
HOUSE BILL 2535

State of Washington

52nd Legislature

1992 Regular Session

By Representatives R. Meyers, R. King, Padden, Orr, Wilson, Haugen, Jacobsen, Paris, Kremen and Rasmussen; by request of Department of Wildlife

Read first time 01/20/92. Referred to Committee on Judiciary.

1 AN ACT Relating to violations of Title 77 RCW involving commercial
2 trafficking of wildlife; amending RCW 77.16.040 and 77.21.010; and
3 prescribing penalties.

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

5 **Sec. 1.** RCW 77.16.040 and 1987 c 506 s 60 are each amended to read
6 as follows:

7 Except as authorized by law or rule, it is unlawful to bring into
8 this state, offer for sale, sell, possess with intent to sell,
9 exchange, ((buy)) purchase, transport, or ship wildlife or articles
10 made from an endangered species. It is unlawful for a common or
11 contract carrier knowingly to ship or receive for shipment wildlife or
12 articles made from an endangered species.

1 **Sec. 2.** RCW 77.21.010 and 1988 c 265 s 3 are each amended to read
2 as follows:

3 (1) A person (~~((violating RCW 77.16.040, 77.16.050, 77.16.060))~~) who
4 intentionally commits an act in violation of RCW 77.16.040 or 77.16.060
5 which involves wildlife having a wholesale value in excess of two
6 hundred fifty dollars is guilty of a class C felony and shall be
7 prosecuted and punished under RCW 9A.20.021. A person violating RCW
8 77.16.040 or 77.16.060 which involves wildlife having a wholesale value
9 of two hundred fifty dollars or less or committing a violation of RCW
10 77.16.050, 77.16.080, 77.16.210, 77.16.220, 77.16.310, 77.16.320, or
11 77.32.211, or committing a violation of RCW 77.16.020 or 77.16.120
12 involving 77.16.210, 77.16.220, 77.16.310, 77.16.320, 77.16.340, or
13 77.32.211, or committing a violation of RCW 77.16.020 or 77.16.120
14 involving big game or an endangered species is guilty of a gross
15 misdemeanor and shall be punished ((by a fine of not less than two
16 hundred fifty dollars and not more than one thousand dollars or by
17 imprisonment in the county jail for not less than thirty days and not
18 more than one year or by both the fine and imprisonment)) under RCW
19 9.92.020. Each subsequent violation within a five-year period of RCW
20 77.16.040, 77.16.050, or 77.16.060, or of RCW 77.16.020 or 77.16.120
21 involving big game or an endangered species, as defined by the
22 commission under the authority of RCW 77.04.090, shall be prosecuted
23 and punished as a class C felony ((as defined in RCW 9A.20.020)) under
24 RCW 9A.20.021. In connection with each such felony prosecution, the
25 director shall provide the court with an inventory of all articles or
26 devices seized under this title in connection with the violation.
27 Inventoried articles or devices shall be disposed of pursuant to RCW
28 77.21.040.

29 (2) A person violating or failing to comply with this title or
30 rules adopted pursuant to this title for which no penalty is otherwise

1 provided is guilty of a misdemeanor and shall be punished (~~for each~~
2 ~~offense by a fine of five hundred dollars or by imprisonment for not~~
3 ~~more than ninety days in the county jail or by both the fine and~~
4 ~~imprisonment~~) under RCW 9.92.030. The commission may provide, when
5 not inconsistent with applicable statutes, that violation of a specific
6 rule is an infraction under chapter 7.84 RCW.

7 (3) A person placing traps on private property without permission
8 of the owner, lessee, or tenant where the land is improved and
9 apparently used, or where the land is fenced or enclosed in a manner
10 designed to exclude intruders or to indicate a property boundary line,
11 or where notice is given by posting in a conspicuous manner, is guilty
12 of the misdemeanor of trespass as defined and established in RCW
13 9A.52.010 and 9A.52.080 and shall be punished (~~for each offense by a~~
14 ~~fine of not less than two hundred fifty dollars~~) under RCW 9.92.030.

15 (4) Persons convicted of a violation shall pay the costs of
16 prosecution and the penalty assessment in addition to the fine or
17 imprisonment.

18 (5) The unlawful killing, taking, or possession of each wildlife
19 member constitutes a separate offense.

20 (6) District courts have jurisdiction concurrent with the superior
21 courts of misdemeanors and gross misdemeanors committed in violation of
22 this title or rules adopted pursuant to this title and may impose the
23 punishment provided for these offenses. Superior courts have
24 jurisdiction over felonies committed in violation of this title.