

SSB 6135 - H COMM AMD

By Committee on General Government Appropriations & Oversight

ADOPTED AS AMENDED 03/01/2012

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 7.84.030 and 2011 c 320 s 14 are each amended to read
4 as follows:

5 (1) An infraction proceeding is initiated by the issuance and
6 service of a printed notice of infraction and filing of a printed or
7 electronic copy of the notice of infraction.

8 (2)(a) A notice of infraction may be issued by a person authorized
9 to enforce the provisions of the title or chapter in which the
10 infraction is established, or by a person authorized by an interlocal
11 agreement entered into under RCW 7.84.140, when the infraction occurs
12 in that person's presence.

13 (b) A person who is a peace officer as defined in chapter 10.93 RCW
14 may detain the person receiving the infraction for a reasonable period
15 of time necessary to identify the person, check for outstanding
16 warrants, and complete and issue a notice of infraction under RCW
17 7.84.050. A person who is to receive a notice of infraction is
18 required to identify himself or herself to the peace officer by giving
19 the person's name, address, and date of birth. Upon request, the
20 person shall produce reasonable identification, including a driver's
21 license or identicard. Any person who fails to comply with the
22 requirement to identify himself or herself and give the person's
23 current address is guilty of a misdemeanor.

24 (3) A court may issue a notice of infraction if a person authorized
25 to enforce the provisions of the title or chapter in which the
26 infraction is established, or by a person authorized by an interlocal
27 agreement entered into under RCW 7.84.140, files with the court a
28 written statement that the infraction was committed in that person's
29 presence or that the officer has reason to believe an infraction was
30 committed.

1 (4) Service of a notice of infraction issued under subsection (2)
2 or (3) of this section shall be as provided by court rule.

3 (5) A notice of infraction shall be filed with a court having
4 jurisdiction within five days of issuance, excluding Saturdays,
5 Sundays, and holidays.

6 **Sec. 2.** RCW 9.94A.515 and 2010 c 289 s 11 and 2010 c 227 s 9 are
7 each reenacted and amended to read as follows:

8
9 TABLE 2

10 CRIMES INCLUDED WITHIN
11 EACH SERIOUSNESS LEVEL

- 12 XVI Aggravated Murder 1 (RCW
13 10.95.020)
- 14 XV Homicide by abuse (RCW 9A.32.055)
15 Malicious explosion 1 (RCW
16 70.74.280(1))
17 Murder 1 (RCW 9A.32.030)
- 18 XIV Murder 2 (RCW 9A.32.050)
19 Trafficking 1 (RCW 9A.40.100(1))
- 20 XIII Malicious explosion 2 (RCW
21 70.74.280(2))
22 Malicious placement of an explosive 1
23 (RCW 70.74.270(1))
- 24 XII Assault 1 (RCW 9A.36.011)
25 Assault of a Child 1 (RCW 9A.36.120)
26 Malicious placement of an imitation
27 device 1 (RCW 70.74.272(1)(a))
28 Promoting Commercial Sexual Abuse
29 of a Minor (RCW 9.68A.101)
30 Rape 1 (RCW 9A.44.040)
31 Rape of a Child 1 (RCW 9A.44.073)
32 Trafficking 2 (RCW 9A.40.100(2))
- 33 XI Manslaughter 1 (RCW 9A.32.060)
34 Rape 2 (RCW 9A.44.050)
35 Rape of a Child 2 (RCW 9A.44.076)
- 36 X Child Molestation 1 (RCW 9A.44.083)

1 Criminal Mistreatment 1 (RCW
2 9A.42.020)
3 Indecent Liberties (with forcible
4 compulsion) (RCW
5 9A.44.100(1)(a))
6 Kidnapping 1 (RCW 9A.40.020)
7 Leading Organized Crime (RCW
8 9A.82.060(1)(a))
9 Malicious explosion 3 (RCW
10 70.74.280(3))
11 Sexually Violent Predator Escape
12 (RCW 9A.76.115)
13 IX Abandonment of Dependent Person 1
14 (RCW 9A.42.060)
15 Assault of a Child 2 (RCW 9A.36.130)
16 Explosive devices prohibited (RCW
17 70.74.180)
18 Hit and Run--Death (RCW
19 46.52.020(4)(a))
20 Homicide by Watercraft, by being
21 under the influence of intoxicating
22 liquor or any drug (RCW
23 79A.60.050)
24 Inciting Criminal Profiteering (RCW
25 9A.82.060(1)(b))
26 Malicious placement of an explosive 2
27 (RCW 70.74.270(2))
28 Robbery 1 (RCW 9A.56.200)
29 Sexual Exploitation (RCW 9.68A.040)
30 Vehicular Homicide, by being under
31 the influence of intoxicating liquor
32 or any drug (RCW 46.61.520)
33 VIII Arson 1 (RCW 9A.48.020)
34 Commercial Sexual Abuse of a Minor
35 (RCW 9.68A.100)

1 Homicide by Watercraft, by the
2 operation of any vessel in a
3 reckless manner (RCW
4 79A.60.050)
5 Manslaughter 2 (RCW 9A.32.070)
6 Promoting Prostitution 1 (RCW
7 9A.88.070)
8 Theft of Ammonia (RCW 69.55.010)
9 Vehicular Homicide, by the operation
10 of any vehicle in a reckless manner
11 (RCW 46.61.520)
12 VII Burglary 1 (RCW 9A.52.020)
13 Child Molestation 2 (RCW 9A.44.086)
14 Civil Disorder Training (RCW
15 9A.48.120)
16 Dealing in depictions of minor engaged
17 in sexually explicit conduct 1
18 (RCW 9.68A.050(1))
19 Drive-by Shooting (RCW 9A.36.045)
20 Homicide by Watercraft, by disregard
21 for the safety of others (RCW
22 79A.60.050)
23 Indecent Liberties (without forcible
24 compulsion) (RCW 9A.44.100(1)
25 (b) and (c))
26 Introducing Contraband 1 (RCW
27 9A.76.140)
28 Malicious placement of an explosive 3
29 (RCW 70.74.270(3))
30 Negligently Causing Death By Use of a
31 Signal Preemption Device (RCW
32 46.37.675)
33 Sending, bringing into state depictions
34 of minor engaged in sexually
35 explicit conduct 1 (RCW
36 9.68A.060(1))

