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**SUBSTITUTE SENATE BILL 5831**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senate Committee on Natural Resources, Parks & Shorelines  
(originally sponsored by Senators Swecker, Fairley, Oke, Constantine,  
Regala, Rasmussen and Hochstatter)

READ FIRST TIME 03/05/01.

1 AN ACT Relating to the use of body-gripping traps; and amending  
2 RCW 77.15.192 and 77.15.194.

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

4 **Sec. 1.** RCW 77.15.192 and 2001 c 1 s 2 (Initiative Measure No.  
5 713) are each amended to read as follows:

6 The definitions in this section apply throughout RCW 77.15.194  
7 through 77.15.198.

8 (1) "Animal" means any nonhuman vertebrate.

9 (2) "Body-gripping trap" means a trap that grips an animal's  
10 body or body part. Body-gripping trap includes, but is not limited  
11 to, steel-jawed leghold traps, padded-jaw leghold traps, Conibear  
12 traps, neck snares, and nonstrangling foot snares. Cage and box  
13 traps, suitcase-type live beaver traps, and common rat (~~and~~),  
14 mouse, gopher, and mole traps are not considered body-gripping  
15 traps.

16 (3) "Person" means a human being and, where appropriate, a  
17 public or private corporation, an unincorporated association, a  
18 partnership, a government, or a governmental instrumentality.

1 (4) "Raw fur" means a pelt that has not been processed for  
2 purposes of retail sale.

3 (5) "Animal problem" means any animal that threatens or damages  
4 timber or private property or threatens or injures livestock or  
5 any other domestic animal.

6 **Sec. 2.** RCW 77.15.194 and 2001 c 1 s 3 (Initiative Measure No.  
7 713) are each amended to read as follows:

8 (1) It is unlawful to use or authorize the use of any steel-  
9 jawed leghold trap, neck snare, or other body-gripping trap to  
10 capture any mammal for recreation or commerce in fur.

11 (2) It is unlawful to knowingly buy, sell, barter, or otherwise  
12 exchange, or offer to buy, sell, barter, or otherwise exchange the  
13 raw fur of a mammal or a mammal that has been trapped in this  
14 state with a steel-jawed leghold trap or any other body-gripping  
15 trap, whether or not pursuant to permit.

16 (3) It is unlawful to use or authorize the use of any steel-  
17 jawed leghold trap or any other body-gripping trap to capture any  
18 animal, except as provided in subsections (4), (5), and ~~((+5))~~  
19 (6) of this section.

20 (4)(a) The definitions in this subsection (4)(a) apply  
21 throughout this subsection unless the context clearly requires  
22 otherwise.

23 (i) "Operator" has the same meaning as defined in RCW  
24 76.09.020.

25 (ii) "Owner" has the same meaning as "timber owner" as defined  
26 in RCW 76.09.020.

27 (iii) "Timber" has the same meaning as defined in RCW  
28 76.09.020.

29 (b) Until July 1, 2006, nothing in this section prohibits the  
30 use of a number 110 Conibear trap to trap mountain beaver  
31 (*Aplodontia rufa*) on land by the owner or operator of commercial  
32 timber if nonlethal control tools, including but not limited to  
33 fencing, electric fencing, or tree-wrapping, cannot be reasonably  
34 applied. Any mountain beaver trapped under this subsection, and the  
35 approximate location of the trapping, must be reported to the  
36 department on an annual basis. Nothing in this subsection limits

1 the application of subsection (2) of this section to mountain  
2 beavers.

3 (5) Nothing in this section prohibits the use of a Conibear  
4 trap in water, a padded leghold trap, or a nonstrangling type foot  
5 snare with a special permit granted by (~~{the}~~) the director  
6 under (a) through (d) of this subsection. Issuance of the special  
7 permits shall be governed by rules adopted by the department and  
8 in accordance with the requirements of this section. Every person  
9 granted a special permit to use a trap or device listed in this  
10 subsection shall check the trap or device at least every twenty-  
11 four hours.

12 (a) Nothing in this section prohibits the director, in  
13 consultation with the department of social and health services or  
14 the United States department of health and human services from  
15 granting a permit to use traps listed in this subsection for the  
16 purpose of protecting people from threats to their health and  
17 safety.

18 (b) Nothing in this section prohibits the director from  
19 granting a special permit to use traps listed in this subsection  
20 to a person who applies for such a permit in writing, and who  
21 establishes that there exists on a property an animal problem that  
22 has not been and cannot be reasonably abated by the use of  
23 nonlethal control tools, including but not limited to guard  
24 animals, electric fencing, or box and cage traps, or if such  
25 nonlethal means cannot be reasonably applied. Upon making a finding  
26 in writing that the animal problem has not been and cannot be  
27 reasonably abated by nonlethal control tools or if the tools  
28 cannot be reasonably applied, the director may authorize the use,  
29 setting, placing, or maintenance of the traps for a period not to  
30 exceed thirty days.

31 (c) Nothing in this section prohibits the director from  
32 granting a special permit to department employees or agents to use  
33 traps listed in this subsection where the use of the traps is the  
34 only practical means of protecting threatened or endangered  
35 species as designated under RCW 77.08.010.

36 (d) Nothing in this section prohibits the director from issuing  
37 a permit to use traps listed in this subsection, excluding  
38 Conibear traps, for the conduct of legitimate wildlife research.

1       (~~(5)~~) (6) Nothing in this section prohibits the United States  
2 fish and wildlife service, its employees or agents, from using a  
3 trap listed in subsection (~~(4)~~) (5) of this section where the  
4 fish and wildlife service determines, in consultation with the  
5 director, that the use of such traps is necessary to protect  
6 species listed as threatened or endangered under the federal  
7 endangered species act (16 U.S.C. Sec. 1531 et seq.).  
8       (7) Nothing in this section nor in RCW 77.15.192 shall prevent  
9 a licensed falconer from properly utilizing a foot or leg snare  
10 for capturing raptors.

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