

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 2396**

Chapter 207, Laws of 1996

54th Legislature  
1996 Regular Session

WILDLIFE VIOLATIONS--CLARIFICATION

EFFECTIVE DATE: 6/6/96

Passed by the House March 2, 1996  
Yeas 89 Nays 0

CLYDE BALLARD  
**Speaker of the  
House of Representatives**

Passed by the Senate February 28, 1996  
Yeas 48 Nays 0

JOEL PRITCHARD  
**President of the Senate**

Approved March 28, 1996

MIKE LOWRY  
**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2396** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN  
**Chief Clerk**

FILED

March 28, 1996 - 4:26 p.m.

**Secretary of State  
State of Washington**

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ENGROSSED HOUSE BILL 2396

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AS AMENDED BY THE SENATE

Passed Legislature - 1996 Regular Session

State of Washington                      54th Legislature                      1996 Regular Session

By Representatives Fuhrman, Basich and Mastin; by request of Department of Fish and Wildlife

Read first time 01/10/96. Referred to Committee on Natural Resources.

1            AN ACT Relating to wildlife violations; amending RCW 77.08.010 and  
2 77.16.020; and creating a new section.

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

4            NEW SECTION.    **Sec. 1.** It is the intent of the legislature to  
5 clarify hunting and fishing laws in light of the decision in *State v.*  
6 *Bailey*, 77 Wn. App. 732 (1995). The fish and wildlife commission has  
7 the authority to establish hunting and fishing seasons. These seasons  
8 are defined by limiting the times, manners of taking, and places or  
9 waters for lawful hunting, fishing, or possession of game animals, game  
10 birds, or game fish, as well as by limiting the physical  
11 characteristics of the game animals, game birds, or game fish which may  
12 be lawfully taken at those times, in those manners, and at those places  
13 or waters.

14            **Sec. 2.** RCW 77.08.010 and 1993 sp.s. c 2 s 66 are each amended to  
15 read as follows:

16            As used in this title or rules adopted pursuant to this title,  
17 unless the context clearly requires otherwise:

18            (1) "Director" means the director of fish and wildlife.

1 (2) "Department" means the department of fish and wildlife.

2 (3) "Commission" means the state fish and wildlife commission.

3 (4) "Person" means and includes an individual, a corporation, or a  
4 group of two or more individuals acting with a common purpose whether  
5 acting in an individual, representative, or official capacity.

6 (5) "Wildlife agent" means a person appointed and commissioned by  
7 the director, with authority to enforce laws and rules adopted pursuant  
8 to this title, and other statutes as prescribed by the legislature.

9 (6) "Ex officio wildlife agent" means a commissioned officer of a  
10 municipal, county, state, or federal agency having as its primary  
11 function the enforcement of criminal laws in general, while the officer  
12 is in the appropriate jurisdiction. The term "ex officio wildlife  
13 agent" includes fisheries patrol officers, special agents of the  
14 national marine fisheries service, state parks commissioned officers,  
15 United States fish and wildlife special agents, department of natural  
16 resources enforcement officers, and United States forest service  
17 officers, while the agents and officers are within their respective  
18 jurisdictions.

19 (7) "To hunt" and its derivatives means an effort to kill, injure,  
20 capture, or harass a wild animal or wild bird.

21 (8) "To trap" and its derivatives means a method of hunting using  
22 devices to capture wild animals or wild birds.

23 (9) "To fish" and its derivatives means an effort to kill, injure,  
24 harass, or catch a game fish.

25 (10) "Open season" means those times, manners of taking, and places  
26 or waters established by rule of the commission for the lawful hunting,  
27 fishing, or possession of game animals, game birds, or game fish that  
28 conform to the special restrictions or physical descriptions  
29 established by rule of the commission or that have otherwise been  
30 deemed legal to hunt, fish, or possess by rule of the commission.

31 "Open season" includes the first and last days of the established time.

32 (11) "Closed season" means all times, manners of taking, and places  
33 or waters other than those established by rule of the commission as an  
34 open season. "Closed season" also means all hunting, fishing, or  
35 possession of game animals, game birds, or game fish that do not  
36 conform to the special restrictions or physical descriptions  
37 established by rule of the commission as an open season or that have  
38 not otherwise been deemed legal to hunt, fish, or possess by rule of  
39 the commission as an open season.