1 Unlawful Possession of a Firearm in
2 the first degree (RCW 9A.41.040(1))
3 Use of a Machine Gun in Commission
4 of a Felony (RCW 9A.41.225)
5 Vehicular Homicide, by disregard for
6 the safety of others (RCW
7 46.61.520)
8 VI Bail Jumping with Murder 1 (RCW
9 9A.76.170(3)(a))
10 Bribery (RCW 9A.68.010)
11 Incest 1 (RCW 9A.64.020(1))
12 Intimidating a Judge (RCW 9A.72.160)
13 Intimidating a Juror/Witness (RCW
14 9A.72.110, 9A.72.130)
15 Malicious placement of an imitation
16 device 2 (RCW 70.74.272(1)(b))
17 Possession of Depictions of a Minor
18 Engaged in Sexually Explicit
19 Conduct 1 (RCW 9.68A.070(1))
20 Rape of a Child 3 (RCW 9A.44.079)
21 Theft of a Firearm (RCW 9A.56.300)
22 Unlawful Storage of Ammonia (RCW
23 69.55.020)
24 V Abandonment of Dependent Person 2
25 (RCW 9A.42.070)
26 Advancing money or property for
27 extortionate extension of credit
28 (RCW 9A.82.030)
29 Bail Jumping with class A Felony
30 (RCW 9A.76.170(3)(b))
31 Child Molestation 3 (RCW 9A.44.089)
32 Criminal Mistreatment 2 (RCW
33 9A.42.030)
34 Custodial Sexual Misconduct 1 (RCW
35 9A.44.160)

1 Dealing in Depictions of Minor
2 Engaged in Sexually Explicit
3 Conduct 2 (RCW 9.68A.050(2))
4 Domestic Violence Court Order
5 Violation (RCW 10.99.040,
6 10.99.050, 26.09.300, 26.10.220,
7 26.26.138, 26.50.110, 26.52.070,
8 or 74.34.145)
9 Driving While Under the Influence
10 (RCW 46.61.502(6))
11 Extortion 1 (RCW 9A.56.120)
12 Extortionate Extension of Credit (RCW
13 9A.82.020)
14 Extortionate Means to Collect
15 Extensions of Credit (RCW
16 9A.82.040)
17 Incest 2 (RCW 9A.64.020(2))
18 Kidnapping 2 (RCW 9A.40.030)
19 Perjury 1 (RCW 9A.72.020)
20 Persistent prison misbehavior (RCW
21 9.94.070)
22 Physical Control of a Vehicle While
23 Under the Influence (RCW
24 46.61.504(6))
25 Possession of a Stolen Firearm (RCW
26 9A.56.310)
27 Rape 3 (RCW 9A.44.060)
28 Rendering Criminal Assistance 1
29 (RCW 9A.76.070)
30 Sending, Bringing into State Depictions
31 of Minor Engaged in Sexually
32 Explicit Conduct 2 (RCW
33 9.68A.060(2))
34 Sexual Misconduct with a Minor 1
35 (RCW 9A.44.093)
36 Sexually Violating Human Remains
37 (RCW 9A.44.105)

1 Stalking (RCW 9A.46.110)
2 Taking Motor Vehicle Without
3 Permission 1 (RCW 9A.56.070)
4 IV Arson 2 (RCW 9A.48.030)
5 Assault 2 (RCW 9A.36.021)
6 Assault 3 (of a Peace Officer with a
7 Projectile Stun Gun) (RCW
8 9A.36.031(1)(h))
9 Assault by Watercraft (RCW
10 79A.60.060)
11 Bribing a Witness/Bribe Received by
12 Witness (RCW 9A.72.090,
13 9A.72.100)
14 Cheating 1 (RCW 9A.46.1961)
15 Commercial Bribery (RCW 9A.68.060)
16 Counterfeiting (RCW 9A.16.035(4))
17 Endangerment with a Controlled
18 Substance (RCW 9A.42.100)
19 Escape 1 (RCW 9A.76.110)
20 Hit and Run--Injury (RCW
21 46.52.020(4)(b))
22 Hit and Run with Vessel--Injury
23 Accident (RCW 79A.60.200(3))
24 Identity Theft 1 (RCW 9A.35.020(2))
25 Indecent Exposure to Person Under
26 Age Fourteen (subsequent sex
27 offense) (RCW 9A.88.010)
28 Influencing Outcome of Sporting Event
29 (RCW 9A.82.070)
30 Malicious Harassment (RCW
31 9A.36.080)
32 Possession of Depictions of a Minor
33 Engaged in Sexually Explicit
34 Conduct 2 (RCW 9A.68(~~1A~~))
35 A.070(2))
36 Residential Burglary (RCW
37 9A.52.025)

1 Robbery 2 (RCW 9A.56.210)
2 Theft of Livestock 1 (RCW 9A.56.080)
3 Threats to Bomb (RCW 9.61.160)
4 Trafficking in Stolen Property 1 (RCW
5 9A.82.050)
6 Unlawful factoring of a credit card or
7 payment card transaction (RCW
8 9A.56.290(4)(b))
9 Unlawful transaction of health
10 coverage as a health care service
11 contractor (RCW 48.44.016(3))
12 Unlawful transaction of health
13 coverage as a health maintenance
14 organization (RCW 48.46.033(3))
15 Unlawful transaction of insurance
16 business (RCW 48.15.023(3))
17 Unlicensed practice as an insurance
18 professional (RCW 48.17.063(2))
19 Use of Proceeds of Criminal
20 Profiteering (RCW 9A.82.080 (1)
21 and (2))
22 Vehicular Assault, by being under the
23 influence of intoxicating liquor or
24 any drug, or by the operation or
25 driving of a vehicle in a reckless
26 manner (RCW 46.61.522)
27 Viewing of Depictions of a Minor
28 Engaged in Sexually Explicit
29 Conduct 1 (RCW 9.68A.075(1))
30 Willful Failure to Return from
31 Furlough (RCW 72.66.060)
32 III Animal Cruelty 1 (Sexual Conduct or
33 Contact) (RCW 16.52.205(3))
34 Assault 3 (Except Assault 3 of a Peace
35 Officer With a Projectile Stun
36 Gun) (RCW 9A.36.031 except
37 subsection (1)(h))

