

HOUSE BILL REPORT

SSB 6231

As Reported By House Committee On:
Fisheries & Wildlife

Title: An act relating to life-threatening animals.

Brief Description: Permitting control of life-threatening animals.

Sponsors: Senate Committee on Natural Resources (originally sponsored by Senators Hargrove, Owen, M. Rasmussen and Morton).

Brief History:

Reported by House Committee on:
Fisheries & Wildlife, February 25, 1994, DPA.

HOUSE COMMITTEE ON FISHERIES & WILDLIFE

Majority Report: Do pass as amended. Signed by 8 members: Representatives King, Chair; Fuhrman, Ranking Minority Member; Sehlin, Assistant Ranking Minority Member; Basich; Chappell; Foreman; Quall and Scott.

Minority Report: Do not pass. Signed by 1 member: Representative Orr, Vice Chair.

Staff: Keitlyn Watson (786-7310).

Background: The Department of Wildlife investigates illegal killing of wildlife. Occasionally, a person kills wildlife in self-defense, and in these cases, the wildlife agent evaluates the situation to determine whether to file criminal charges. Current Washington statutes are silent as to whether one may kill an animal in self defense. However, current law provides that one may trap or kill wildlife on one's own property, if it is damaging crops, domestic animals, fowl, or other property, unless the wildlife is of an endangered species. Washington case law holds that a person has a constitutional right to kill an animal if reasonably necessary for the protection of person or property.

Summary of Amended Bill: A person may kill a bear or cougar that is reasonably perceived to be threat to human life. An owner or tenant of real property may trap or kill certain animals, if the animal is reasonably perceived to be a

threat to human life, domestic animals, or fowl, or if it is damaging crops or other property.

Amended Bill Compared to Substitute Bill: The standard for legal killing of a bear or cougar, outside of legal hunting, is changed from reasonable perception that the animal is an unavoidable and immediate threat to human life, to reasonable perception that the animal is a threat to human life. The standard for killing an animal on one's own property due to a threat to human life is made consistent with the standard in the remainder of the bill, and is expanded to allow such killing if the animal is a threat to domestic animals or fowl.

Fiscal Note: Not requested.

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

Testimony For: Currently, there is no provision in statute authorizing a person to kill an animal, such as a bear or cougar, that is imminently and unavoidably threatening a human life. Furthermore, the law does not authorize the killing of a "problem" cougar or bear that is frequenting a person's residence or neighborhood and becoming a threat to human life, yet without clearly presenting an imminent danger. As cougar populations rise, male cougars in search of territory are expanding into places occupied by humans, and consequently "problem" cougars are becoming more common throughout the state. The Department of Wildlife does not have enough enforcement staff to respond quickly enough. People should be allowed to protect their families and property against dangerous animals, and the bill would clarify confusion regarding people's legal right to do so.

Testimony Against: None.

Witnesses: Senator Jim Hargrove, prime sponsor (written testimony, pro); Jeremy Korst, office of Senator Hargrove (neutral, available to respond to questions); Marvin Chastain (pro); Kent Lebsack, Washington Cattlemen's Association (pro); and Terry Abrams, Department of Wildlife (neutral).