
SENATE BILL 5188

State of Washington

63rd Legislature

2013 Regular Session

By Senators Smith, Becker, Roach, Schoesler, Honeyford, and Holmquist
Newbry

Read first time 01/23/13. Referred to Committee on Natural Resources &
Parks.

1 AN ACT Relating to addressing imminent threats to commercial
2 livestock caused by wolves; amending RCW 77.15.120, 77.15.130,
3 77.15.410, and 77.15.430; and adding a new section to chapter 77.36
4 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.36 RCW
7 to read as follows:

8 (1)(a) A county legislative authority may declare that an imminent
9 threat to commercial livestock exists where it determines that: (i)
10 Members of a wolf pack have been involved in two or more separate
11 depredation incidents on private property that each resulted in
12 injuries to, or the death of, commercial livestock; (ii) the incidents
13 present a pattern creating an imminent threat to private property or
14 the economic viability of one or more commercial livestock operations;
15 and (iii) the department has not taken action sufficient to abate the
16 imminent threat.

17 (b) Upon declaring an imminent threat, a county legislative
18 authority may authorize the lethal removal of wolves by the county

1 sheriff or an agent of the county without a permit or other form of
2 permission from the department in order to abate the imminent threat.

3 (2) The county legislative authority, county sheriff, and agents of
4 the county may seek information, technical assistance, and
5 recommendations from the department in determining the existence of an
6 imminent threat and taking actions to abate the imminent threat as
7 authorized under this section. However, the authority to declare and
8 abate an imminent threat remains within the respective authority of the
9 county legislative authority, the county sheriff, and agents of the
10 county.

11 (3) Any lethal removal actions undertaken by the county sheriff or
12 agent of the county under this section must be taken consistent with
13 the authorization provided by the county legislative authority.

14 **Sec. 2.** RCW 77.15.120 and 2000 c 107 s 236 are each amended to
15 read as follows:

16 (1) A person is guilty of unlawful taking of endangered fish or
17 wildlife in the second degree if the person hunts, fishes, possesses,
18 maliciously harasses or kills fish or wildlife, or maliciously destroys
19 the nests or eggs of fish or wildlife and the fish or wildlife is
20 designated by the commission as endangered, and the taking is not
21 consistent with section 1 of this act or has not been authorized by
22 rule of the commission.

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

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

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

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

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

1 **Sec. 3.** RCW 77.15.130 and 2012 c 176 s 14 are each amended to read
2 as follows:

3 (1) A person is guilty of unlawful taking of protected fish or
4 wildlife if:

5 (a) The person hunts, fishes, possesses, or maliciously kills
6 protected fish or wildlife, or the person possesses or maliciously
7 destroys the eggs or nests of protected fish or wildlife, and the
8 taking is not consistent with section 1 of this act or has not been
9 authorized by rule of the commission; or

10 (b) The person violates any rule of the commission regarding the
11 taking, harming, harassment, possession, or transport of protected fish
12 or wildlife.

13 (2) Unlawful taking of protected fish or wildlife is a misdemeanor.

14 (3) In addition to the penalties set forth in subsection (2) of
15 this section, if a person is convicted of violating this section and
16 the violation results in the death of protected wildlife listed in this
17 subsection, the court shall require payment of the following amounts
18 for each animal killed or possessed. This is a criminal wildlife
19 penalty assessment that must be paid to the clerk of the court and
20 distributed each month to the state treasurer for deposit in the fish
21 and wildlife enforcement reward account created in RCW 77.15.425:

22 (a) Ferruginous hawk, two thousand dollars;

23 (b) Common loon, two thousand dollars;

24 (c) Bald eagle, two thousand dollars;

25 (d) Golden eagle, two thousand dollars; and

26 (e) Peregrine falcon, two thousand dollars.

27 (4) If two or more persons are convicted under subsection (1) of
28 this section, and subsection (3) of this section is applicable, the
29 criminal wildlife penalty assessment must be imposed against the
30 persons jointly and separately.

31 (5)(a) The criminal wildlife penalty assessment under subsection
32 (3) of this section must be imposed regardless of and in addition to
33 any sentence, fines, or costs otherwise provided for violating any
34 provision of this section. The criminal wildlife penalty assessment
35 must be included by the court in any pronouncement of sentence and may
36 not be suspended, waived, modified, or deferred in any respect.