1 Assault of a Child 3 (RCW 9A.36.140)
2 Bail Jumping with class B or C Felony
3 (RCW 9A.76.170(3)(c))
4 Burglary 2 (RCW 9A.52.030)
5 Communication with a Minor for
6 Immoral Purposes (RCW
7 9.68A.090)
8 Criminal Gang Intimidation (RCW
9 9A.46.120)
10 Custodial Assault (RCW 9A.36.100)
11 Cyberstalking (subsequent conviction
12 or threat of death) (RCW
13 9.61.260(3))
14 Escape 2 (RCW 9A.76.120)
15 Extortion 2 (RCW 9A.56.130)
16 Harassment (RCW 9A.46.020)
17 Intimidating a Public Servant (RCW
18 9A.76.180)
19 Introducing Contraband 2 (RCW
20 9A.76.150)
21 Malicious Injury to Railroad Property
22 (RCW 81.60.070)
23 Mortgage Fraud (RCW 19.144.080)
24 Negligently Causing Substantial Bodily
25 Harm By Use of a Signal
26 Preemption Device (RCW
27 46.37.674)
28 Organized Retail Theft 1 (RCW
29 9A.56.350(2))
30 Perjury 2 (RCW 9A.72.030)
31 Possession of Incendiary Device (RCW
32 9.40.120)
33 Possession of Machine Gun or Short-
34 Barreled Shotgun or Rifle (RCW
35 9.41.190)
36 Promoting Prostitution 2 (RCW
37 9A.88.080)

1 Retail Theft with Extenuating
2 Circumstances 1 (RCW
3 9A.56.360(2))
4 Securities Act violation (RCW
5 21.20.400)
6 Tampering with a Witness (RCW
7 9A.72.120)
8 Telephone Harassment (subsequent
9 conviction or threat of death)
10 (RCW 9.61.230(2))
11 Theft of Livestock 2 (RCW 9A.56.083)
12 Theft with the Intent to Resell 1 (RCW
13 9A.56.340(2))
14 Trafficking in Stolen Property 2 (RCW
15 9A.82.055)
16 Unlawful Hunting of Big Game 1
17 (RCW 77.15.410(3)(b))
18 Unlawful Imprisonment (RCW
19 9A.40.040)
20 Unlawful possession of firearm in the
21 second degree (RCW 9.41.040(2))
22 Unlawful Taking of Endangered Fish
23 or Wildlife 1 (RCW
24 77.15.120(3)(b))
25 Unlawful Trafficking in Fish, Shellfish,
26 or Wildlife 1 (RCW
27 77.15.260(3)(b))
28 Unlawful Use of a Nondesignated
29 Vessel (RCW 77.15.530(4))
30 Vehicular Assault, by the operation or
31 driving of a vehicle with disregard
32 for the safety of others (RCW
33 46.61.522)
34 Willful Failure to Return from Work
35 Release (RCW 72.65.070)
36 II Commercial Fishing Without a License
37 1 (RCW 77.15.500(3)(b))

1 Computer Trespass 1 (RCW
2 9A.52.110)
3 Counterfeiting (RCW 9.16.035(3))
4 Engaging in Fish Dealing Activity
5 Unlicensed 1 (RCW 77.15.620(3))
6 Escape from Community Custody
7 (RCW 72.09.310)
8 Failure to Register as a Sex Offender
9 (second or subsequent offense)
10 ((~~RCW 9A.44.130(1)(a)~~))
11 (RCW 9A.44.132(1)(b))
12 Health Care False Claims (RCW
13 48.80.030)
14 Identity Theft 2 (RCW 9.35.020(3))
15 Improperly Obtaining Financial
16 Information (RCW 9.35.010)
17 Malicious Mischief 1 (RCW
18 9A.48.070)
19 Organized Retail Theft 2 (RCW
20 9A.56.350(3))
21 Possession of Stolen Property 1 (RCW
22 9A.56.150)
23 Possession of a Stolen Vehicle (RCW
24 9A.56.068)
25 Retail Theft with Extenuating
26 Circumstances 2 (RCW
27 9A.56.360(3))
28 Theft 1 (RCW 9A.56.030)
29 Theft of a Motor Vehicle (RCW
30 9A.56.065)
31 Theft of Rental, Leased, or Lease-
32 purchased Property (valued at one
33 thousand five hundred dollars or
34 more) (RCW 9A.56.096(5)(a))
35 Theft with the Intent to Resell 2 (RCW
36 9A.56.340(3))

1 Trafficking in Insurance Claims (RCW
2 48.30A.015)
3 Unlawful factoring of a credit card or
4 payment card transaction (RCW
5 9A.56.290(4)(a))
6 Unlawful Participation of Non-Indians
7 in Indian Fishery (RCW
8 77.15.570(2))
9 Unlawful Practice of Law (RCW
10 2.48.180)
11 Unlicensed Practice of a Profession or
12 Business (RCW 18.130.190(7))
13 Unlawful Purchase or Use of a License
14 (RCW 77.15.650(3)(b))
15 Unlawful Trafficking in Fish, Shellfish,
16 or Wildlife 2 (RCW
17 77.15.260(3)(a))
18 Voyeurism (RCW 9A.44.115)
19 I Attempting to Elude a Pursuing Police
20 Vehicle (RCW 46.61.024)
21 False Verification for Welfare (RCW
22 74.08.055)
23 Forgery (RCW 9A.60.020)
24 Fraudulent Creation or Revocation of a
25 Mental Health Advance Directive
26 (RCW 9A.60.060)
27 Malicious Mischief 2 (RCW
28 9A.48.080)
29 Mineral Trespass (RCW 78.44.330)
30 Possession of Stolen Property 2 (RCW
31 9A.56.160)
32 Reckless Burning 1 (RCW 9A.48.040)
33 Spotlighting Big Game 1 (RCW
34 77.15.450(3)(b))
35 Suspension of Department Privileges 1
36 (RCW 77.15.670(3)(b))

