
SENATE BILL 5153

State of Washington 54th Legislature 1995 Regular Session

By Senators Hargrove, Owen, Snyder and Hochstatter

Read first time 01/12/95. Referred to Committee on Natural Resources.

1 AN ACT Relating to life-threatening animals; amending RCW
2 77.12.265; and adding a new section to chapter 16.52 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 16.52 RCW
5 to read as follows:

6 A person may kill a bear or cougar that is reasonably perceived to
7 be an unavoidable and immediate threat to human life.

8 **Sec. 2.** RCW 77.12.265 and 1987 c 506 s 35 are each amended to read
9 as follows:

10 The owner or tenant of real property may trap or kill on that
11 property wild animals or wild birds, other than an endangered species,
12 that ~~((is))~~ are reasonably perceived to be an unavoidable and immediate
13 threat to human life or are damaging crops, domestic animals, fowl, or
14 other property. Except in emergency situations, deer, elk, and
15 protected wildlife shall not be killed without a permit issued and
16 conditioned by the director. The director may delegate this authority.

17 For the purposes of this section, "emergency" means an unforeseen
18 circumstance beyond the control of the landowner or tenant that

1 presents a real and immediate threat to human life, crops, domestic
2 animals, fowl, or other property.

3 Alternatively, when sufficient time for the issuance of a permit by
4 the director is not available, verbal permission may be given by the
5 appropriate department regional administrator to owners or tenants of
6 real property to trap or kill on that property any cougar, bear, deer,
7 elk, or protected wildlife which is reasonably perceived to be an
8 unavoidable and immediate threat to human life or damaging crops,
9 domestic animals, fowl, or other property. The regional administrator
10 may delegate, in writing, a member of the regional staff to give the
11 required permission in these emergency situations. Nothing in this
12 section authorizes in any situation the trapping, hunting, or killing
13 of an endangered species.

14 Wildlife trapped or killed under this section remains the property
15 of the state, and the person trapping or killing the wildlife shall
16 notify the department immediately. The director shall dispose of
17 wildlife so taken within three working days of receiving such a
18 notification.

19 If the department receives recurring complaints regarding property
20 being damaged as described in this section from the owner or tenant of
21 real property, or receives such complaints from several such owners or
22 tenants in a locale, the commission shall consider conducting a special
23 hunt or special hunts to reduce the potential for such damage.

24 For purposes of this section, "crop" means an agricultural or
25 horticultural product growing or harvested and includes wild shrubs and
26 range land vegetation on privately owned cattle ranching lands. On
27 such lands, the land owner or lessee may declare an emergency when the
28 department has not responded within forty-eight hours after having been
29 contacted by the land owner or lessee regarding crop damage by wild
30 animals or wild birds. However, the department shall not allow claims
31 for damage to wild shrubs or range land vegetation on such lands.

32 Deer and elk shall not be killed under the authority of this
33 section on privately owned cattle ranching lands that were closed to
34 public hunting during the previous hunting season, except for land
35 closures which are coordinated with the department to protect property
36 and livestock.

37 The department shall work closely with landowners and tenants
38 suffering game damage problems to control damage without killing the
39 animals when practical, to increase the harvest of damage-causing

1 animals in hunting seasons, or to kill the animals when no other
2 practical means of damage control is feasible.

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