
**Agriculture & Natural Resources
Committee**

HB 1885

Brief Description: Regarding the feeding of wildlife.

Sponsors: Representatives Van De Wege, Blake, Warnick, Takko, Ormsby and Liias.

Brief Summary of Bill

- Makes it unlawful to intentionally feed, attempt to feed, or attract wildlife to land or a building except in a few specified cases.
- Establishes a tiered system of penalties for intentionally feeding, attempting to feed, or attracting wildlife to land or a building, starting with a warning and progressing to the issuance of an infraction.

Hearing Date: 2/10/09

Staff: Anna Jackson (786-7190)

Background:

Enforcement authority of fish and wildlife officers

Fish and wildlife officers and ex officio fish and wildlife officers enforce state laws related to fish and wildlife and the rules of the Department of Fish and Wildlife (Department) [RCW 77.15.075(1)]. An "ex officio fish and wildlife officer" is a commissioned officer of a municipal, county, state, or federal agency whose primary function is the enforcement of criminal laws while the officer is in the appropriate jurisdiction [RCW 77.08.010(15)]. Ex officio fish and wildlife officers include special agents of the National Marine Fisheries Service, state parks commissioned officers, United States Fish and Wildlife special agents, Department of Natural Resources enforcement officers, and United States Forest Service officers, while the agents and officers are within their respective jurisdictions. Fish and wildlife officers, but not ex officio fish

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and wildlife officers, have the same general police powers throughout the state as sheriffs and peace officers and may serve and execute warrants issued by the courts [RCW 77.15.075].

Natural resource civil infractions

Certain prohibited actions contained in state laws concerning forests and forests products, fish and wildlife, public lands, and public recreational lands are punishable as civil infractions instead of criminal offenses [RCW 7.84.020]. An infraction proceeding is initiated by the service and filing of a notice of infraction [RCW 7.84.030] and is heard in the district court where the infraction occurred [RCW 7.84.040]. The form for the notice of infraction is determined by Washington Supreme Court rules and must contain a number of statements, including: (1) that the notice represents a determination that an infraction was committed by the person named in the notice and shall be final unless contested; (2) the specific infraction for which the notice was issued; (3) the monetary penalty for the infraction; (4) options for responding to the determination (5) hearing procedures; and (6) the consequences of failing to respond or to appear at a hearing [RCW 7.84.050]. Special provisions also apply regarding the nature and procedures of hearings about natural resource infractions and monetary penalties [RCW 7.84].

Summary of Bill:

It is unlawful to intentionally feed, attempt to feed, or attract wildlife to land or a building. In this context, "wildlife" is defined as bears, cougars, wolves, coyotes, deer, elk, turkeys, raccoons, opossums, and skunks. "Feed, attempt to feed, or attract" means to provide or leave food, food waste, or other substances that attract wildlife to any land or building. A "building" includes a private home, a public building, or a business.

Penalties

If a fish and wildlife officer or ex officio fish and wildlife officer (officer) has probable cause to believe that food, food waste, or other substance in or upon any building or land poses a safety risk because it is attracting or could attract wildlife, the officer may issue a written warning. "Food, food waste, or other substance" means human and pet food or other garbage that could attract wildlife. The warning will require the person to contain, move, or remove the food, food waste, or other substance within two days. If the person fails to comply, an officer may issue an infraction. If the person fails to follow the infraction's orders, or commits a new violation within 12 months of the infraction, an officer may issue a second infraction.

Intentionally feeding wildlife in violation of a written warning or infraction is added to the list of actions constituting an infraction under the Department's Enforcement Code.

Exemptions

It is *not* unlawful for the following persons and entities to intentionally feed, attempt to feed, or attract wildlife to land or a building: (1) a person lawfully engaged in hunting or trapping wildlife; (2) a person engaged in a farming operation that uses best management practices or

other generally accepted farming practices; (3) lawfully operated waste disposal facilities; and (4) zoos and lawfully operated wildlife refuges.

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.