37 (b) This subsection may not be construed to abridge or alter

1 alternative rights of action or remedies in equity or under common law
2 or statutory law, criminal or civil.

3 (6) A defaulted criminal wildlife penalty assessment authorized
4 under subsection (3) of this section may be collected by any means
5 authorized by law for the enforcement of orders of the court or
6 collection of a fine or costs, including but not limited to vacation of
7 a deferral of sentencing or vacation of a suspension of sentence.

8 (7) The department shall revoke the hunting license and suspend the
9 hunting privileges of a person assessed a criminal wildlife penalty
10 assessment under this section until the penalty assessment is paid
11 through the registry of the court in which the penalty assessment was
12 assessed.

13 (8) The criminal wildlife penalty assessments provided in
14 subsection (3) of this section must be doubled in the following
15 instances:

16 (a) When a person commits a violation that requires payment of a
17 criminal wildlife penalty assessment within five years of a prior gross
18 misdemeanor or felony conviction under this title; or

19 (b) When the person killed the protected wildlife in question with
20 the intent of bartering, selling, or otherwise deriving economic profit
21 from the wildlife or wildlife parts.

22 **Sec. 4.** RCW 77.15.410 and 2012 c 176 s 26 are each amended to read
23 as follows:

24 (1) Except as provided in section 1 of this act, a person is guilty
25 of unlawful hunting of big game in the second degree if the person:

26 (a) Hunts for, takes, or possesses big game and the person does not
27 have and possess all licenses, tags, or permits required under this
28 title; or

29 (b) Violates any department rule regarding seasons, bag or
30 possession limits, closed areas including game reserves, closed times,
31 or any other rule governing the hunting, taking, or possession of big
32 game.

33 (2) Except as provided in section 1 of this act, a person is guilty
34 of unlawful hunting of big game in the first degree if the person
35 commits the act described in subsection (1) of this section and:

36 (a) The person hunts for, takes, or possesses three or more big
37 game animals within the same course of events; or

1 (b) The act occurs within five years of the date of a prior
2 conviction under this title involving unlawful hunting, killing,
3 possessing, or taking big game.

4 (3)(a) Unlawful hunting of big game in the second degree is a gross
5 misdemeanor. Upon conviction of an offense involving killing or
6 possession of big game taken during a closed season, closed area,
7 without the proper license, tag, or permit using an unlawful method, or
8 in excess of the bag or possession limit, the department shall revoke
9 all of the person's hunting licenses and tags and order a suspension of
10 the person's hunting privileges for two years.

11 (b) Unlawful hunting of big game in the first degree is a class C
12 felony. Upon conviction, the department shall revoke all of the
13 person's hunting licenses or tags and order the person's hunting
14 privileges suspended for ten years.

15 (4) For the purposes of this section, "same course of events" means
16 within one twenty-four hour period, or a pattern of conduct composed of
17 a series of acts that are unlawful under subsection (1) of this
18 section, over a period of time evidencing a continuity of purpose.

19 **Sec. 5.** RCW 77.15.430 and 2012 c 176 s 27 are each amended to read
20 as follows:

21 (1) Except as provided in section 1 of this act, a person is guilty
22 of unlawful hunting of wild animals in the second degree if the person
23 hunts for wild animals not classified as big game and, whether or not
24 the person possesses the wild animals, the person has not purchased the
25 appropriate hunting license issued to Washington residents or
26 nonresidents under chapter 77.32 RCW.

27 (2) Except as provided in section 1 of this act, a person is guilty
28 of unlawful hunting of wild animals in the second degree if the person:

29 (a) Takes or possesses a wild animal that is not classified as big
30 game, and owns, but does not have in the person's possession, all
31 licenses, tags, or permits required by this title; or

32 (b) Violates any department rule regarding seasons, bag or
33 possession limits but less than two times the bag or possession limit,
34 closed areas including game reserves, closed times, or any other rule
35 addressing the manner or method of hunting or possession of wild
36 animals not classified as big game.

1 (3) Except as provided in section 1 of this act, a person is guilty
2 of unlawful hunting of wild animals in the first degree if the person
3 takes or possesses two times or more than the possession or bag limit
4 for wild animals that are not classified as big game animals as allowed
5 by department rule.

6 (4)(a) Unlawful hunting of wild animals in the second degree is a
7 misdemeanor.

8 (b) Unlawful hunting of wild animals in the first degree is a gross
9 misdemeanor.

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