

SSB 6076 - S AMD 523

By Senators Kline and Oke

ADOPTED 02/19/02

1 On page 14, after line 3, insert the following:

2 **Sec. I.** RCW 77.15.096 and 2001 c 253 s 26 are each amended to read
3 as follows:

4 Fish and wildlife officers may inspect without warrant at
5 reasonable times and in a reasonable manner the premises, containers,
6 fishing equipment, fish, seaweed, shellfish, and wildlife, and records
7 required by the department of any commercial fisher or wholesale dealer
8 or fish buyer. Fish and wildlife officers may similarly inspect
9 without warrant the premises, containers, fishing equipment, fish,
10 shellfish, and wildlife, and records required by the department of any
11 shipping agent or other person placing or attempting to place fish,
12 shellfish, or wildlife into interstate commerce, any cold storage plant
13 that the department has probable cause to believe contains fish,
14 shellfish, or wildlife, or of any taxidermist or fur buyer. Fish and
15 wildlife officers may inspect without warrant the records required by
16 the department of any retail outlet selling fish, shellfish, or
17 wildlife, and, if the officers have probable cause to believe a
18 violation of this title or rules of the commission has occurred, they
19 may inspect without warrant the premises, containers, and fish,
20 shellfish, and wildlife of any retail outlet selling fish, shellfish,
21 or wildlife. Authority granted under this section does not extend to
22 quarters in a boat, building, or other property used exclusively as a
23 private domicile, does not extend to transitory residences in which a
24 person has a reasonable expectation of privacy, and does not allow
25 search and seizure without a warrant if the thing or place is protected
26 from search without warrant within the meaning of Article I, section 7
27 of the state Constitution.

28 On page 1, line 2 of the title, strike "and 77.12.055" and insert
29 ", 77.12.055 and 77.15.096"

<< END ---

EFFECT: Ensures statutory authority of fish and wildlife officers to search commercial premises does not permit warrantless searches of private quarters or otherwise exceed constitutional search protections.