
SUBSTITUTE HOUSE BILL 2958

State of Washington

59th Legislature

2006 Regular Session

By House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives B. Sullivan, Buck, Kessler, Orcutt, Blake, Kretz, Hunt, Chandler, Upthegrove and Dickerson)

READ FIRST TIME 02/03/06.

1 AN ACT Relating to violations of rules concerning nontoxic shot;
2 amending RCW 77.15.400 and 77.15.425; and prescribing penalties.

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

4 **Sec. 1.** RCW 77.15.400 and 2001 c 253 s 41 are each amended to read
5 as follows:

6 (1) A person is guilty of unlawful hunting of wild birds in the
7 second degree if the person:

8 (a) Hunts for, takes, or possesses a wild bird and the person does
9 not have and possess all licenses, tags, stamps, and permits required
10 under this title;

11 (b) Maliciously destroys, takes, or harms the eggs or nests of a
12 wild bird except when authorized by permit;

13 (c) Violates any rule of the commission or director regarding
14 seasons, bag or possession limits but less than two times the bag or
15 possession limit, closed areas, closed times, or other rule addressing
16 the manner or method of hunting or possession of wild birds; or

17 (d) Possesses a wild bird taken during a closed season for that
18 wild bird or taken from a closed area for that wild bird.

1 (2) A person is guilty of unlawful hunting of wild birds in the
2 first degree if the person takes or possesses two times or more than
3 the possession or bag limit for wild birds allowed by rule of the
4 commission or director.

5 (3)(a) Unlawful hunting of wild birds in the second degree is a
6 misdemeanor.

7 (b) Unlawful hunting of wild birds in the first degree is a gross
8 misdemeanor.

9 (4) In addition to the penalties set forth in this section, if a
10 person, other than a youth as defined in RCW 77.08.010 for hunting
11 purposes, violates a rule adopted by the commission under the authority
12 of this title that requires the use of nontoxic shot, upon conviction:

13 (a) The court shall require a payment of one thousand dollars as a
14 criminal wildlife penalty assessment that must be paid to the clerk of
15 the court and distributed to the state treasurer for deposit in the
16 fish and wildlife enforcement reward account created in RCW 77.15.425.
17 The criminal wildlife penalty assessment must be imposed regardless of
18 and in addition to any sentence, fine, or costs imposed for violating
19 this section. The criminal wildlife penalty assessment must be
20 included by the court in any pronouncement of sentence and may not be
21 suspended, waived, modified, or deferred in any respect; and

22 (b) The department shall revoke the hunting license of the person
23 and order a suspension of small game hunting privileges for two years.

24 **Sec. 2.** RCW 77.15.425 and 2005 c 406 s 1 are each amended to read
25 as follows:

26 The fish and wildlife enforcement reward account is created in the
27 custody of the state treasurer. All receipts from criminal wildlife
28 penalty assessments under RCW 77.15.420 and 77.15.400 must be deposited
29 into the account. The department may accept money or personal property
30 from persons under conditions requiring the property or money to be
31 used consistent with the intent of expenditures from the fish and
32 wildlife enforcement reward account. Expenditures from the account may
33 be used only for investigation and prosecution of fish and wildlife
34 offenses, to provide rewards to persons informing the department about
35 violations of this title and rules adopted under this title, and for
36 other valid enforcement uses as determined by the commission. Only the

1 director or the director's designee may authorize expenditures from the
2 account. The account is subject to allotment procedures under chapter
3 43.88 RCW, but an appropriation is not required for expenditures.

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