1 Taking Motor Vehicle Without
2 Permission 2 (RCW 9A.56.075)
3 Theft 2 (RCW 9A.56.040)
4 Theft of Rental, Leased, or Lease-
5 purchased Property (valued at two
6 hundred fifty dollars or more but
7 less than one thousand five
8 hundred dollars) (RCW
9 9A.56.096(5)(b))
10 Transaction of insurance business
11 beyond the scope of licensure
12 (RCW 48.17.063)
13 Unlawful Fish and Shellfish Catch
14 Accounting (RCW
15 77.15.630(3)(b))
16 Unlawful Issuance of Checks or Drafts
17 (RCW 9A.56.060)
18 Unlawful Possession of Fictitious
19 Identification (RCW 9A.56.320)
20 Unlawful Possession of Instruments of
21 Financial Fraud (RCW 9A.56.320)
22 Unlawful Possession of Payment
23 Instruments (RCW 9A.56.320)
24 Unlawful Possession of a Personal
25 Identification Device (RCW
26 9A.56.320)
27 Unlawful Production of Payment
28 Instruments (RCW 9A.56.320)
29 Unlawful Release of Deleterious Exotic
30 Wildlife (RCW 77.15.250(2)(b))
31 Unlawful Trafficking in Food Stamps
32 (RCW 9.91.142)
33 Unlawful Use of Food Stamps (RCW
34 9.91.144)
35 Unlawful Use of Net to Take Fish 1
36 (RCW 77.15.580(3)(b))

1 Unlawful Use of Prohibited Aquatic

2 Animal Species (RCW

3 77.15.253(3))

4 Vehicle Prowl 1 (RCW 9A.52.095)

5 Violating Commercial Fishing Area or

6 Time 1 (RCW 77.15.550(3)(b))

7 **Sec. 3.** RCW 77.08.010 and 2011 c 324 s 3 are each reenacted and
8 amended to read as follows:

9 The definitions in this section apply throughout this title or
10 rules adopted under this title unless the context clearly requires
11 otherwise.

12 (1) "Angling gear" means a line attached to a rod and reel capable
13 of being held in hand while landing the fish or a hand-held line
14 operated without rod or reel.

15 (2) "Aquatic invasive species" means any invasive, prohibited,
16 regulated, unregulated, or unlisted aquatic animal or plant species as
17 defined under subsections (3), (28), (40), (44), (60), and (61) of this
18 section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c),
19 and aquatic nuisance species as defined under RCW 77.60.130(1).

20 (3) "Aquatic plant species" means an emergent, submersed, partially
21 submersed, free-floating, or floating-leaving plant species that grows
22 in or near a body of water or wetland.

23 (4) "Bag limit" means the maximum number of game animals, game
24 birds, or game fish which may be taken, caught, killed, or possessed by
25 a person, as specified by rule of the commission for a particular
26 period of time, or as to size, sex, or species.

27 (5) "Closed area" means a place where the hunting of some or all
28 species of wild animals or wild birds is prohibited.

29 (6) "Closed season" means all times, manners of taking, and places
30 or waters other than those established by rule of the commission as an
31 open season. "Closed season" also means all hunting, fishing, taking,
32 or possession of game animals, game birds, game fish, food fish, or
33 shellfish that do not conform to the special restrictions or physical
34 descriptions established by rule of the commission as an open season or
35 that have not otherwise been deemed legal to hunt, fish, take, harvest,
36 or possess by rule of the commission as an open season.

1 (7) "Closed waters" means all or part of a lake, river, stream, or
2 other body of water, where fishing or harvesting is prohibited.

3 (8) "Commercial" means related to or connected with buying,
4 selling, or bartering.

5 (9) "Commission" means the state fish and wildlife commission.

6 (10) "Concurrent waters of the Columbia river" means those waters
7 of the Columbia river that coincide with the Washington-Oregon state
8 boundary.

9 (11) "Contraband" means any property that is unlawful to produce or
10 possess.

11 (12) "Deleterious exotic wildlife" means species of the animal
12 kingdom not native to Washington and designated as dangerous to the
13 environment or wildlife of the state.

14 (13) "Department" means the department of fish and wildlife.

15 (14) "Director" means the director of fish and wildlife.

16 (15) "Endangered species" means wildlife designated by the
17 commission as seriously threatened with extinction.

18 (16) "Ex officio fish and wildlife officer" means (~~(a commissioned~~
19 ~~officer of a municipal, county, state, or federal agency having as its~~
20 ~~primary function the enforcement of criminal laws in general, while the~~
21 ~~officer is in the appropriate jurisdiction. The term "ex officio fish~~
22 ~~and wildlife officer" includes special agents of the national marine~~
23 ~~fisheries service, state parks commissioned officers, United States~~
24 ~~fish and wildlife special agents, department of natural resources~~
25 ~~enforcement officers, and United States forest service officers, while~~
26 ~~the agents and officers are within their respective jurisdictions)):~~

27 (a) A commissioned officer of a municipal, county, or state agency
28 having as its primary function the enforcement of criminal laws in
29 general, while the officer is acting in the respective jurisdiction of
30 that agency;

31 (b) An officer or special agent commissioned by one of the
32 following: The national marine fisheries service; the Washington state
33 parks and recreation commission; the United States fish and wildlife
34 service; the Washington state department of natural resources; the
35 United States forest service; or the United States parks service, if
36 the agent or officer is in the respective jurisdiction of the primary
37 commissioning agency and is acting under a mutual law enforcement

1 assistance agreement between the department and the primary
2 commissioning agency;

3 (c) A commissioned fish and wildlife peace officer from another
4 state who meets the training standards set by the Washington state
5 criminal justice training commission pursuant to RCW 10.93.090,
6 43.101.080, and 43.101.200, and who is acting under a mutual law
7 enforcement assistance agreement between the department and the primary
8 commissioning agency; or

9 (d) A Washington state tribal police officer who successfully
10 completes the requirements set forth under RCW 43.101.157, is employed
11 by a tribal nation that has complied with RCW 10.92.020(2) (a) and (b),
12 and is acting under a mutual law enforcement assistance agreement
13 between the department and the tribal government.

14 (17) "Fish" includes all species classified as game fish or food
15 fish by statute or rule, as well as all fin fish not currently
16 classified as food fish or game fish if such species exist in state
17 waters. The term "fish" includes all stages of development and the
18 bodily parts of fish species.

19 (18) "Fish and wildlife officer" means a person appointed and
20 commissioned by the director, with authority to enforce this title and
21 rules adopted pursuant to this title, and other statutes as prescribed
22 by the legislature. Fish and wildlife officer includes a person
23 commissioned before June 11, 1998, as a wildlife agent or a fisheries
24 patrol officer.

25 (19) "Fish broker" means a person whose business it is to bring a
26 seller of fish and shellfish and a purchaser of those fish and
27 shellfish together.

28 (20) "Fishery" means the taking of one or more particular species
29 of fish or shellfish with particular gear in a particular geographical
30 area.

31 (21) "Freshwater" means all waters not defined as saltwater
32 including, but not limited to, rivers upstream of the river mouth,
33 lakes, ponds, and reservoirs.

