law" means any statute, law, regulation, ordinance,
17 or administrative rule developed and enacted to manage wildlife
18 resources and the use thereof.

19 (q) "Wildlife officer" means any individual authorized by a party
20 state to issue a citation for a wildlife violation.

21 (r) "Wildlife violation" means any cited violation of a statute,
22 law, regulation, ordinance, or administrative rule developed and
23 enacted to manage wildlife resources and the use thereof.

24 ARTICLE III

25 PROCEDURES FOR ISSUING STATE

26 (a) When issuing a citation for a wildlife violation, a wildlife
27 officer shall issue a citation to any person whose primary residence is
28 in a party state in the same manner as if the person were a resident of
29 the home state and shall not require the person to post collateral to
30 secure appearance, subject to the exceptions contained in subdivision
31 (b) of this article, if the officer receives the person's personal
32 recognizance that the person will comply with the terms of the
33 citation.

34 (b) Personal recognizance is acceptable:

35 (1) If not prohibited by local law or the compact manual; and

36 (2) If the violator provides adequate proof of the violator's
37 identification to the wildlife officer.

1 (c) Upon conviction or failure of a person to comply with the terms
2 of a wildlife citation, the appropriate official shall report the
3 conviction or failure to comply to the licensing authority of the party
4 state in which the wildlife citation was issued. The report shall be
5 made in accordance with procedures specified by the issuing state and
6 shall contain the information specified in the compact manual as
7 minimum requirements for effective processing by the home state.

8 (d) Upon receipt of the report of conviction or noncompliance
9 required by subdivision (c) of this article, the licensing authority of
10 the issuing state shall transmit to the licensing authority in the home
11 state of the violator the information in a form and content as
12 contained in the compact manual.

13 ARTICLE IV

14 PROCEDURES FOR HOME STATE

15 (a) Upon receipt of a report of failure to comply with the terms of
16 a citation from the licensing authority of the issuing state, the
17 licensing authority of the home state shall notify the violator, shall
18 initiate a suspension action in accordance with the home state's
19 suspension procedures and shall suspend the violator's license
20 privileges until satisfactory evidence of compliance with the terms of
21 the wildlife citation has been furnished by the issuing state to the
22 home state licensing authority. Due process safeguards will be
23 accorded.

24 (b) Upon receipt of a report of conviction from the licensing
25 authority of the issuing state, the licensing authority of the home
26 state shall enter such conviction in its records and shall treat such
27 conviction as if it occurred in the home state for the purposes of the
28 suspension of license privileges.

29 (c) The licensing authority of the home state shall maintain a
30 record of actions taken and make reports to issuing states as provided
31 in the compact manual.

32 ARTICLE V

33 RECIPROCAL RECOGNITION OF SUSPENSION

34 All party states shall recognize the suspension of license
35 privileges of any person by any state as if the violation on which the
36 suspension is based had in fact occurred in their state and could have
37 been the basis for suspension of license privileges in their state.

1 ARTICLE VI

2 APPLICABILITY OF OTHER LAWS

3 Except as expressly required by provisions of this compact, nothing
4 herein shall be construed to affect the right of any party state to
5 apply any of its laws relating to license privileges to any person or
6 circumstance, or to invalidate or prevent any agreement or other
7 cooperative arrangements between a party state and a nonparty state
8 concerning wildlife law enforcement.

9 ARTICLE VII

10 COMPACT ADMINISTRATOR PROCEDURES

11 (a) For the purpose of administering the provisions of this compact
12 and to serve as a governing body for the resolution of all matters
13 relating to the operation of this compact, a board of compact
14 administrators is established. The board shall be composed of one
15 representative from each of the party states to be known as the compact
16 administrator. The compact administrator shall be appointed by the
17 head of the licensing authority of each party state and will serve and
18 be subject to removal in accordance with the laws of the state the
19 administrator represents. A compact administrator may provide for the
20 discharge of the administrator's duties and the performance of the
21 administrator's functions as a board member by an alternate. An
22 alternate may not be entitled to serve unless written notification of
23 the alternate's identity has been given to the board.

24 (b) Each member of the board of compact administrators shall be
25 entitled to one vote. No action of the board shall be binding unless
26 taken at a meeting at which a majority of the total number of votes on
27 the board are cast in favor thereof. Action by the board shall be only
28 at a meeting at which a majority of the party states are represented.

29 (c) The board shall elect annually, from its membership, a
30 chairperson and vice-chairperson.

31 (d) The board shall adopt bylaws, not inconsistent with the
32 provisions of this compact or the laws of a party state, for the
33 conduct of its business and shall have the power to amend and rescind
34 its bylaws.

35 (e) The board may accept for any of its purposes and functions
36 under this compact all donations and grants of money, equipment,
37 supplies, materials, and services, conditional or otherwise, from any

1 state, the United States, or any governmental agency, and may receive,
2 utilize, and dispose of the same.

3 (f) The board may contract with or accept services or personnel
4 from any governmental or intergovernmental agency, individual, firm,
5 corporation, or any private nonprofit organization or institution.

