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SENATE BILL 5099

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State of Washington

52nd Legislature

1991 Regular Session

By Senators Metcalf and Owen.

Read first time January 21, 1991. Referred to Committee on Environment & Natural Resources.

1 AN ACT Relating to recreational fisheries enforcement; amending RCW  
2 75.10.020; and adding new sections to chapter 75.10 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 75.10 RCW  
5 to read as follows:

6 Fisheries patrol officers and ex officio fisheries patrol officers  
7 shall enforce the laws and rules of the department in a professional  
8 manner. The policies developed for the enforcement of recreational  
9 fishing and commercial fishing shall demonstrate respect for both the  
10 fisher and the resource. The department and its employees shall  
11 respect the constitutional rights of the fishing public and shall  
12 especially respect the security of an individual's privacy against  
13 arbitrary intrusion by police. Fisheries patrol officers shall respect  
14 certain decencies of civilized conduct and shall work to improve the  
15 relationship of the officers with the fishing community.

1       **Sec. 2.** RCW 75.10.020 and 1983 1st ex.s. c 46 s 33 are each  
2 amended to read as follows:

3       (1)(a) Fisheries patrol officers may inspect and search without  
4 warrant a person, boat, fishing equipment, vehicle, conveyance,  
5 container, or property used in catching, processing, storing, or  
6 marketing food fish or shellfish which they have reason to believe  
7 contain evidence of violations of this title or rules of the director.  
8 This authority does not extend to quarters in a boat, building, or  
9 other property used exclusively as a private domicile.

10       (b)(i) Fisheries patrol officers and ex officio fisheries patrol  
11 officers shall not board or search boats of persons participating in  
12 recreational food fish fisheries unless one of the following has  
13 occurred:

14       (A) The officer has probable cause that a violation has occurred;

15       (B) The officer has a valid search warrant; or

16       (C) The officer is invited to do so by a recreational fisher  
17 fishing in the boat in question.

18       (ii) Probable cause that a violation has occurred shall be limited  
19 to the following situations:

20       (A) The officer observes a recreational fisher on the boat catch  
21 and retain a food fish, or multiple food fish, and the recreational  
22 fisher does not provide the food fish for inspection by the officer on  
23 request; or

24       (B) The officer observes food fish on the recreational boat without  
25 boarding the boat and the recreational fisher does not provide the food  
26 fish for inspection by the officer on request.

27       Officers may ask for permission to board or search a recreational  
28 fishing boat. The presence of bait fish such as herring, anchovies,  
29 smelt, or candlefish is not sufficient grounds for the boarding or  
30 searching of a recreational fishing boat.

1        The presence of fish scales, fish blood, water on a landing net, a  
2 fish box, or ice chest is not sufficient evidence to justify the  
3 boarding or searching of a recreational fishing boat.

4        (2) Fisheries patrol officers and ex officio fisheries patrol  
5 officers may arrest without warrant a person they have reason to  
6 believe is in violation of this title or rules of the director.

7        NEW SECTION. Sec. 3. A new section is added to chapter 75.10 RCW  
8 to read as follows:

9        Barbed hooks are legal for use by recreational fishers otherwise  
10 legally angling for all nonsalmonid food fish in marine waters.

11        Fisheries patrol officers may cite recreational fishers for illegal  
12 use of barbed hooks only if one or more of the following conditions are  
13 met:

14        (1) The fisher is observed to have caught and retained a salmon or  
15 multiple salmon by the officer while the fisher used barbed hooks that  
16 are prohibited by the department;

17        (2) The fisher states to an officer that he or she is fishing for  
18 salmon while using barbed hooks; or

19        (3) The fisher is fishing in an area which is open only to salmon  
20 angling and not to other food fish or game fish angling and the fisher  
21 is using barbed hooks that are prohibited by the department.

22        Officers shall not require fishers to reel up their lines in order  
23 to inspect their gear for use of barbed hooks unless one or more of the  
24 conditions in this section are met.