34 (22) "Fur-bearing animals" means game animals that shall not be
35 trapped except as authorized by the commission.

36 (23) "Game animals" means wild animals that shall not be hunted
37 except as authorized by the commission.

- 1 (24) "Game birds" means wild birds that shall not be hunted except
2 as authorized by the commission.
- 3 (25) "Game farm" means property on which wildlife is held ~~((or))~~,
4 confined, propagated, hatched, fed, or otherwise raised for commercial
5 purposes, trade, or gift. The term "game farm" does not include
6 publicly owned facilities.
- 7 (26) "Game reserve" means a closed area where hunting for all wild
8 animals and wild birds is prohibited.
- 9 (27) "Illegal items" means those items unlawful to be possessed.
- 10 (28) "Invasive species" means a plant species or a nonnative animal
11 species that either:
- 12 (a) Causes or may cause displacement of, or otherwise threatens,
13 native species in their natural communities;
- 14 (b) Threatens or may threaten natural resources or their use in the
15 state;
- 16 (c) Causes or may cause economic damage to commercial or
17 recreational activities that are dependent upon state waters; or
- 18 (d) Threatens or harms human health.
- 19 (29) "License year" means the period of time for which a
20 recreational license is valid. The license year begins April 1st, and
21 ends March 31st.
- 22 (30) "Limited-entry license" means a license subject to a license
23 limitation program established in chapter 77.70 RCW.
- 24 (31) "Money" means all currency, script, personal checks, money
25 orders, or other negotiable instruments.
- 26 (32) "Nonresident" means a person who has not fulfilled the
27 qualifications of a resident.
- 28 (33) "Offshore waters" means marine waters of the Pacific Ocean
29 outside the territorial boundaries of the state, including the marine
30 waters of other states and countries.
- 31 (34) "Open season" means those times, manners of taking, and places
32 or waters established by rule of the commission for the lawful hunting,
33 fishing, taking, or possession of game animals, game birds, game fish,
34 food fish, or shellfish that conform to the special restrictions or
35 physical descriptions established by rule of the commission or that
36 have otherwise been deemed legal to hunt, fish, take, harvest, or
37 possess by rule of the commission. "Open season" includes the first
38 and last days of the established time.

1 (35) "Owner" means the person in whom is vested the ownership
2 dominion, or title of the property.

3 (36) "Person" means and includes an individual; a corporation; a
4 public or private entity or organization; a local, state, or federal
5 agency; all business organizations, including corporations and
6 partnerships; or a group of two or more individuals acting with a
7 common purpose whether acting in an individual, representative, or
8 official capacity.

9 (37) "Personal property" or "property" includes both corporeal and
10 incorporeal personal property and includes, among other property,
11 contraband and money.

12 (38) "Personal use" means for the private use of the individual
13 taking the fish or shellfish and not for sale or barter.

14 (39) "Predatory birds" means wild birds that may be hunted
15 throughout the year as authorized by the commission.

16 (40) "Prohibited aquatic animal species" means an invasive species
17 of the animal kingdom that has been classified as a prohibited aquatic
18 animal species by the commission.

19 (41) "Protected wildlife" means wildlife designated by the
20 commission that shall not be hunted or fished.

21 (42) "Raffle" means an activity in which tickets bearing an
22 individual number are sold for not more than twenty-five dollars each
23 and in which a permit or permits are awarded to hunt or for access to
24 hunt big game animals or wild turkeys on the basis of a drawing from
25 the tickets by the person or persons conducting the raffle.

26 (43) "Recreational and commercial watercraft" includes the boat, as
27 well as equipment used to transport the boat, and any auxiliary
28 equipment such as attached or detached outboard motors.

29 (44) "Regulated aquatic animal species" means a potentially
30 invasive species of the animal kingdom that has been classified as a
31 regulated aquatic animal species by the commission.

32 (45) "Resident" (~~means:~~

33 ~~(a) A person who has maintained a permanent place of abode within~~
34 ~~the state for at least ninety days immediately preceding an application~~
35 ~~for a license, has established by formal evidence an intent to continue~~
36 ~~residing within the state, and who is not licensed to hunt or fish as~~
37 ~~a resident in another state; and~~

1 ~~(b) A person age eighteen or younger who does not qualify as a~~
2 ~~resident under (a) of this subsection, but who has a parent that~~
3 ~~qualifies as a resident under (a) of this subsection)) has the same~~
4 ~~meaning as defined in section 4 of this act.~~

5 (46) "Retail-eligible species" means commercially harvested salmon,
6 crab, and sturgeon.

7 (47) "Saltwater" means those marine waters seaward of river mouths.

8 (48) "Seaweed" means marine aquatic plant species that are
9 dependent upon the marine aquatic or tidal environment, and exist in
10 either an attached or free floating form, and includes but is not
11 limited to marine aquatic plants in the classes Chlorophyta,
12 Phaeophyta, and Rhodophyta.

13 (49) "Senior" means a person seventy years old or older.

14 (50) "Shark fin" means a raw, dried, or otherwise processed
15 detached fin or tail of a shark.

16 (51)(a) "Shark fin derivative product" means any product intended
17 for use by humans or animals that is derived in whole or in part from
18 shark fins or shark fin cartilage.

19 (b) "Shark fin derivative product" does not include a drug approved
20 by the United States food and drug administration and available by
21 prescription only or medical device or vaccine approved by the United
22 States food and drug administration.

23 (52) "Shellfish" means those species of marine and freshwater
24 invertebrates that have been classified and that shall not be taken
25 except as authorized by rule of the commission. The term "shellfish"
26 includes all stages of development and the bodily parts of shellfish
27 species.

28 (53) "State waters" means all marine waters and fresh waters within
29 ordinary high water lines and within the territorial boundaries of the
30 state.

31 (54) "To fish," "to harvest," and "to take," and their derivatives
32 means an effort to kill, injure, harass, or catch a fish or shellfish.

33 (55) "To hunt" and its derivatives means an effort to kill, injure,
34 capture, or harass a wild animal or wild bird.

35 (56) "To process" and its derivatives mean preparing or preserving
36 fish, wildlife, or shellfish.

37 (57) "To trap" and its derivatives means a method of hunting using
38 devices to capture wild animals or wild birds.

1 (58) "Trafficking" means offering, attempting to engage, or
2 engaging in sale, barter, or purchase of fish, shellfish, wildlife, or
3 deleterious exotic wildlife.