1 (12) "Closed area" means a place where the hunting of some species  
2 of wild animals or wild birds is prohibited.

3 (13) "Closed waters" means all or part of a lake, river, stream, or  
4 other body of water, where fishing for game fish is prohibited.

5 (14) "Game reserve" means a closed area where hunting for all wild  
6 animals and wild birds is prohibited.

7 (15) "Bag limit" means the maximum number of game animals, game  
8 birds, or game fish which may be taken, caught, killed, or possessed by  
9 a person, as specified by rule of the commission for a particular  
10 period of time, or as to size, sex, or species.

11 (16) "Wildlife" means all species of the animal kingdom whose  
12 members exist in Washington in a wild state. This includes but is not  
13 limited to mammals, birds, reptiles, amphibians, fish, and  
14 invertebrates. The term "wildlife" does not include feral domestic  
15 mammals, the family Muridae of the order Rodentia (old world rats and  
16 mice), or those fish, shellfish, and marine invertebrates classified as  
17 food fish or shellfish by the director. The term "wildlife" includes  
18 all stages of development and the bodily parts of wildlife members.

19 (17) "Wild animals" means those species of the class Mammalia whose  
20 members exist in Washington in a wild state and the species *Rana*  
21 *catesbeiana* (bullfrog). The term "wild animal" does not include feral  
22 domestic mammals or the family Muridae of the order Rodentia (old world  
23 rats and mice).

24 (18) "Wild birds" means those species of the class Aves whose  
25 members exist in Washington in a wild state.

26 (19) "Protected wildlife" means wildlife designated by the  
27 commission that shall not be hunted or fished.

28 (20) "Endangered species" means wildlife designated by the  
29 commission as seriously threatened with extinction.

30 (21) "Game animals" means wild animals that shall not be hunted  
31 except as authorized by the commission.

32 (22) "Fur-bearing animals" means game animals that shall not be  
33 trapped except as authorized by the commission.

34 (23) "Game birds" means wild birds that shall not be hunted except  
35 as authorized by the commission.

36 (24) "Predatory birds" means wild birds that may be hunted  
37 throughout the year as authorized by the commission.

1 (25) "Deleterious exotic wildlife" means species of the animal  
2 kingdom not native to Washington and designated as dangerous to the  
3 environment or wildlife of the state.

4 (26) "Game farm" means property on which wildlife is held or raised  
5 for commercial purposes, trade, or gift. The term "game farm" does not  
6 include publicly owned facilities.

7 (27) "Person of disability" means a permanently disabled person who  
8 is not ambulatory without the assistance of a wheelchair, crutches, or  
9 similar devices.

10 **Sec. 3.** RCW 77.16.020 and 1987 c 506 s 59 are each amended to read  
11 as follows:

12 (1) It is unlawful to hunt, fish, or possess~~((, or control))~~ a  
13 ~~((species of game bird,))~~ game animal, game bird, or game fish during  
14 ~~((the))~~ closed season for that ~~((species))~~ game animal, game bird, or  
15 game fish except as provided in RCW 77.12.105 or 77.12.265.

16 (2) It is unlawful to kill, take, catch, possess, or control  
17 ~~((these species))~~ a game animal, game bird, or game fish in excess of  
18 the number fixed as the bag limit for ~~((each species))~~ that game  
19 animal, game bird, or game fish.

20 (3) It is unlawful to hunt within a game reserve or to fish for  
21 game fish within closed waters.

22 (4) It is unlawful to hunt wild birds or wild animals within a  
23 closed area except as authorized by rule of the commission.

24 (5) It is unlawful to hunt or fish for wildlife, practice taxidermy  
25 for profit, deal in raw furs for profit, act as a fishing guide, or  
26 operate a game farm, stock game fish, or collect wildlife for research  
27 or display, without having in possession the license, permit, tag,  
28 stamp, or ~~((punchcard))~~ catch record card required by chapter 77.32 RCW  
29 or rule of the department. The activities described in this subsection  
30 shall be conducted in accordance with rules adopted pursuant to this  
31 title.

32 (6) For the purposes of this section, the department shall not  
33 consider leg length or bill length of dusky Canada geese (Branta  
34 canadensis occidentalis).

Passed the House March 2, 1996.

Passed the Senate February 28, 1996.

Approved by the Governor March 28, 1996.

Filed in Office of Secretary of State March 28, 1996.