
**Natural Resources, Ecology &
Parks Committee**

HB 2958

Brief Description: Penalizing persons who violate rules concerning the use of nontoxic shot.

Sponsors: Representatives B. Sullivan, Buck, Kessler, Orcutt, Blake, Kretz, Hunt, Chandler, Upthegrove and Dickerson.

Brief Summary of Bill

- Creates additional penalties for individuals convicted of the unlawful hunting of birds because of a failure to abide by a Fish and Wildlife Commission rule regarding the use of non-toxic shot.

Hearing Date: 1/27/06

Staff: Jason Callahan (786-7117).

Background:

State regulation of toxic shot

The Legislature has vested the Fish and Wildlife Commission (Commission) with the authority to adopt, amend, and repeal rules that deal with the equipment and methods that may be used in the state for taking wildlife and fish (RCW 77.12.047). The Commission has exercised this authority to prohibit the use of toxic shot in many of the state's wildlife areas and when hunting for waterfowl, coot, or snipe (WAC 232-12-068).

Unlawful hunting of wild birds

The crime of unlawful hunting of birds may be charged if an individual violates any Commission rule addressing the manner or method of hunting wild birds (RCW 77.15.400). The unlawful hunting of birds is prosecuted as a misdemeanor.

Misdemeanors are punishable by up to 90 days in jail and a fine of up to \$1,000 (RCW 9.92.030).

Fish and Wildlife Reward Account

The Fish and Wildlife Reward Account receives the revenues generated from the assessment of criminal wildlife penalties relating to the unlawful hunting of big game. Funds in the account may

be used by the Commission for wildlife enforcement, including the investigation and prosecution of fish and wildlife offenses and providing rewards to informants (RCW 77.15.425).

Summary of Bill:

Individuals convicted of the unlawful hunting of birds because of a failure to abide by a Commission rule regarding the use of non-toxic shot face additional penalties in addition to the standard penalties for a misdemeanor. The additional penalties include:

- A two-year revocation of the person's small game hunting privileges.
- \$1,000 criminal wildlife penalty assessment.

The convicting court must assess the full criminal wildlife penalty assessment in addition to any other fines or sentences. All assessments collected must be deposited into the Fish and Wildlife Reward Account.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.