
**Agriculture & Natural Resources
Committee**

SSB 5688

Brief Description: Concerning shark finning activities.

Sponsors: Senate Committee on Natural Resources & Marine Waters (originally sponsored by Senators Ranker, Swecker, Rockefeller, Litzow, Shin and Kline).

Brief Summary of Substitute Bill

- Creates the crimes of unlawful trade in shark fins in the first and second degree.

Hearing Date: 3/15/11

Staff: Jason Callahan (786-7117).

Background:

It is currently unlawful under state law to remove the fins of sharks in Washington waters. It is also unlawful to possess, while fishing, shark fins unless the carcass of the shark is retained. Once a shark carcass has been delivered to a licensed wholesale dealer, and the sale of the shark has been recorded on a fish receiving ticket, the shark carcass and the shark fins may be retained separately (WAC 220-20-020). A violation of these prohibitions may be prosecuted as a gross misdemeanor (RCW 77.15.520).

Summary of Bill:

Two new crimes related to shark fins and shark fin derivative products are created. A shark fin derivative product is a product intended for use by humans or animals that it derived from a shark fin or from shark fin cartilage.

A person commits the crime of the *unlawful trade in shark fins in the second degree* if one of two acts is committed. It is unlawful to be involved with the sale or purchase of shark fins or shark

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fin derivative products for any commercial purpose. It is also unlawful to prepare or process a shark fin or a shark fin derivative product for commercial human or animal consumption. The unlawful trade in shark fins in the second degree is a gross misdemeanor. In addition to criminal sanctions, any commercial fishing licenses held by the convicted must be suspended for one year.

A person commits the crime of *unlawful trade in shark fins in the first degree* if the person commits an act that qualifies for prosecution under the second degree variety of the crime and, in addition:

- is involved with shark fins or shark fin derivative products with a market value of more than \$249.99;
- acts with knowledge that the sharks from which the fins or derivative products originated were harvested illegally (in a closed season; in a closed area; by an unlicensed fisher); or
- has been convicted of the unlawful trade in shark fins in the second degree or any other fish-related gross misdemeanor or felony, other than a recreational fishing violation, within the previous five years.

The unlawful trade in shark fins in the first degree is an unranked class C felony. In addition to criminal sanctions, any commercial fishing licenses held by the convicted must be suspended for one year.

Enforcement of the new criminal sanctions may not occur if the person is licensed by the WDFW to possess shark parts for bone fide research or educational purposes or if the shark fins or shark fin derivative products were lawfully acquired before the effective date of the act. The latter exception only applies until August 1, 2012.

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.