

HOUSE BILL REPORT

SB 5298

As Passed House:

April 13, 2009

Title: An act relating to removing the penalty language from natural resource civil infractions.

Brief Description: Removing the penalty language from natural resource civil infractions.

Sponsors: Senators Regala and Kline; by request of Parks and Recreation Commission.

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 3/17/09 [DP].

Floor Activity

Passed House: 4/13/09, 96-0.

Brief Summary of Bill

- Removes the requirement that a person cited for a natural resource infraction has to sign the notice of infraction, and decriminalizes the refusal to sign such notices.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: Do pass. Signed by 8 members: Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton, Goodman, Kirby and Ross.

Staff: Yvonne Walker (786-7841)

Background:

A natural resource infraction is a non-criminal offense for which a fine may be imposed. Unless specifically authorized by statute, the fine for an infraction may not exceed \$500. Natural resource infractions include offenses related to fish and wildlife, public lands, forests and forest products, mines, minerals and petroleum, and public recreational lands.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Prior to 2006, whenever a traffic infraction or civil infraction was issued, the person cited was required to sign the ticket as an acknowledgment of his or her receipt of the notice of infraction and as a promise to respond as directed in the notice. A notice of a traffic infraction represented a determination that an infraction had been committed. Traffic infractions and civil infractions are non-criminal offenses. The failure to sign a notice of infraction acknowledging receipt of the notice was penalized as a gross misdemeanor or misdemeanor offense.

In 2006 the Legislature passed legislation (House Bill 1650) removing the requirement that a person who is cited for a traffic, or other civil infraction or citation, sign the notice of infraction or citation. As a result, the refusal to sign such notices was decriminalized. However, under the Natural Resource Infractions Act the misdemeanor penalty language was not removed and as a result, the refusal to sign an infraction issued by a State Parks commissioned officer can still be penalized as a misdemeanor offense.

Summary of Bill:

The statute is repealed that requires a person cited for a natural resource infraction to sign the notice of infraction. The refusal to sign such notice is subsequently decriminalized.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This is a companion bill to House Bill 1335 that was previously heard by this committee, Public Safety and Emergency Preparedness. This Senate bill passed out of the Senate unanimously.

In 2005 the statutes were amended to remove penalty language for infractions with the exception of the language that was left in the Natural Resource statute. The new document books that the state park officers currently use, do not have a signature line on them but yet the law still requires a signature. This has caused some confusion in the field among officers. This bill will clean up and clarify the statute.

(Opposed) None.

Persons Testifying: Senator Regala, prime sponsor; and Fred Romero and Robert Ingram, Washington State Parks.

Persons Signed In To Testify But Not Testifying: None.