
**Agriculture & Natural Resources
Committee**

HB 1131

Brief Description: Concerning ivory and rhinoceros horn trafficking.

Sponsors: Representatives Pettigrew, Buys, Fitzgibbon, Appleton, Gregerson, S. Hunt, Stanford, Walkinshaw, Muri and Goodman.

Brief Summary of Bill

- Makes unlawful the sale, purchase, trade, traffic, barter, or distribution of any ivory article or rhinoceros horn except, for in four circumstances, all of which require a license that the director of the Washington Department of Fish and Wildlife may issue.

Hearing Date: 1/20/15, 1/27/15

Staff: Peter Clodfelter (786-7127).

Background:

The Fish and Wildlife Code (Title 77) prohibits certain conduct related to possessing, selling, or otherwise transferring fish and wildlife. For example, the Fish and Wildlife Code prohibits conduct like:

- selling, offering to sell, purchasing, offering to purchase, or otherwise exchanging a shark fin or shark fin derivative product for commercial purposes; or preparing or processing a shark fin or shark fin derivative product for human or animal consumption for commercial purposes;
- knowingly possessing fish, shellfish, or wildlife that was taken in violation of another state or country's laws or regulations;

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- knowingly importing, moving within the state, or exporting fish, shellfish, or wildlife in violation of a department rule regulating the transportation or movement of the fish, shellfish, or wildlife; and
- trafficking in fish, shellfish, or wildlife when it is classified as game, food fish, shellfish, game fish, or protected wildlife and the trafficking is not specifically authorized by law or department rule; or trafficking in unclassified fish, shellfish, or wildlife that is contrary to law or department rule.

Fish and Wildlife Code offenses are classified as infractions, misdemeanors, gross misdemeanors, class C felonies, and class B felonies.

Summary of Bill:

A new Fish and Wildlife Code (Title 77) offense is created that makes unlawful the sale, purchase, trade, traffic, barter, or distribution of any ivory article or rhinoceros horn, except with a license issued by the director of the Washington Department of Fish and Wildlife (WDFW). The director of the WDFW may issue licenses that allow a person to transfer ivory articles or rhinoceros horns in the following limited circumstances when the ivory article or rhinoceros horn is:

- less than 5 percent by volume of a bona fide antique and the owner or seller gives to both the WDFW and the buyer or grantee evidence of provenance sufficient to demonstrate that the antique is at least 100 years old;
- for an educational or scientific purpose, or the transfer is to a museum chartered by certain educational institutions;
- to a legal beneficiary of a trust or to an heir or person receiving a distribution from an estate; or
- part of a musical instrument and it is documented that the instrument was made before January 1, 1976.

The offense is punishable as a class C felony if the ivory has a wholesale value of less than \$250 and as a class B felony if the ivory has a wholesale value of \$250 or more.

The WDFW must make available to the public information about the new prohibition on transferring ivory articles and rhinoceros horns and the exceptions to the prohibition.

In addition, "shellfish" is added to a list in the existing crime of Unlawful Trafficking in Fish, Shellfish, or Wildlife in the second degree.

Appropriation: None.

Fiscal Note: Available.

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