

HOUSE BILL REPORT

ESSB 6328

As Reported By House Committee On:

Natural Resources

Title: An act relating to fish and wildlife code enforcement.

Brief Description: Enacting the fish and wildlife code enforcement act.

Sponsors: Senate Committee on Natural Resources & Parks (originally sponsored by Senators Oke, Jacobsen and Swecker; by request of Department of Fish and Wildlife).

Brief History:

Committee Activity:

Natural Resources: 2/25/98, 2/27/98 [DPA].

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: Do pass as amended. Signed by 9 members: Representatives Buck, Chairman; Sump, Vice Chairman; Thompson, Vice Chairman; Alexander; Anderson; Chandler; Eickmeyer; Hatfield and Pennington.

Minority Report: Do not pass. Signed by 2 members: Representatives Regala, Ranking Minority Member; and Butler, Assistant Ranking Minority Member.

Staff: Linda Byers (786-7129).

Background: Current law provides that it is unlawful to hunt big game with a spotlight or other artificial light. It is prima facie evidence of a violation to be found with a spotlight or other artificial light and with a firearm, bow and arrow, or crossbow, after sunset, in a place where big game may reasonably be expected. A person who violates this provision is guilty of a gross misdemeanor. Each subsequent violation within a five-year period is a class C felony. The director of the Department of Fish and Wildlife must revoke the hunting license of a person convicted of this violation, and a hunting license will not be issued to the person for two years from the revocation.

With the exception of law enforcement officers, it is unlawful to shoot a firearm from, across, or along the maintained portion of a public highway. A violation is a misdemeanor.

With exceptions for law enforcement officers and certain hunters with disabilities, it is unlawful to carry, transport, convey, possess, or control in or on a motor vehicle a shotgun or rifle containing shells or cartridges in the magazine or chamber, or a muzzle-loading firearm loaded and capped or primed. A violation is a misdemeanor.

Summary of Amended Bill: New language addresses these three violations using a new format that puts the violation and the penalty level in the same section. With regard to hunting big game with a spotlight, the above provision regarding prima facie evidence is removed, and the penalty for a violation is increased to a class C felony if the person has a prior conviction for gross misdemeanor or felony for a crime under the Wildlife Code involving big game and, within 10 years of that date, the person is guilty of spotlighting big game. With regard to unlawful use of a loaded firearm, a person is guilty if the person negligently shoots the firearm from, across, or along the maintained portion of a public highway.

Amended Bill Compared to Engrossed Substitute Bill: The underlying bill merges the enforcement provisions of the Fisheries Code and the Wildlife Code into one new chapter, and makes other changes with regard to license suspension, forfeiture of property, the jurisdiction of fish and wildlife officers, searches, and the seizing of evidence. The amended bill deals only with the above three violations.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For (on Engrossed Substitute Senate Bill): The Fish and Wildlife Commission seeks consistent enforcement and criminal provisions. Prosecutors need a fair and consistent system. These changes will serve to expedite court proceedings. Prosecutors who reviewed the bill feel it is an improvement. This will help with law enforcement and protection of fish and wildlife resources. This will allow for more efficient enforcement when there is a violation. The current codes are archaic. These changes will allow the court administrator to track crimes better. Department of Fish and Wildlife enforcement officers have been waiting for these changes. With the current codes, sometimes prosecutors decide not to prosecute cases because of the difficulty of explaining the provisions in court. Private citizens will be able to pick up the new version and understand it.

Testimony Against: None.

Testified: Bruce Bjork, Don Gatlin, and Ron Peregrin, Department of Fish and Wildlife; and Jay Geck, Office of the Attorney General (all in favor).