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**SENATE BILL 5446**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** Senators Owen, Oke, Haugen and Spanel; by request of Department of Wildlife

Read first time 01/28/93. Referred to Committee on Natural Resources.

1 AN ACT Relating to the wildlife violator compact; adding a new  
2 section to chapter 77.21 RCW; adding a new section to chapter 75.10  
3 RCW; and adding a new chapter to Title 77 RCW.

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

5 NEW SECTION. **Sec. 1.** The wildlife violator compact is hereby  
6 established in the form substantially as follows, and the Washington  
7 state department of wildlife is authorized to enter into such compact  
8 on behalf of the state with all other jurisdictions legally joining  
9 therein:

10 ARTICLE I

11 FINDINGS, DECLARATION OF POLICY, AND PURPOSE

12 (a) The party states find that:

13 (1) Wildlife resources are managed in trust by the respective  
14 states for the benefit of all residents and visitors.

15 (2) The protection of their respective wildlife resources can be  
16 materially affected by the degree of compliance with state statute,  
17 law, regulation, ordinance, or administrative rule relating to the  
18 management of those resources.

1 (3) The preservation, protection, management, and restoration of  
2 wildlife contributes immeasurably to the aesthetic, recreational, and  
3 economic aspects of these natural resources.

4 (4) Wildlife resources are valuable without regard to political  
5 boundaries, therefore, all persons should be required to comply with  
6 wildlife preservation, protection, management, and restoration laws,  
7 ordinances, and administrative rules and regulations of all party  
8 states as a condition precedent to the continuance or issuance of any  
9 license to hunt, fish, trap, or possess wildlife.

10 (5) Violation of wildlife laws interferes with the management of  
11 wildlife resources and may endanger the safety of persons and property.

12 (6) The mobility of many wildlife law violators necessitates the  
13 maintenance of channels of communications among the various states.

14 (7) In most instances, a person who is cited for a wildlife  
15 violation in a state other than the person's home state:

16 (i) Must post collateral or bond to secure appearance for a trial  
17 at a later date; or

18 (ii) If unable to post collateral or bond, is taken into custody  
19 until the collateral or bond is posted; or

20 (iii) Is taken directly to court for an immediate appearance.

21 (8) The purpose of the enforcement practices described in paragraph  
22 (7) of this subdivision is to ensure compliance with the terms of a  
23 wildlife citation by the person who, if permitted to continue on the  
24 person's way after receiving the citation, could return to the person's  
25 home state and disregard the person's duty under the terms of the  
26 citation.

27 (9) In most instances, a person receiving a wildlife citation in  
28 the person's home state is permitted to accept the citation from the  
29 officer at the scene of the violation and to immediately continue on  
30 the person's way after agreeing or being instructed to comply with the  
31 terms of the citation.

32 (10) The practice described in paragraph (7) of this subdivision  
33 causes unnecessary inconvenience and, at times, a hardship for the  
34 person who is unable at the time to post collateral, furnish a bond,  
35 stand trial, or pay the fine, and thus is compelled to remain in  
36 custody until some alternative arrangement can be made.

37 (11) The enforcement practices described in paragraph (7) of this  
38 subdivision consume an undue amount of law enforcement time.

39 (b) It is the policy of the party states to:

1 (1) Promote compliance with the statutes, laws, ordinances,  
2 regulations, and administrative rules relating to management of  
3 wildlife resources in their respective states.

4 (2) Recognize the suspension of wildlife license privileges of any  
5 person whose license privileges have been suspended by a party state  
6 and treat this suspension as if it had occurred in their state.

7 (3) Allow violators to accept a wildlife citation, except as  
8 provided in subdivision (b) of Article III, and proceed on the  
9 violator's way without delay whether or not the person is a resident in  
10 the state in which the citation was issued, provided that the  
11 violator's home state is party to this compact.

12 (4) Report to the appropriate party state, as provided in the  
13 compact manual, any conviction recorded against any person whose home  
14 state was not the issuing state.

15 (5) Allow the home state to recognize and treat convictions  
16 recorded for their residents which occurred in another party state as  
17 if they had occurred in the home state.

18 (6) Extend cooperation to its fullest extent among the party states  
19 for obtaining compliance with the terms of a wildlife citation issued  
20 in one party state to a resident of another party state.

21 (7) Maximize effective use of law enforcement personnel and  
22 information.

23 (8) Assist court systems in the efficient disposition of wildlife  
24 violations.

25 (c) The purpose of this compact is to:

26 (1) Provide a means through which the party states may participate  
27 in a reciprocal program to effectuate policies enumerated in  
28 subdivision (b) of this article in a uniform and orderly manner.

