

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1128

Chapter 321, Laws of 2005

59th Legislature
2005 Regular Session

FISH AND WILDLIFE ENFORCEMENT CODE--INFRACTIONS

EFFECTIVE DATE: 7/24/05

Passed by the House April 19, 2005
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 15, 2005
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Approved May 9, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1128** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 9, 2005 - 3:07 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 1128

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Representative Nixon

Read first time 01/17/2005. Referred to Committee on Natural Resources, Ecology & Parks.

1 AN ACT Relating to the definition of the term "conviction" in
2 chapter 77.15 RCW; amending RCW 77.15.700 and 77.15.020; and
3 prescribing penalties.

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

5 **Sec. 1.** RCW 77.15.700 and 2003 c 386 s 2 are each amended to read
6 as follows:

7 The department shall impose revocation and suspension of privileges
8 (~~upon conviction~~) in the following circumstances:

9 (1) Upon conviction, if directed by statute for an offense;

10 (2) Upon conviction, if the department finds that actions of the
11 defendant demonstrated a willful or wanton disregard for conservation
12 of fish or wildlife. Such suspension of privileges may be permanent.
13 This subsection (2) does not apply to violations involving commercial
14 fishing;

15 (3) If a person is convicted twice within ten years for a violation
16 involving unlawful hunting, killing, or possessing big game, the
17 department shall order revocation and suspension of all hunting
18 privileges for two years. RCW 77.12.722 or 77.16.050 as it existed

1 before June 11, 1998, may comprise one of the convictions constituting
2 the basis for revocation and suspension under this subsection;

3 (4)(a) If a person is convicted of an offense, has an uncontested
4 notice of infraction, fails to appear at a hearing to contest an
5 infraction, or is found to have committed an infraction three times in
6 ten years ((~~of~~)) involving any violation of recreational hunting or
7 fishing laws or rules, the department shall order a revocation and
8 suspension of all recreational hunting and fishing privileges for two
9 years.

10 (b) A violation punishable as an infraction counts towards the
11 revocation and suspension of recreational hunting and fishing
12 privileges only where that violation is:

13 (i) Punishable as a crime on the effective date of this section and
14 is subsequently decriminalized; or

15 (ii) One of the following violations, as they exist on the
16 effective date of this section: RCW 77.15.160 (1) or (2); WAC 220-56-
17 116; WAC 220-56-315(11); or WAC 220-56-355 (1) through (4).

18 (c) The commission may, by rule, designate additional infractions
19 that do not count towards the revocation and suspension of recreational
20 hunting and fishing privileges.

21 **Sec. 2.** RCW 77.15.020 and 1998 c 190 s 3 are each amended to read
22 as follows:

23 If the commission or director has authority to adopt a rule that is
24 punishable as a crime under this chapter, then the commission or
25 director may provide that violation of the rule shall be punished with
26 notice of infraction under RCW 7.84.030. Neither the commission nor
27 the director have the authority to adopt a rule providing that a
28 violation punishable as an infraction shall be a crime.

Passed by the House April 19, 2005.

Passed by the Senate April 15, 2005.

Approved by the Governor May 9, 2005.

Filed in Office of Secretary of State May 9, 2005.