
SENATE BILL 5095

State of Washington

61st Legislature

2009 Regular Session

By Senators Jacobsen and Kline

Read first time 01/13/09. Referred to Committee on Natural Resources,
Ocean & Recreation.

1 AN ACT Relating to protecting the California condor and other
2 vulnerable wildlife from the threat of lead poisoning; amending RCW
3 77.15.400; adding a new section to chapter 77.15 RCW; creating a new
4 section; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** Lead toxicity has been identified as the
7 leading cause of death in California condors. Although there may be
8 many potential sources of lead, studies have determined that lead from
9 spent ammunition is a major source of lead in exposed condors and that
10 lead from the local environment does not appear to be a factor.
11 California condors inadvertently ingest lead from spent ammunition
12 found in animal carcasses and gut piles. Lead bullets can fragment
13 into hundreds of pieces before they exit a target such as a deer or
14 coyote. Since California condors are group feeders, and only one or
15 two lead fragments or pellets can cause lead toxicity, one animal
16 carcass or gut pile containing lead fragments or lead shot has the
17 potential to poison several condors. It is the intent of the
18 legislature to protect vulnerable wildlife, including the California

1 condor, a federally listed endangered species, from the ongoing threat
2 of lead poisoning.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.15 RCW
4 to read as follows:

5 (1) A person is guilty of unlawful hunting in the second degree if
6 the person possesses shot, either in shotgun shells or as loose shot
7 for muzzle-loading, other than nontoxic shot when hunting game animals,
8 game birds, or waterfowl in those areas as determined by rule of the
9 commission in which waterfowl, California condors, or other endangered,
10 threatened, or sensitive species could be harmed by lead shot.

11 (2) The commission shall by rule determine the areas in which a
12 person may not possess shot, either in shotgun shells or as loose shot
13 for muzzle-loading, other than nontoxic shot when hunting game animals,
14 game birds, or waterfowl.

15 (3) The commission shall by rule determine the types of nontoxic
16 shot consistent with federal regulations that may be used in the areas
17 in which a person may not possess shot, either in shotgun shells or as
18 loose shot for muzzle-loading, other than nontoxic shot when hunting
19 game animals, game birds, or waterfowl.

20 (4) Unlawful hunting in the second degree is a misdemeanor.

21 (5) In addition to the penalties set forth in this section, upon
22 conviction:

23 (a) The court shall require a payment of one thousand dollars as a
24 criminal wildlife penalty assessment that must be paid to the clerk of
25 the court and distributed to the state treasurer for deposit in the
26 fish and wildlife enforcement reward account created in RCW 77.15.425.
27 The criminal wildlife penalty assessment must be imposed regardless of
28 and in addition to any sentence, fine, or costs imposed for violating
29 this section. The criminal wildlife penalty assessment must be
30 included by the court in any pronouncement of sentence and may not be
31 suspended, waived, modified, or deferred in any respect; and

32 (b) The department shall revoke the hunting license of the person
33 and order a suspension of hunting privileges for two years.

34 **Sec. 3.** RCW 77.15.400 and 2006 c 148 s 1 are each amended to read
35 as follows:

1 (1) A person is guilty of unlawful hunting of wild birds in the
2 second degree if the person:

3 (a) Hunts for, takes, or possesses a wild bird and the person does
4 not have and possess all licenses, tags, stamps, and permits required
5 under this title;

6 (b) Maliciously destroys, takes, or harms the eggs or nests of a
7 wild bird except when authorized by permit;

8 (c) Violates any rule of the commission or director regarding
9 seasons, bag or possession limits but less than two times the bag or
10 possession limit, closed areas, closed times, or other rule addressing
11 the manner or method of hunting or possession of wild birds; or

12 (d) Possesses a wild bird taken during a closed season for that
13 wild bird or taken from a closed area for that wild bird.

14 (2) A person is guilty of unlawful hunting of wild birds in the
15 first degree if the person takes or possesses two times or more than
16 the possession or bag limit for wild birds allowed by rule of the
17 commission or director.

18 (3)(a) Unlawful hunting of wild birds in the second degree is a
19 misdemeanor.

20 (b) Unlawful hunting of wild birds in the first degree is a gross
21 misdemeanor.

22 ~~((4) In addition to the penalties set forth in this section, if a
23 person, other than a youth as defined in RCW 77.08.010 for hunting
24 purposes, violates a rule adopted by the commission under the authority
25 of this title that requires the use of nontoxic shot, upon conviction:~~

26 ~~(a) The court shall require a payment of one thousand dollars as a
27 criminal wildlife penalty assessment that must be paid to the clerk of
28 the court and distributed to the state treasurer for deposit in the
29 fish and wildlife enforcement reward account created in RCW 77.15.425.
30 The criminal wildlife penalty assessment must be imposed regardless of
31 and in addition to any sentence, fine, or costs imposed for violating
32 this section. The criminal wildlife penalty assessment must be
33 included by the court in any pronouncement of sentence and may not be
34 suspended, waived, modified, or deferred in any respect; and~~

35 ~~(b) The department shall revoke the hunting license of the person
36 and order a suspension of small game hunting privileges for two~~

1 ~~years.~~))

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