29 (2) Provide for the fair and impartial treatment of wildlife  
30 violators operating within party states in recognition of the person's  
31 right of due process and the sovereign status of a party state.

## 32 ARTICLE II

### 33 DEFINITIONS

34 Unless the context requires otherwise, the definitions in this  
35 article apply through this compact and are intended only for the  
36 implementation of this compact:

37 (a) "Citation" means any summons, complaint, ticket, penalty  
38 assessment, or other official document issued by a wildlife officer or

1 other peace officer for a wildlife violation containing an order which  
2 requires the person to respond.

3 (b) "Collateral" means any cash or other security deposited to  
4 secure an appearance for trial, in connection with the issuance by a  
5 wildlife officer or other peace officer of a citation for a wildlife  
6 violation.

7 (c) "Compliance" with respect to a citation means the act of  
8 answering the citation through appearance at a court, a tribunal, or  
9 payment of fines, costs, and surcharges, if any, or both such  
10 appearance and payment.

11 (d) "Conviction" means a conviction, including any court  
12 conviction, of any offense related to the preservation, protection,  
13 management, or restoration of wildlife which is prohibited by state  
14 statute, law, regulation, ordinance, or administrative rule, or a  
15 forfeiture of bail, bond, or other security deposited to secure  
16 appearance by a person charged with having committed any such offense,  
17 or payment of a penalty assessment, or a plea of nolo contendere, or  
18 the imposition of a deferred or suspended sentence by the court.

19 (e) "Court" means a court of law, including Magistrate's Court and  
20 the Justice of the Peace Court.

21 (f) "Home state" means the state of primary residence of a person.

22 (g) "Issuing state" means the party state which issues a wildlife  
23 citation to the violator.

24 (h) "License" means any license, permit, or other public document  
25 which conveys to the person to whom it was issued the privilege of  
26 pursuing, possessing, or taking any wildlife regulated by statute, law,  
27 regulation, ordinance, or administrative rule of a party state.

28 (i) "Licensing authority" means the department or division within  
29 each party state which is authorized by law to issue or approve  
30 licenses or permits to hunt, fish, trap, or possess wildlife.

31 (j) "Party state" means any state which enacts legislation to  
32 become a member of this wildlife compact.

33 (k) "Personal recognizance" means an agreement by a person made at  
34 the time of issuance of the wildlife citation that the person will  
35 comply with the terms of that citation.

36 (l) "State" means any state, territory, or possession of the United  
37 States, the District of Columbia, Commonwealth of Puerto Rico,  
38 Provinces of Canada, or other countries.

1 (m) "Suspension" means any revocation, denial, or withdrawal of any  
2 or all license privileges, including the privilege to apply for,  
3 purchase, or exercise the benefits conferred by any license.

4 (n) "Terms of the citation" means those conditions and options  
5 expressly stated upon the citation.

6 (o) "Wildlife" means all species of animals, including but not  
7 necessarily limited to mammals, birds, fish, reptiles, amphibians,  
8 mollusks, and crustaceans, which are defined as "wildlife" and are  
9 protected or otherwise regulated by statute, law, regulation,  
10 ordinance, or administrative rule in a party state. "Wildlife" also  
11 means food fish and shellfish as defined by statute, law, regulation,  
12 ordinance, or administrative rule in a party state. Species included  
13 in the definition of "wildlife" vary from state to state and  
14 determination of whether a species is "wildlife" for the purposes of  
15 this compact shall be based on local law.

16 (p) "Wildlife law" means any statute, law, regulation, ordinance,  
17 or administrative rule developed and enacted to manage wildlife  
18 resources and the use thereof.

19 (q) "Wildlife officer" means any individual authorized by a party  
20 state to issue a citation for a wildlife violation.

21 (r) "Wildlife violation" means any cited violation of a statute,  
22 law, regulation, ordinance, or administrative rule developed and  
23 enacted to manage wildlife resources and the use thereof.

### 24 ARTICLE III

#### 25 PROCEDURES FOR ISSUING STATE

26 (a) When issuing a citation for a wildlife violation, a wildlife  
27 officer shall issue a citation to any person whose primary residence is  
28 in a party state in the same manner as if the person were a resident of  
29 the home state and shall not require the person to post collateral to  
30 secure appearance, subject to the exceptions contained in subdivision  
31 (b) of this article, if the officer receives the person's personal  
32 recognizance that the person will comply with the terms of the  
33 citation.

34 (b) Personal recognizance is acceptable:

35 (1) If not prohibited by local law or the compact manual; and

36 (2) If the violator provides adequate proof of the violator's  
37 identification to the wildlife officer.

