

SENATE BILL REPORT

SB 6328

As of January 14, 1998

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

Brief Description: Enacting the fish and wildlife code enforcement.

Sponsors: Senators Oke, Jacobsen and Swecker; by request of Department of Fish and Wildlife.

Brief History:

Committee Activity: Natural Resources & Parks: 1/16/98.

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Staff: Paul Mabrey (786-7412)

Background: The Fisheries Enforcement Code and the Wildlife Enforcement Code, Title 75 RCW and Title 77 RCW respectively, have become difficult to administer and enforce subsequent to the merger of the Department of Fisheries and the Department of Wildlife. The two codes contain dissimilar levels of punishment for similar crimes, dissimilar penalties for identical levels of offense, and confusing cross references. Citizens have difficulty complying with the two codes because of this lack of continuity and coherence. Enforcement of fish and wildlife laws has become unnecessarily complicated.

Summary of Bill: Sixty new provisions are provided which define new offenses, redefine existing criminal laws, and create a uniform approach to laws authorizing prosecution, sentencing, and punishment.

Punishment for crimes defined in the new provisions are standardized according to whether the crime is defined as an infraction, a misdemeanor, a gross misdemeanor, or a felony. The fisheries code definition of the term conviction— is retained and incorporated for resolution of issues involving wildlife restitution. Washington criminal code provisions are incorporated as the standard for classification of crimes. Two levels of violation, 1st and 2nd degree, are established for certain offenses such as game bird offenses, endangered wildlife violations, and unlawful trafficking. The release of deleterious exotic fish or wildlife and harvesting while a license is suspended are each classified as class C felony violations. Offenses involving big game, protected species, and endangered species are treated as separate violations for each animal killed, taken, or possessed. License suspension procedures are standardized. The Fish and Wildlife Commission is required to promulgate rules regarding the taking of unclassified species, the violation of which constitutes a crime.

The courts are authorized to revoke licenses or suspend privileges. The grounds, form, and procedure for court revocation of licenses and suspension of privileges are provided. The court is required to revoke licenses and suspend privileges of a person convicted of assault

of a fish and wildlife officer. Requirements and grounds for the director to suspend privileges are provided.

The commission is given authority and power to administer various provisions of the Fish and Wildlife Enforcement Code as necessitated by the merger of the Department of Fisheries and the Department of Wildlife.

Civil forfeiture provisions are reconciled with current legal forfeiture standards. Language is standardized to reflect the merger of the Department of Fisheries and the Department of Wildlife. The terms wildlife agent– and fisheries patrol– are replaced by the term fish and wildlife officers.–

Technical changes and updated language modifications are made.

Sections of the wildlife code and the fisheries code are repealed as unnecessary or redundant.

Appropriation: None.

Fiscal Note: Requested on January 14, 1998.

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