

**SENATE BILL 5102**

---

**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** Senators Metcalf, Owen, Sutherland, Snyder, McMullen, L. Kreidler and Roach.

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

1 AN ACT Relating to game and game fish penalties; amending RCW  
2 77.21.010; and prescribing penalties.

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

4 **Sec. 1.** RCW 77.21.010 and 1988 c 265 s 3 are each amended to read  
5 as follows:

6 (1) A person violating RCW 77.16.040, 77.16.050, 77.16.060,  
7 77.16.080, 77.16.210, 77.16.220, 77.16.310, 77.16.320, or 77.32.211, or  
8 committing a violation of RCW 77.16.020 or 77.16.120 involving  
9 77.16.210, 77.16.220, 77.16.310, 77.16.320, 77.16.340, or 77.32.211, or  
10 committing a violation of RCW 77.16.020 or 77.16.120 involving big game  
11 or an endangered species is guilty of a gross misdemeanor and shall be  
12 punished by a fine of not less than two hundred fifty dollars and not  
13 more than one thousand dollars or by imprisonment in the county jail  
14 for not less than thirty days and not more than one year or by both the  
15 fine and imprisonment. Each subsequent violation within a five-year

1 period of RCW 77.16.040, 77.16.050, or 77.16.060, or of RCW 77.16.020  
2 or 77.16.120 involving big game or an endangered species, as defined by  
3 the commission under the authority of RCW 77.04.090, shall be  
4 prosecuted and punished as a class C felony as defined in RCW  
5 9A.20.020. In connection with each such felony prosecution, the  
6 director shall provide the court with an inventory of all articles or  
7 devices seized under this title in connection with the violation.  
8 Inventoried articles or devices shall be disposed of pursuant to RCW  
9 77.21.040.

10 The court, in its discretion, may impose an additional fine to the  
11 fine imposed under this subsection for violations involving big game  
12 and endangered species of up to the amount of the original fine, with  
13 the moneys derived from the additional fine to be divided equally among  
14 the court, the prosecutor's office, and the department of wildlife.

15 (2) A person violating or failing to comply with this title or  
16 rules adopted pursuant to this title for which no penalty is otherwise  
17 provided is guilty of a misdemeanor and shall be punished for each  
18 offense by a fine of five hundred dollars or by imprisonment for not  
19 more than ninety days in the county jail or by both the fine and  
20 imprisonment. The commission may provide, when not inconsistent with  
21 applicable statutes, that violation of a specific rule is an infraction  
22 under chapter 7.84 RCW.

23 (3) A person placing traps on private property without permission  
24 of the owner, lessee, or tenant where the land is improved and  
25 apparently used, or where the land is fenced or enclosed in a manner  
26 designed to exclude intruders or to indicate a property boundary line,  
27 or where notice is given by posting in a conspicuous manner, is guilty  
28 of the misdemeanor of trespass as defined and established in RCW  
29 9A.52.010 and 9A.52.080 and shall be punished for each offense by a  
30 fine of not less than two hundred fifty dollars.

1       (4) Persons convicted of a violation shall pay the costs of  
2 prosecution and the penalty assessment in addition to the fine or  
3 imprisonment.

4       (5) The unlawful killing, taking, or possession of each wildlife  
5 member constitutes a separate offense.

6       (6) District courts have jurisdiction concurrent with the superior  
7 courts of misdemeanors and gross misdemeanors committed in violation of  
8 this title or rules adopted pursuant to this title and may impose the  
9 punishment provided for these offenses. Superior courts have  
10 jurisdiction over felonies committed in violation of this title.