
SENATE BILL 6137

State of Washington

62nd Legislature

2012 Regular Session

By Senators Schoesler, Morton, Hatfield, Delvin, Honeyford, and Hobbs

Read first time 01/12/12. Referred to Committee on Energy, Natural Resources & Marine Waters.

1 AN ACT Relating to an affirmative defense to unlawful taking of
2 endangered fish or wildlife; and amending RCW 77.15.120.

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

4 **Sec. 1.** RCW 77.15.120 and 2000 c 107 s 236 are each amended to
5 read as follows:

6 (1) A person is guilty of unlawful taking of endangered fish or
7 wildlife in the second degree if the person hunts, fishes, possesses,
8 maliciously harasses or kills fish or wildlife, or maliciously destroys
9 the nests or eggs of fish or wildlife and the fish or wildlife is
10 designated by the commission as endangered, and the taking has not been
11 authorized by rule of the commission.

12 (2) A person is guilty of unlawful taking of endangered fish or
13 wildlife in the first degree if the person has been:

14 (a) Convicted under subsection (1) of this section or convicted of
15 any crime under this title involving the killing, possessing,
16 harassing, or harming of endangered fish or wildlife; and

17 (b) Within five years of the date of the prior conviction the
18 person commits the act described by subsection (1) of this section.

1 (3)(a) Unlawful taking of endangered fish or wildlife in the second
2 degree is a gross misdemeanor.

3 (b) Unlawful taking of endangered fish or wildlife in the first
4 degree is a class C felony. The department shall revoke any licenses
5 or tags used in connection with the crime and order the person's
6 privileges to hunt, fish, trap, or obtain licenses under this title to
7 be suspended for two years.

8 (4)(a) It is an affirmative defense to prosecution under this
9 section if the person charged is the owner or the owner's immediate
10 family member, as that term is defined in RCW 77.36.010, or the person
11 is the owner's documented employee or a tenant of the owner's real
12 property and:

13 (i) The endangered wildlife is a gray wolf in the act of attacking
14 livestock or there is physical evidence sufficient to lead a reasonable
15 person to conclude that an attack was imminent;

16 (ii) The attack took place on land where wolves are federally
17 delisted as an endangered species; and

18 (iii) The person notifies the department of fish and wildlife
19 within seventy-two hours of the taking.

20 (b) For the purposes of this subsection (4), "in the act of
21 attacking" means a gray wolf is biting, wounding, or killing livestock.

22 (c) A person who intentionally baits, feeds, or deliberately
23 attracts and takes a gray wolf forfeits the defense under this
24 subsection (4).

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