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HOUSE BILL 1137

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State of Washington

62nd Legislature

2011 Regular Session

By Representatives Blake, Chandler, Finn, Takko, Kretz, Hurst, Short, Kristiansen, and McCune

Read first time 01/13/11. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to body-gripping traps; and amending RCW 77.15.192,  
2 77.15.194, and 77.15.190.

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 are each amended to read as  
5 follows:

6 The definitions in this section apply throughout RCW (~~77.15.194~~)  
7 77.15.190 through 77.15.198.

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

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

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

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

1 (5) "Animal problem" means any animal that threatens or damages  
2 timber (~~(or)~~), public or private property, or threatens or injures  
3 livestock or any other domestic animal.

4 **Sec. 2.** RCW 77.15.194 and 2003 c 53 s 374 are each amended to read  
5 as follows:

6 (1)(a) Except as otherwise provided in this subsection, it is  
7 unlawful to use or authorize the use of any steel-jawed leghold trap,  
8 neck snare, or other body-gripping trap to capture any mammal for  
9 recreation or commerce in fur.

10 (b) A person who has completed a course in safe, humane, and proper  
11 trapping as provided in RCW 77.65.460 may use a steel-jawed leghold  
12 trap, a neck snare, or other body-gripping traps if the trap:

13 (i) Operates, and is operated, consistent with established,  
14 applicable furbearer trapping best management practices recognized by  
15 the commission and either adopted by an association that represents  
16 North America's fish and wildlife management agencies or is otherwise  
17 acknowledged in either academic literature or international treaties;  
18 or

19 (ii) In the absence of scientific testing or academic literature,  
20 has been approved for use by the commission for a specific species of  
21 mammals that are causing an animal problem or has the potential to  
22 cause an animal problem.

23 (c) The director may grant a permit to a person to use a steel-  
24 jawed leghold trap, a neck snare, or other body-gripping trap for the  
25 purposes of protecting people from threats to their health and safety.

26 (2) It is unlawful to knowingly buy, sell, barter, or otherwise  
27 exchange, or offer to buy, sell, barter, or otherwise exchange the raw  
28 fur of a mammal or a mammal that has been trapped in this state (~~(with~~  
29 ~~a steel-jawed leghold trap or any other body-gripping trap, whether or~~  
30 ~~not pursuant to permit)) in violation of this section.~~

31 (3) It is unlawful to use or authorize the use of any steel-jawed  
32 leghold trap or any other body-gripping trap to capture any animal(~~(~~  
33 ~~except as provided in subsections (4) and (5) of this section)) with a  
34 trap type not approved for use under subsection (1) of this section.~~

35 (4) (~~(Nothing in this section prohibits the use of a Conibear trap~~  
36 ~~in water, a padded leghold trap, or a nonstrangling type foot snare~~  
37 ~~with a special permit granted by the director under (a) through (d) of~~

1 ~~this subsection. Issuance of the special permits shall be governed by~~  
2 ~~rules adopted by the department and in accordance with the requirements~~  
3 ~~of this section. Every person granted a special permit to use a trap~~  
4 ~~or device listed in this subsection shall check the trap or device at~~  
5 ~~least every twenty-four hours.~~

6 ~~(a) Nothing in this section prohibits the director, in consultation~~  
7 ~~with the department of social and health services or the United States~~  
8 ~~department of health and human services from granting a permit to use~~  
9 ~~traps listed in this subsection for the purpose of protecting people~~  
10 ~~from threats to their health and safety.~~

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

23 ~~(c) Nothing in this section prohibits the director from granting a~~  
24 ~~special permit to department employees or agents to use traps listed in~~  
25 ~~this subsection where the use of the traps is the only practical means~~  
26 ~~of protecting threatened or endangered species as designated under RCW~~  
27 ~~77.08.010.~~

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

31 ~~(5) Nothing in this section prohibits the United States fish and~~  
32 ~~wildlife service, its employees or agents, from using a trap listed in~~  
33 ~~subsection (4) of this section where the fish and wildlife service~~  
34 ~~determines, in consultation with the director, that the use of such~~  
35 ~~traps is necessary to protect species listed as threatened or~~  
36 ~~endangered under the federal endangered species act (16 U.S.C. Sec.~~  
37 ~~1531 et seq.).~~

1       ~~(6)~~) A person violating this section is guilty of a gross  
2 misdemeanor.

3       **Sec. 3.** RCW 77.15.190 and 1999 c 258 s 9 are each amended to read  
4 as follows:

5       (1) A person is guilty of unlawful trapping if the person:

6       (a) Sets out traps that are capable of taking wild animals, game  
7 animals, or furbearing mammals and does not possess all licenses, tags,  
8 or permits required under this title;

9       (b) Violates any rule of the commission or director regarding  
10 seasons, bag or possession limits, closed areas including game  
11 reserves, closed times, or any other rule governing the trapping of  
12 wild animals; ~~((or))~~

13       (c) Sets out on land a leghold trap within one thousand feet of an  
14 established public trail or public park unless:

15       (i) An animal problem exists that cannot be abated through other  
16 means;

17       (ii) The owner or manager of the trail or park authorizes the use  
18 of the trap; and

19       (iii) Conspicuous signs provide notice that traps are being used in  
20 the area;

21       (d) Sets out on land a conibear or other instant kill trap type  
22 with a jaw spread greater than five inches unless the trap is set with:

23       (i) At least two-thirds of the trap underwater;

24       (ii) At least fifty-four inches above the ground; or

25       (iii) Within an existing structure;

26       (e) Sets out a leghold trap on land within one thousand feet of an  
27 occupied dwelling, unless:

28       (i) The owner or tenant of the building has given permission to use  
29 the trap;

30       (ii) An animal problem exists that cannot be abated through other  
31 means; and

32       (iii) The owner or tenant has been notified that there are traps  
33 set in the area; or

34       (f) Fails to identify the owner of the traps or devices by neither:

35       (i) Attaching a metal tag with the owner's department-assigned  
36 identification number or the name and address of the trapper legibly

1 written in numbers or letters not less than one-eighth inch in height;  
2 nor  
3 (ii) Inscribing into the metal of the trap such number or name and  
4 address.  
5 (2) Unlawful trapping is a misdemeanor.

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