
SENATE BILL 5492

State of Washington

54th Legislature

1995 Regular Session

By Senator C. Anderson

Read first time 01/24/95. Referred to Committee on Natural Resources.

1 AN ACT Relating to hunting; amending RCW 77.16.020 and 77.21.010;
2 and prescribing penalties.

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

4 **Sec. 1.** RCW 77.16.020 and 1987 c 506 s 59 are each amended to read
5 as follows:

6 (1) It is unlawful to hunt, fish, possess, or control a species of
7 game bird, game animal, or game fish during the closed season for that
8 species except as provided in RCW 77.12.105.

9 (2) It is unlawful to kill, take, catch, possess, or control these
10 species in excess of the number fixed as the bag limit for each
11 species.

12 (3) It is unlawful to hunt within a game reserve or to fish for
13 game fish within closed waters.

14 (4) It is unlawful to hunt wild birds or wild animals within a
15 closed area except as authorized by rule of the commission.

16 (5) It is unlawful to hunt or fish for wildlife, practice taxidermy
17 for profit, deal in raw furs for profit, act as a fishing guide, or
18 operate a game farm, stock game fish, or collect wildlife for research
19 or display, without having in possession the license, permit, tag,

1 stamp, or punchcard required by chapter 77.32 RCW or rule of the
2 department. The activities described in this subsection shall be
3 conducted in accordance with rules adopted pursuant to this title.

4 (6) It is unlawful to hunt bear by the aid of baiting or in a
5 baited area. As used in this subsection, "baiting" or "baited area"
6 means the placing, exposing, depositing, distributing, or scattering of
7 any substance so as to constitute for bears a lure or attraction to
8 areas where hunters are attempting to take them.

9 (7) It is unlawful to pursue or hunt bear, cougar, bobcat, or lynx
10 with the aid of a dog or dogs.

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

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

32 (2) A person violating or failing to comply with this title or
33 rules adopted pursuant to this title for which no penalty is otherwise
34 provided is guilty of a misdemeanor and shall be punished for each
35 offense by a fine of five hundred dollars or by imprisonment for not
36 more than ninety days in the county jail or by both the fine and
37 imprisonment. The commission may provide, when not inconsistent with

1 applicable statutes, that violation of a specific rule is an infraction
2 under chapter 7.84 RCW.

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

11 (4) Persons convicted of a violation shall pay the costs of
12 prosecution and the penalty assessment in addition to the fine or
13 imprisonment.

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

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

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