4 (59) "Unclaimed" means that no owner of the property has been
5 identified or has requested, in writing, the release of the property to
6 themselves nor has the owner of the property designated an individual
7 to receive the property or paid the required postage to effect delivery
8 of the property.

9 (60) "Unlisted aquatic animal species" means a nonnative animal
10 species that has not been classified as a prohibited aquatic animal
11 species, a regulated aquatic animal species, or an unregulated aquatic
12 animal species by the commission.

13 (61) "Unregulated aquatic animal species" means a nonnative animal
14 species that has been classified as an unregulated aquatic animal
15 species by the commission.

16 (62) "Wholesale fish dealer" means a person who, acting for
17 commercial purposes, takes possession or ownership of fish or shellfish
18 and sells, barter, or exchanges or attempts to sell, barter, or
19 exchange fish or shellfish that have been landed into the state of
20 Washington or entered the state of Washington in interstate or foreign
21 commerce.

22 (63) "Wild animals" means those species of the class Mammalia whose
23 members exist in Washington in a wild state (~~and the species Rana~~
24 ~~eatesbeiana (bullfrog)~~). The term "wild animal" does not include
25 feral domestic mammals or old world rats and mice of the family Muridae
26 of the order Rodentia.

27 (64) "Wild birds" means those species of the class Aves whose
28 members exist in Washington in a wild state.

29 (65) "Wildlife" means all species of the animal kingdom whose
30 members exist in Washington in a wild state. This includes but is not
31 limited to mammals, birds, reptiles, amphibians, fish, and
32 invertebrates. The term "wildlife" does not include feral domestic
33 mammals, old world rats and mice of the family Muridae of the order
34 Rodentia, or those fish, shellfish, and marine invertebrates classified
35 as food fish or shellfish by the director. The term "wildlife"
36 includes all stages of development and the bodily parts of wildlife
37 members.

1 (66) "Youth" means a person fifteen years old for fishing and under
2 sixteen years old for hunting.

3 (67) "Anadromous game fish buyer" means a person who purchases or
4 sells steelhead trout and other anadromous game fish harvested by
5 Indian fishers lawfully exercising fishing rights reserved by federal
6 statute, treaty, or executive order, under conditions prescribed by
7 rule of the director.

8 (68) "Building" means a private domicile, garage, barn, or public
9 or commercial building.

10 (69) "Fish buyer" means a person engaged by a wholesale fish dealer
11 to purchase food fish or shellfish from a licensed commercial fisher.

12 (70) "Food, food waste, or other substance" includes human and pet
13 food or other waste or garbage that could attract large wild
14 carnivores.

15 (71) "Fur dealer" means a person who purchases, receives, or
16 resells raw furs for commercial purposes.

17 (72)(a) "Intentionally feed, attempt to feed, or attract" means to
18 purposefully or knowingly provide, leave, or place in, on, or about any
19 land or building any food, food waste, or other substance that attracts
20 or could attract large wild carnivores to that land or building.

21 (b) "Intentionally feed, attempt to feed, or attract" does not
22 include keeping food, food waste, or other substance in an enclosed
23 garbage receptacle or other enclosed container unless specifically
24 directed by a fish and wildlife officer or animal control authority to
25 secure the receptacle or container in another manner.

26 (73) "Large wild carnivore" includes wild bear, cougar, and wolf.

27 (74) "Natural person" means a human being.

28 (75)(a) "Negligently feed, attempt to feed, or attract" means to
29 provide, leave, or place in, on, or about any land or building any
30 food, food waste, or other substance that attracts or could attract
31 large wild carnivores to that land or building, without the awareness
32 that a reasonable person in the same situation would have with regard
33 to the likelihood that the food, food waste, or other substance could
34 attract large wild carnivores to the land or building.

35 (b) "Negligently feed, attempt to feed, or attract" does not
36 include keeping food, food waste, or other substance in an enclosed
37 garbage receptacle or other enclosed container unless specifically

1 directed by a fish and wildlife officer or animal control authority to
2 secure the receptacle or container in another manner.

3 (76) "Taxidermist" means a person who, for commercial purposes,
4 creates lifelike representations of fish and wildlife using fish and
5 wildlife parts and various supporting structures.

6 (77) "Wildlife meat cutter" means a person who packs, cuts,
7 processes, or stores wildlife for consumption for another for
8 commercial purposes.

9 NEW SECTION. Sec. 4. A new section is added to chapter 77.08 RCW
10 to read as follows:

11 For the purposes of this title or rules adopted under this title,
12 "resident" means:

13 (1) A natural person who has maintained a permanent place of abode
14 within the state for at least ninety days immediately preceding an
15 application for a license, has established by formal evidence an intent
16 to continue residing within the state, is not licensed to hunt or fish
17 as a resident in another state or country, and is not receiving
18 resident benefits of another state or country.

19 (a) For purposes of this section, "permanent place of abode" means
20 a residence in this state that a person maintains for personal use.

21 (b) A natural person can demonstrate that the person has maintained
22 a permanent place of abode in Washington by showing that the person:

23 (i) Uses a Washington state address for federal income tax or state
24 tax purposes;

25 (ii) Designates this state as the person's residence for obtaining
26 eligibility to hold a public office or for judicial actions;

27 (iii) Is a registered voter in the state of Washington; or

28 (iv) Is a custodial parent with a child attending prekindergarten,
29 kindergarten, elementary school, middle school, or high school in this
30 state.

31 (c) A natural person can demonstrate the intent to continue
32 residing within the state by showing that he or she:

33 (i) Has a valid Washington state driver's license; or

34 (ii) Has a valid Washington state identification card, if the
35 person is not eligible for a Washington state driver's license; and

36 (iii) Has registered the person's vehicle or vehicles in Washington
37 state.

1 (2) The spouse of a member of the United States armed forces if the
2 member qualifies as a resident under subsection (1), (3), or (4) of
3 this section, or a natural person age eighteen or younger who does not
4 qualify as a resident under subsection (1) of this section, but who has
5 a parent or legal guardian who qualifies as a resident under subsection
6 (1), (3), or (4) of this section.

7 (3) A member of the United States armed forces temporarily
8 stationed in Washington state on predeployment orders. A copy of the
9 person's military orders is required to meet this condition.

