

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1806

Chapter 226, Laws of 1997

55th Legislature
1997 Regular Session

ILLEGAL KILLING AND POSSESSION OF WILDLIFE--RESTITUTION

EFFECTIVE DATE: 7/27/97

Passed by the House March 12, 1997
Yeas 97 Nays 0

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

Passed by the Senate April 14, 1997
Yeas 37 Nays 0

BRAD OWEN
President of the Senate

Approved April 26, 1997

GARY LOCKE
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 **SUBSTITUTE HOUSE BILL 1806** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

April 26, 1997 - 11:05 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1806

Passed Legislature - 1997 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By House Committee on Natural Resources (originally sponsored by Representatives Alexander, Grant, Mastin, Buck, Johnson, Butler, Hatfield, Kessler, Sheldon, Chandler, Thompson, Regala, Anderson, Pennington, Clements, Kenney, Sullivan, Blalock, Conway, Mulliken, Tokuda, Constantine, Mason and Schoesler)

Read first time 03/03/97.

1 AN ACT Relating to the illegal killing and possession of wildlife;
2 amending RCW 77.21.070; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that wildlife is of
5 great ecological, recreational, aesthetic, and economic value to the
6 people of the state. The legislature further finds that the illegal
7 taking and possession of certain valuable wildlife species is
8 increasing at an alarming rate and the state should be paid restitution
9 for the loss of individual members of these wildlife species.

10 **Sec. 2.** RCW 77.21.070 and 1989 c 11 s 28 are each amended to read
11 as follows:

12 (1) Whenever a person is convicted of illegal killing or possession
13 of wildlife listed in this subsection, the convicting court shall order
14 the person to ((reimburse)) pay restitution to the state in the
15 following amounts for each animal killed or possessed:

16 (a) Moose, ((antelope,)) mountain sheep, mountain goat, and all
17 wildlife species classified as endangered by rule of the

1	<u>commission, except for mountain caribou and grizzly bear as</u>	
2	<u>listed under (d) of this subsection</u>	(((\$2,000)) \$4,000.00
3	(b) <u>Elk, deer, black bear, and cougar</u>	(((\$1,000)) \$2,000.00
4	(c) ((Mountain caribou and grizzly bear	(\$5,000))
5	<u>Trophy animal elk and deer</u>	\$6,000.00
6	(d) <u>Mountain caribou, grizzly bear,</u>	
7	<u>trophy animal mountain sheep</u>	\$12,000.00

8 (2) For the purpose of this section, the term "convicted" includes
9 a plea of guilty, a finding of guilt regardless of whether the
10 imposition of the sentence is deferred or any part of the penalty is
11 suspended, and the payment of a fine. No court may establish bail for
12 illegal possession of wildlife listed in subsection (1) of this section
13 in an amount less than the bail established for hunting during the
14 closed season plus the ~~((reimbursement))~~ restitution value of wildlife
15 set forth in subsection (1) of this section.

16 (3) For the purpose of this section a "trophy animal" is:
17 (a) A buck deer with four or more antler points on either side;
18 (b) A bull elk with five or more antler points on either side; or
19 (c) A mountain sheep with a horn curl of three-quarter curl or
20 greater.

21 (4) If two or more persons are convicted of illegally possessing
22 wildlife listed in this section, the ~~((reimbursement))~~ restitution
23 amount shall be imposed upon them jointly and ~~((separately))~~ severally.

24 ~~((+4))~~ (5) The ~~((reimbursement))~~ restitution amount provided in
25 this section shall be imposed in addition to and regardless of any
26 penalty, including fines, or costs, that is provided for violating any
27 provision of Title 77 RCW. The ~~((reimbursement))~~ restitution required
28 by this section shall be included by the court in any pronouncement of
29 sentence and may not be suspended, waived, modified, or deferred in any
30 respect. Nothing in this section may be construed to abridge or alter
31 alternative rights of action or remedies in equity or under common law
32 or statutory law, criminal or civil.

33 ~~((+5))~~ (6) A defaulted ~~((reimbursement))~~ restitution or any
34 installment payment thereof may be collected by any means authorized by
35 law for the enforcement of orders of the court or collection of a fine
36 or costs, including vacation of a deferral of sentencing or of a
37 suspension of sentence.

38 (7) A person assessed a restitution under this section shall have
39 his or her hunting license revoked and all hunting privileges suspended

1 until the restitution is paid through the registry of the court in
2 which the restitution was assessed.

Passed the House March 12, 1997.

Passed the Senate April 14, 1997.

Approved by the Governor April 26, 1997.

Filed in Office of Secretary of State April 26, 1997.