1 (c) Upon conviction or failure of a person to comply with the terms  
2 of a wildlife citation, the appropriate official shall report the  
3 conviction or failure to comply to the licensing authority of the party  
4 state in which the wildlife citation was issued. The report shall be  
5 made in accordance with procedures specified by the issuing state and  
6 shall contain the information specified in the compact manual as  
7 minimum requirements for effective processing by the home state.

8 (d) Upon receipt of the report of conviction or noncompliance  
9 required by subdivision (c) of this article, the licensing authority of  
10 the issuing state shall transmit to the licensing authority in the home  
11 state of the violator the information in a form and content as  
12 contained in the compact manual.

#### 13 ARTICLE IV

#### 14 PROCEDURES FOR HOME STATE

15 (a) Upon receipt of a report of failure to comply with the terms of  
16 a citation from the licensing authority of the issuing state, the  
17 licensing authority of the home state shall notify the violator, shall  
18 initiate a suspension action in accordance with the home state's  
19 suspension procedures and shall suspend the violator's license  
20 privileges until satisfactory evidence of compliance with the terms of  
21 the wildlife citation has been furnished by the issuing state to the  
22 home state licensing authority. Due process safeguards will be  
23 accorded.

24 (b) Upon receipt of a report of conviction from the licensing  
25 authority of the issuing state, the licensing authority of the home  
26 state shall enter such conviction in its records and shall treat such  
27 conviction as if it occurred in the home state for the purposes of the  
28 suspension of license privileges.

29 (c) The licensing authority of the home state shall maintain a  
30 record of actions taken and make reports to issuing states as provided  
31 in the compact manual.

#### 32 ARTICLE V

#### 33 RECIPROCAL RECOGNITION OF SUSPENSION

34 All party states shall recognize the suspension of license  
35 privileges of any person by any state as if the violation on which the  
36 suspension is based had in fact occurred in their state and could have  
37 been the basis for suspension of license privileges in their state.

1 ARTICLE VI

2 APPLICABILITY OF OTHER LAWS

3 Except as expressly required by provisions of this compact, nothing  
4 herein shall be construed to affect the right of any party state to  
5 apply any of its laws relating to license privileges to any person or  
6 circumstance, or to invalidate or prevent any agreement or other  
7 cooperative arrangements between a party state and a nonparty state  
8 concerning wildlife law enforcement.

9 ARTICLE VII

10 COMPACT ADMINISTRATOR PROCEDURES

11 (a) For the purpose of administering the provisions of this compact  
12 and to serve as a governing body for the resolution of all matters  
13 relating to the operation of this compact, a board of compact  
14 administrators is established. The board shall be composed of one  
15 representative from each of the party states to be known as the compact  
16 administrator. The compact administrator shall be appointed by the  
17 head of the licensing authority of each party state and will serve and  
18 be subject to removal in accordance with the laws of the state the  
19 administrator represents. A compact administrator may provide for the  
20 discharge of the administrator's duties and the performance of the  
21 administrator's functions as a board member by an alternate. An  
22 alternate may not be entitled to serve unless written notification of  
23 the alternate's identity has been given to the board.

24 (b) Each member of the board of compact administrators shall be  
25 entitled to one vote. No action of the board shall be binding unless  
26 taken at a meeting at which a majority of the total number of votes on  
27 the board are cast in favor thereof. Action by the board shall be only  
28 at a meeting at which a majority of the party states are represented.

29 (c) The board shall elect annually, from its membership, a  
30 chairperson and vice-chairperson.

31 (d) The board shall adopt bylaws, not inconsistent with the  
32 provisions of this compact or the laws of a party state, for the  
33 conduct of its business and shall have the power to amend and rescind  
34 its bylaws.

35 (e) The board may accept for any of its purposes and functions  
36 under this compact all donations and grants of money, equipment,  
37 supplies, materials, and services, conditional or otherwise, from any

1 state, the United States, or any governmental agency, and may receive,  
2 utilize, and dispose of the same.

3 (f) The board may contract with or accept services or personnel  
4 from any governmental or intergovernmental agency, individual, firm,  
5 corporation, or any private nonprofit organization or institution.

6 (g) The board shall formulate all necessary procedures and develop  
7 uniform forms and documents for administering the provisions of this  
8 compact. All procedures and forms adopted pursuant to board action  
9 shall be contained in the compact manual.

## 10 ARTICLE VIII

### 11 ENTRY INTO COMPACT AND WITHDRAWAL

12 (a) This compact shall become effective when it has been adopted by  
13 at least two states.

14 (b)(1) Entry into the compact shall be made by resolution of  
15 ratification executed by the authorized officials of the applying state  
16 and submitted to the chairperson of the board.

