

---

**Agriculture & Natural Resources  
Committee**

---

**HB 1400**

**Brief Description:** Excluding common mole and gopher traps from the definition of "body-gripping trap."

**Sponsors:** Representatives B. Sullivan, Clibborn, Ericks, Quall, Springer, Kagi, Uptegrove, Takko, Kessler, Chase, VanDeWege and Moeller.

**Brief Summary of Bill**

- Excludes common mole traps and gopher traps from the definition of body-gripping traps.

**Hearing Date:** 2/21/07

**Staff:** Jason Callahan (786-7117).

**Background:**

It is a gross misdemeanor to use any body-gripping trap, which is defined as a trap that grips an animal or an animal's body part, to capture any mammal, or to use a leghold or neck snare trap to capture a mammal for recreation or commerce. It is also illegal to buy, sell, barter, or otherwise exchange the fur of a mammal that has been trapped with a body-gripping trap. Common rat and mouse traps are exempted from the definition of body-gripping traps [RCW 77.15.194].

The Director of the Department of Fish and Wildlife (WDFW) may grant permits to use certain traps in limited circumstances, including for the protection of public health and safety. Before an individual can be issued a 30-day special permit, he or she must show in writing that the problem can not be reasonably controlled by non-lethal means. The holders of special permits are required to inspect any traps at least once daily [RCW 77.15.194].

The Director of WDFW is also authorized to allow WDFW employees and wildlife scientists to use otherwise unlawful traps. Likewise, employees of the United States Fish and Wildlife Service

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

are expressly exempted from the current law's coverage when protecting endangered species [RCW 77.15.194].

In addition to being prosecuted for a gross misdemeanor, a person who violates the provisions of the state trapping law is required to lose his or her trapping privileges for five years. Repeat violators of the state's trapping laws face losing their trapping privileges permanently [RCW 77.15.198].

Trapping fur-bearing mammals with a non-body gripping trap is allowed during trapping seasons. An individual first must possess a WDFW-issued trapping license. Prior to receiving a trapping license, an applicant must complete a course in safe, humane, and proper trapping techniques [RCW 77.65.460]. The WDFW is required to conduct such a program, and focus the education on trapping techniques designed to painlessly capture or instantly kill targeted mammals. In developing the educational program, the WDFW is required to consult with, among others, humane and trapping organizations [RCW 77.65.460].

A trapper must first seek the permission of the landowner before setting a trap on private property, and all traps must carry an identification tag indicating the owner. If a property owner discovers a trap on his or her property, the owner may remove the trap and contact the WDFW for the name and address of the trapper.

**Summary of Bill:**

Common mole traps and gopher traps are excluded from the definition of body-gripping traps; therefore, allowing their use without violating the prohibition on the use of body-gripping traps.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.