

RCW 77.15.435 Unlawful hunting on, retrieving hunted wildlife from, or collecting wildlife parts from the property of another— Defense—Penalty—Forfeiture and disposition of wildlife. (1) A person is guilty of unlawfully hunting on, retrieving hunted wildlife from, or collecting wildlife parts from the property of another if the person knowingly enters or remains unlawfully in or on the premises of another for the purpose of:

- (a) Hunting for wildlife;
- (b) Retrieving hunted wildlife; or
- (c) Collecting wildlife parts.

(2) In any prosecution under this section, it is a defense that:

- (a) The premises were at the time open to members of the public for the purpose of hunting, and the actor complied with all lawful conditions imposed on access to or remaining on the premises;
- (b) The actor reasonably believed that the owner of the premises, or other person empowered to license access to the premises, would have licensed him or her to enter or remain on the premises for the purpose of hunting, retrieving hunted wildlife, or collecting wildlife parts;

(c) The actor reasonably believed that the premises were not privately owned; or

(d) The actor, after making all reasonable attempts to contact the owner of the premises, entered the premises to retrieve the hunted wildlife for the sole purpose of avoiding a violation of the prohibition on the waste of fish and wildlife as provided in RCW 77.15.170. The defense in this subsection only applies to the retrieval of hunted wildlife and not to the actual act of hunting itself or the collecting of wildlife parts.

(3) Unlawfully hunting on, retrieving hunted wildlife from, or collecting wildlife parts from the property of another is a misdemeanor.

(4) If a person unlawfully hunts and kills wildlife, or retrieves hunted wildlife that he or she has killed, on the property of another, then, upon conviction under this section, the department shall revoke all hunting licenses and tags and order a suspension of the person's hunting privileges for two years. This subsection does not apply to a person convicted under this section for unlawfully collecting wildlife parts from the property of another.

(5) Any wildlife or wildlife parts that are unlawfully hunted on, retrieved, or collected from the property of another must be seized by fish and wildlife officers. Forfeiture and disposition of the wildlife or wildlife parts is pursuant to RCW 77.15.100. [2015 c 154 § 1; 2012 c 176 § 11.]