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**Agriculture & Natural Resources  
Committee**

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**HB 1078**

**Brief Description:** Creating the crime of unlawfully hunting upon the property of another.

**Sponsors:** Representatives Kretz and B. Sullivan.

**Brief Summary of Bill**

- Makes killing a big game animal while trespassing an offense enforceable by the Department of Fish and Wildlife.
- Requires payment of a criminal wildlife assessment, revocation of hunting licenses and tags and a suspension of hunting privileges for two years, if found in violation of killing a big game animal while trespassing.

**Hearing Date:** 1/15/07

**Staff:** Jaclyn Ford (786-7339).

**Background:**

People are held in violation of an illegal trespass if they knowingly enter onto the property of another and remain on the premises [RCW 9A.52.080]. The Department of Fish and Wildlife (DFW) law enforcement officers are able to cite trespassing hunters for a misdemeanor under this statute. The amount of punishment authorized for a misdemeanor is 0-90 days, a fine of \$1000, or both [RCW 9A.20.021 (3)].

The DFW has the authority to seize fish, wildlife, shellfish, boats, vehicles, gear and appliances without a warrant, but the seizure must be in violation of a statute in the DFW title or rule of the commission or director [RCW 77.15.085, RCW 77.15.070]. In order to perform their duties, the DFW may also enter any land or waters (RCW 77.12.154).

The unlawful killing of specific wildlife results in a criminal wildlife penalty assessment determined by the species. The criminal wildlife penalty assessment is deposited into the Fish and

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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.*

Wildlife Enforcement Reward Account (the Account). The Account is intended to be used for investigation and prosecution of offenses, to provide rewards for informants, and other valid enforcement uses [RCW 77.15.425]. If a hunter is assessed a criminal wildlife penalty assessment, their license is revoked and suspended until the assessment is paid [RCW 77.15.420].

**Summary of Bill:**

People may not lawfully hunt on a piece of property without a license, invitation or other privilege given to the hunter by the landowner. Hunters are however allowed to hunt on unimproved and apparently unused land.

If a hunter is found guilty of hunting while criminally trespassing, the DFW may revoke the hunter's licenses and tags and suspend their hunting privileges for two years. In addition, the hunter must pay a criminal wildlife penalty assessment according to the species killed. Each dead animal killed in violation of this law is a separate offense.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.