10 (4) A member of the United States armed forces who is permanently
11 stationed in Washington state or who designates Washington state on
12 their military "state of legal residence certificate" or enlistment or
13 re-enlistment documents. A copy of the person's "state of legal
14 residence certificate" or enlistment or re-enlistment documents is
15 required to meet the conditions of this subsection.

16 **Sec. 5.** RCW 77.15.030 and 1999 c 258 s 1 are each amended to read
17 as follows:

18 Except as provided in RCW 77.15.260(2)(b), where it is unlawful to
19 hunt, take, fish, possess, or traffic in big game or protected or
20 endangered fish or wildlife, then each individual animal unlawfully
21 taken or possessed is a separate offense.

22 **Sec. 6.** RCW 77.15.050 and 2009 c 333 s 1 are each amended to read
23 as follows:

24 (1) Unless the context clearly requires otherwise, as used in this
25 chapter, "conviction" means((+

26 (a)) a final conviction in a state or municipal court((+

27 ~~(b) A failure to appear at a hearing to contest an infraction or~~
28 ~~criminal citation; or~~

29 ~~(c) An unvacated forfeiture of bail paid as a final disposition for~~
30 ~~an offense)).~~

31 (2) A plea of guilty((~~r~~)) or a finding of guilt for a violation of
32 this title or department rule ((~~of the commission or director~~))
33 constitutes a conviction regardless of whether the imposition of
34 sentence is deferred or the penalty is suspended.

1 **Sec. 7.** RCW 77.15.075 and 2009 c 204 s 1 are each amended to read
2 as follows:

3 (1) Fish and wildlife officers (~~(and ex officio fish and wildlife~~
4 ~~officers shall enforce this title, rules of the department, and other~~
5 ~~statutes as prescribed by the legislature. Fish and wildlife officers~~
6 ~~who are not ex officio officers)) shall have and exercise, throughout~~
7 the state, such police powers and duties as are vested in sheriffs and
8 peace officers generally. Fish and wildlife officers are general
9 authority Washington peace officers.

10 (2) An applicant for a fish and wildlife officer position must be
11 a citizen of the United States of America who can read and write the
12 English language. (~~All fish and wildlife officers employed after June~~
13 ~~13, 2002, must successfully complete the basic law enforcement academy~~
14 ~~course, known as the basic course, sponsored by the criminal justice~~
15 ~~training commission, or the basic law enforcement equivalency~~
16 ~~certification, known as the equivalency course, provided by the~~
17 ~~criminal justice training commission. All officers employed on June~~
18 ~~13, 2002, must have successfully completed the basic course, the~~
19 ~~equivalency course, or the supplemental course in criminal law~~
20 ~~enforcement, known as the supplemental course, offered under chapter~~
21 ~~155, Laws of 1985. Any officer who has not successfully completed the~~
22 ~~basic course, the equivalency course, or the supplemental course must~~
23 ~~complete the basic course or the equivalency course within fifteen~~
24 ~~months of June 13, 2002.~~

25 (2) ~~Fish and wildlife officers are peace officers))~~ Before a person
26 may be appointed to act as a fish and wildlife officer, the person
27 shall meet the minimum standards for employment with the department,
28 including successful completion of a psychological examination and
29 polygraph examination or similar assessment procedure administered in
30 accordance with the requirements of RCW 43.101.095(2).

31 (3) Any liability or claim of liability under chapter 4.92 RCW that
32 arises out of the exercise or alleged exercise of authority by a fish
33 and wildlife officer rests with the department unless the fish and
34 wildlife officer acts under the direction and control of another agency
35 or unless the liability is otherwise assumed under an agreement between
36 the department and another agency.

37 (4) (~~Fish and wildlife officers may serve and execute warrants and~~
38 ~~processes issued by the courts.~~

1 (5)) The department may utilize the services of a volunteer
2 chaplain as provided under chapter 41.22 RCW.

3 **Sec. 8.** RCW 77.15.080 and 2002 c 281 s 8 are each amended to read
4 as follows:

5 (1) Based upon articulable facts that a person is engaged in
6 fishing, harvesting, or hunting activities, fish and wildlife officers
7 and ex officio fish and wildlife officers have the authority to
8 temporarily stop the person and check for valid licenses, tags,
9 permits, stamps, or catch record cards, and to inspect all fish,
10 shellfish, seaweed, and wildlife in possession as well as the equipment
11 being used to ensure compliance with the requirements of this title(~~(-~~
12 ~~and~~)). Fish and wildlife officers and ex officio fish and wildlife
13 officers also may request that the person (~~(to)~~) write his or her
14 signature for comparison with the signature on (~~(the)~~) his or her
15 fishing, harvesting, or hunting license. Failure to comply with the
16 request is prima facie evidence that the person is not the person named
17 on the license. (~~(For licenses purchased over the internet or~~
18 ~~telephone,~~) Fish and wildlife officers may require the person, if age
19 (~~(eighteen)~~) sixteen or older, to exhibit a driver's license or other
20 photo identification.

21 (2) Based upon articulable facts that a person is transporting a
22 prohibited aquatic animal species or any aquatic plant, fish and
23 wildlife officers and ex officio fish and wildlife officers have the
24 authority to temporarily stop the person and inspect the watercraft to
25 ensure that the watercraft and associated equipment are not
26 transporting prohibited aquatic animal species or aquatic plants.

27 **Sec. 9.** RCW 77.15.100 and 2009 c 333 s 39 are each amended to read
28 as follows:

29 (1) (~~(Unless otherwise provided in this title,~~) Fish, shellfish,
30 (~~(or wildlife unlawfully taken or possessed, or involved in a violation~~
31 ~~shall be forfeited to the state upon conviction. Unless already held~~
32 ~~by, sold, destroyed, or disposed of by the department, the court shall~~
33 ~~order such fish or wildlife to be delivered to the department. Where~~
34 ~~delay will cause loss to the value of the property and a ready~~
35 ~~wholesale buying market exists, the department may sell property to a~~
36 ~~wholesale buyer at a fair market value.~~

