

# SENATE BILL REPORT

## SB 5298

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As Reported by Senate Committee On:  
Judiciary, January 27, 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:** Judiciary: 1/27/09 [DP].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, Kohl-Welles, Roach and Tom.

**Staff:** Kim Johnson (786-7472)

**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.

The notice of infraction represents a determination that an infraction has been committed. The determination is final unless contested. Procedures for contesting an infraction are provided by rule of the supreme court, and are included on the notice of infraction.

The failure to sign a natural resource infraction notice is a misdemeanor.

Substitute House Bill 1650, which passed in 2006, repealed the signature requirement for many types of notice infractions, including infractions related to motor vehicles and other civil infractions.

**Summary of Bill:** The designation of a failure to sign a natural resource infraction notice as a misdemeanor is repealed.

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*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.*

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: This bill corrects an omission from legislation that passed in 2005 which removed similar requirements/penalties from other civil infraction sections of the code. It will reduce the triplicate paperwork requirement as we move towards an updated system.

This is a house cleaning bill. There is some confusion within the ranks on whether we have to take someone to jail if they refuse to sign the ticket, and this bill will help clear things up.

**Persons Testifying:** PRO: Fred Romero, State Parks; Don Hall, State Parks Ranger.