
**Agriculture & Natural Resources
Committee**

HB 2493

Brief Description: Regarding violations of chapter 77.15 RCW.

Sponsors: Representative Armstrong.

Brief Summary of Bill

- Authorizes a responding Fish and Wildlife Enforcement Officer to, as an alternative to issuing a citation for certain criminal violations, issue a \$150 civil natural resources infraction.

Hearing Date: January 2, 2008

Staff: Jason Callahan (786-7117).

Background:

Enforcement of Fish and Wildlife Laws

The Fish and Wildlife Enforcement Code (Code) contains a number of unlawful acts that relate to hunting, fishing, and other related wildlife activities (RCW chapter 77.15). The penalties for violating these regulations range from civil natural resources infractions to misdemeanors and felonies.

In addition to the violations outlined in the Code, the Fish and Wildlife Commission (Commission) has the authority to adopt rules that regulate the harvest of wildlife and fish. Rules adopted by the Commission can be enforced with criminal sanctions and serve as a basis for some of the crimes expressly outlined in the Code. If a rule is not an element of a statutory crime, the Commission has the authority to provide for civil enforcement of the rule (RCW 77.15.020). Misdemeanor violations of the Code are punishable by up to 90 days in jail and a fine of up to \$1000 (RCW 9.92.030). Gross misdemeanors are punishable by up one year in jail and a fine of up to \$5,000 (RCW 9.92.020) Felonies can result in a prison sentence of up to 10 years and a fine of up to \$20,000 (RCW 9.92.010).

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.

Natural Resource Infractions

A natural resource infraction is a civil penalty available for violations of certain statutes relating to natural resources. The exact monetary penalty for a natural resource infraction is set by the Supreme Court; however, the Legislature has limited the fine to no less than ten dollars and no more than \$500.

Summary of Bill:

As an alternative to issuing a citation for certain criminal violations of the Code, the responding officer may instead issue a \$150 civil natural resources infraction. The discretion as to whether to issue a criminal or civil citation belongs to the responding enforcement officer.

The Commission is required to develop guidance for enforcement officers to aid in the identification of instances when issuance of a civil infraction is appropriate. Examples of such instances are provided, and include situations where the suspect self-reports his or her violations, or when the violation occurred due to a mistake.

The crimes for which enforcement officers are entitled to issue civil violations are that following:

- unlawful trapping;
- unlawful use of dogs;
- unlawful hunting of wild birds;
- unlawful hunting of big game in the second degree; and
- unlawful hunting of wild animals in the second degree.

Appropriation: None.

Fiscal Note: Not requested.

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