17 (2) The resolution shall be in a form and content as provided in  
18 the compact manual and shall include statements that in substance are  
19 as follows:

20 (i) A citation of the authority by which the state is empowered to  
21 become a party to this compact;

22 (ii) Agreement to comply with the terms and provisions of the  
23 compact; and

24 (iii) That compact entry is with all states then party to the  
25 compact and with any state that legally becomes a party to the compact.

26 (3) The effective date of entry shall be specified by the applying  
27 state, but shall not be less than sixty days after notice has been  
28 given by the chairperson of the board of compact administrators or by  
29 the secretariat of the board to each party state that the resolution  
30 from the applying state has been received.

31 (c) A party state may withdraw from this compact by official  
32 written notice to the other party states, but a withdrawal shall not  
33 take effect until ninety days after notice of withdrawal is given. The  
34 notice shall be directed to the compact administrator of each member  
35 state. No withdrawal shall affect the validity of this compact as to  
36 the remaining party states.



1 ARTICLE IX

2 AMENDMENTS TO THE COMPACT

3 (a) This compact may be amended from time to time. Amendments  
4 shall be presented in resolution form to the chairperson of the board  
5 of compact administrators and may be initiated by one or more party  
6 states.

7 (b) Adoption of an amendment shall require endorsement by all party  
8 states and shall become effective thirty days after the date of the  
9 last endorsement.

10 (c) Failure of a party state to respond to the compact chairperson  
11 within one hundred twenty days after receipt of the proposed amendment  
12 shall constitute endorsement.

13 ARTICLE X

14 CONSTRUCTION AND SEVERABILITY

15 This compact shall be liberally construed so as to effectuate the  
16 purposes stated herein. The provisions of this compact shall be  
17 severable and if any phrase, clause, sentence, or provision of this  
18 compact is declared to be contrary to the constitution of any party  
19 state or of the United States or the applicability thereof to any  
20 government, agency, individual, or circumstance is held invalid, the  
21 compact shall not be affected thereby. If this compact shall be held  
22 contrary to the constitution of any party state thereto, the compact  
23 shall remain in full force and effect as to the remaining states and in  
24 full force and effect as to the state affected as to all severable  
25 matters.

26 ARTICLE XI

27 TITLE

28 This compact shall be known as the wildlife violator compact.

29 NEW SECTION. **Sec. 2.** For purposes of Article VII of section 1 of  
30 this act, the term "licensing authority," with reference to this state,  
31 means the department of wildlife. The director of the department of  
32 wildlife is authorized to appoint a compact administrator.

33 NEW SECTION. **Sec. 3.** The director of the department of wildlife  
34 shall furnish to the appropriate authorities of the participating

1 states any information or documents reasonably necessary to facilitate  
2 the administration of the compact.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 77.21 RCW  
4 to read as follows:

5 (1) Upon receipt of a report of failure to comply with the terms of  
6 a citation from the licensing authority of a state that is a party to  
7 the wildlife violator compact under section 1 of this act, the  
8 department shall suspend the violator's license privileges under this  
9 title until satisfactory evidence of compliance with the terms of the  
10 wildlife citation has been furnished by the issuing state to the  
11 department. The department shall adopt by rule procedures for the  
12 timely notification and administrative review of such suspension of  
13 licensing privileges.

14 (2) Upon receipt of a report of a conviction from the licensing  
15 authority of a state that is a party to the wildlife violator compact  
16 under section 1 of this act, the department shall enter such conviction  
17 in its records and shall treat such conviction as if it occurred in the  
18 state of Washington for the purposes of suspension, revocation, or  
19 forfeiture of license privileges.

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

22 (1) The department of wildlife shall notify the department upon  
23 receipt of a report of failure to comply with the terms of a citation  
24 from the licensing authority of a state that is a party to the wildlife  
25 violator compact under section 1 of this act. The department shall  
26 suspend the violator's license privileges under this title until  
27 satisfactory evidence of compliance with the terms of the wildlife  
28 citation has been furnished by the department of wildlife. The  
29 department shall adopt by rule procedures for the timely notification  
30 and administrative review of such suspension of licensing privileges.

31 (2) The department of wildlife shall notify the department upon  
32 receipt of a report of a conviction from the licensing authority of a  
33 state that is a party to the wildlife violator compact under section 1  
34 of this act. The department shall enter such conviction in its records  
35 and shall treat such conviction as if it occurred in the state of  
36 Washington for the purposes of suspension, revocation, or forfeiture of  
37 license privileges.

1        NEW SECTION.    **Sec. 6.**    Sections 1 through 3 of this act shall  
2    constitute a new chapter in Title 77 RCW.

--- **END** ---