6 (g) The board shall formulate all necessary procedures and develop
7 uniform forms and documents for administering the provisions of this
8 compact. All procedures and forms adopted pursuant to board action
9 shall be contained in the compact manual.

10 ARTICLE VIII

11 ENTRY INTO COMPACT AND WITHDRAWAL

12 (a) This compact shall become effective when it has been adopted by
13 at least two states.

14 (b)(1) Entry into the compact shall be made by resolution of
15 ratification executed by the authorized officials of the applying state
16 and submitted to the chairperson of the board.

17 (2) The resolution shall be in a form and content as provided in
18 the compact manual and shall include statements that in substance are
19 as follows:

20 (i) A citation of the authority by which the state is empowered to
21 become a party to this compact;

22 (ii) Agreement to comply with the terms and provisions of the
23 compact; and

24 (iii) That compact entry is with all states then party to the
25 compact and with any state that legally becomes a party to the compact.

26 (3) The effective date of entry shall be specified by the applying
27 state, but shall not be less than sixty days after notice has been
28 given by the chairperson of the board of compact administrators or by
29 the secretariat of the board to each party state that the resolution
30 from the applying state has been received.

31 (c) A party state may withdraw from this compact by official
32 written notice to the other party states, but a withdrawal shall not
33 take effect until ninety days after notice of withdrawal is given. The
34 notice shall be directed to the compact administrator of each member
35 state. No withdrawal shall affect the validity of this compact as to
36 the remaining party states.

1 ARTICLE IX

2 AMENDMENTS TO THE COMPACT

3 (a) This compact may be amended from time to time. Amendments
4 shall be presented in resolution form to the chairperson of the board
5 of compact administrators and may be initiated by one or more party
6 states.

7 (b) Adoption of an amendment shall require endorsement by all party
8 states and shall become effective thirty days after the date of the
9 last endorsement.

10 (c) Failure of a party state to respond to the compact chairperson
11 within one hundred twenty days after receipt of the proposed amendment
12 shall constitute endorsement.

13 ARTICLE X

14 CONSTRUCTION AND SEVERABILITY

15 This compact shall be liberally construed so as to effectuate the
16 purposes stated herein. The provisions of this compact shall be
17 severable and if any phrase, clause, sentence, or provision of this
18 compact is declared to be contrary to the constitution of any party
19 state or of the United States or the applicability thereof to any
20 government, agency, individual, or circumstance is held invalid, the
21 compact shall not be affected thereby. If this compact shall be held
22 contrary to the constitution of any party state thereto, the compact
23 shall remain in full force and effect as to the remaining states and in
24 full force and effect as to the state affected as to all severable
25 matters.

26 ARTICLE XI

27 TITLE

28 This compact shall be known as the wildlife violator compact.

29 NEW SECTION. **Sec. 2.** For purposes of Article VII of section 1 of
30 this act, the term "licensing authority," with reference to this state,
31 means the department of wildlife. The director of the department of
32 wildlife is authorized to appoint a compact administrator.

33 NEW SECTION. **Sec. 3.** The director of the department of wildlife
34 shall furnish to the appropriate authorities of the participating

1 states any information or documents reasonably necessary to facilitate
2 the administration of the compact.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 77.21 RCW
4 to read as follows:

5 (1) Upon receipt of a report of failure to comply with the terms of
6 a citation from the licensing authority of a state that is a party to
7 the wildlife violator compact under section 1 of this act, the
8 department shall suspend the violator's license privileges under this
9 title until satisfactory evidence of compliance with the terms of the
10 wildlife citation has been furnished by the issuing state to the
11 department. The department shall adopt by rule procedures for the
12 timely notification and administrative review of such suspension of
13 licensing privileges.

14 (2) Upon receipt of a report of a conviction from the licensing
15 authority of a state that is a party to the wildlife violator compact
16 under section 1 of this act, the department shall enter such conviction
17 in its records and shall treat such conviction as if it occurred in the
18 state of Washington for the purposes of suspension, revocation, or
19 forfeiture of license privileges.

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 75.10 RCW
21 to read as follows:

22 (1) The department of wildlife shall notify the department upon
23 receipt of a report of failure to comply with the terms of a citation
24 from the licensing authority of a state that is a party to the wildlife
25 violator compact under section 1 of this act. The department shall
26 suspend the violator's license privileges under this title until
27 satisfactory evidence of compliance with the terms of the wildlife
28 citation has been furnished by the department of wildlife. The
29 department shall adopt by rule procedures for the timely notification
30 and administrative review of such suspension of licensing privileges.

31 (2) The department of wildlife shall notify the department upon
32 receipt of a report of a conviction from the licensing authority of a
33 state that is a party to the wildlife violator compact under section 1
34 of this act. The department shall enter such conviction in its records
35 and shall treat such conviction as if it occurred in the state of
36 Washington for the purposes of suspension, revocation, or forfeiture of
37 license privileges.

1 NEW SECTION. **Sec. 6.** Sections 1 through 3 of this act shall
2 constitute a new chapter in Title 77 RCW.

--- **END** ---