1 ~~(2) When seized property is forfeited to the department, the~~
2 ~~department may retain it for official use unless the property is~~
3 ~~required to be destroyed, or upon application by any law enforcement~~
4 ~~agency of the state, release the property to the agency for the use of~~
5 ~~enforcing this title, or sell such property and deposit the proceeds~~
6 ~~into the fish and wildlife enforcement reward account established under~~
7 ~~RCW 77.15.425. Any sale of other property shall be at public auction~~
8 ~~or after public advertisement reasonably designed to obtain the highest~~
9 ~~price. The time, place, and manner of holding the sale shall be~~
10 ~~determined by the director. The director may contract for the sale to~~
11 ~~be through the department of general administration as state surplus~~
12 ~~property, or, except where not justifiable by the value of the~~
13 ~~property, the director shall publish notice of the sale once a week for~~
14 ~~at least two consecutive weeks before the sale in at least one~~
15 ~~newspaper of general circulation in the county in which the sale is to~~
16 ~~be held)) and wildlife are property of the state under RCW 77.04.012.~~
17 Fish and wildlife officers may sell seized, commercially harvested fish
18 and shellfish to a wholesale buyer and deposit the proceeds into the
19 fish and wildlife enforcement reward account under RCW 77.15.425.
20 Seized, recreationally harvested fish, shellfish, and wildlife may be
21 donated to nonprofit charitable organizations. The charitable
22 organization must qualify for tax-exempt status under 26 U.S.C. Sec.
23 501(c)(3) of the federal internal revenue code.

24 (2) Unless otherwise provided in this title, fish, shellfish, or
25 wildlife taken, possessed, or harvested in violation of this title or
26 department rule shall be forfeited to the state upon conviction or any
27 outcome in criminal court whereby a person voluntarily enters into a
28 disposition that continues or defers the case for dismissal upon the
29 successful completion of specific terms or conditions. For criminal
30 cases resulting in other types of dispositions, the fish, shellfish, or
31 wildlife may be returned, or its equivalent value paid, if the fish,
32 shellfish, or wildlife have already been donated or sold.

33 NEW SECTION. Sec. 10. A new section is added to chapter 77.15 RCW
34 to read as follows:

35 (1) A person is guilty of unlawfully hunting on, or retrieving
36 hunted wildlife from, the property of another if the person knowingly

1 enters or remains unlawfully in or on the premises of another for the
2 purpose of hunting for wildlife or retrieving hunted wildlife.

3 (2) In any prosecution under this section, it is a defense that:

4 (a) The premises were at the time open to members of the public for
5 the purpose of hunting, and the actor complied with all lawful
6 conditions imposed on access to or remaining on the premises;

7 (b) The actor reasonably believed that the owner of the premises,
8 or other person empowered to license access thereto, would have
9 licensed him or her to enter or remain on the premises for the purpose
10 of hunting or retrieving hunted wildlife; or

11 (c) The actor reasonably believed that the premises were not
12 privately owned.

13 (3) Unlawfully hunting on or retrieving hunted wildlife from the
14 property of another is a misdemeanor.

15 (4) If a person unlawfully hunts and kills wildlife, or retrieves
16 hunted wildlife that he or she has killed, on the property of another,
17 then, upon conviction of unlawfully hunting on, or retrieving hunted
18 wildlife from, the property of another, the department shall revoke all
19 hunting licenses and tags and order a suspension of the person's
20 hunting privileges for two years.

21 (5) Any wildlife that is unlawfully hunted on or retrieved from the
22 property of another must be seized by fish and wildlife officers.
23 Forfeiture and disposition of the wildlife is pursuant to RCW
24 77.15.100.

25 NEW SECTION. **Sec. 11.** A new section is added to chapter 77.15 RCW
26 to read as follows:

27 When seized property, other than fish, shellfish, and wildlife, is
28 judicially forfeited to the department, the department may: (1) Retain
29 it for official use unless the property is required to be destroyed;
30 (2) upon application by any law enforcement agency of the state,
31 release the property to the agency for use in enforcing this title; (3)
32 donate the property as provided under RCW 77.130.060; or (4) sell the
33 property and deposit the proceeds into the fish and wildlife
34 enforcement reward account created in RCW 77.15.425. Any sale of the
35 property must be done in accordance with RCW 77.130.010(1) and
36 77.130.020. However, the requirement in those sections for notice to
37 owners does not apply.

1 **Sec. 12.** RCW 77.15.110 and 2002 c 127 s 2 are each amended to read
2 as follows:

3 (1) For purposes of this chapter, a person acts for commercial
4 purposes if the person engages in conduct that relates to commerce in
5 fish, seaweed, shellfish, or wildlife or any parts thereof. Commercial
6 conduct may include taking, delivering, selling, buying, or trading
7 fish, seaweed, shellfish, or wildlife where there is present or future
8 exchange of money, goods, or any valuable consideration. Evidence that
9 a person acts for commercial purposes includes, but is not limited to,
10 the following conduct:

11 (a) Using gear typical of that used in commercial fisheries;

12 (b) Exceeding the bag or possession limits for personal use by
13 taking or possessing more than three times the amount of fish, seaweed,
14 shellfish, or wildlife allowed;

15 (c) Delivering or attempting to deliver fish, seaweed, shellfish,
16 or wildlife to a person who sells or resells fish, seaweed, shellfish,
17 or wildlife including any licensed or unlicensed wholesaler;

18 (d) Taking fish or shellfish using a vessel designated on a
19 commercial fishery license or using gear not authorized in a personal
20 use fishery;

21 (e) Using a commercial fishery license;

22 (f) Selling or dealing in raw furs for a fee or in exchange for
23 goods or services; ((~~or~~))

24 (g) Performing taxidermy service on fish, shellfish, or wildlife
25 belonging to another person for a fee or receipt of goods or services;
26 or

27 (h) Packs, cuts, processes, or stores the meat of wildlife for
28 consumption, for a fee or in exchange for goods or services.

29 (2) For purposes of this chapter, the value of any fish, seaweed,
30 shellfish, or wildlife may be proved based on evidence of legal or
31 illegal sales involving the person charged or any other person, of
32 offers to sell or solicitation of offers to sell by the person charged
33 or by any other person, or of any market price for the fish, seaweed,
34 shellfish, or wildlife including market price for farm-raised game
35 animals. The value assigned to specific fish, seaweed, shellfish, or
36 wildlife by RCW 77.15.420 may be presumed to be the value of such fish,
37 seaweed, shellfish, or wildlife. It is not relevant to proof of value
38 that the person charged misrepresented that the fish, seaweed,

1 shellfish, or wildlife was taken in compliance with law if the fish,
2 seaweed, shellfish, or wildlife was unlawfully taken and had no lawful
3 market value.

4 **Sec. 13.** RCW 77.15.130 and 1998 c 190 s 14 are each amended to
5 read as follows:

6 (1) A person is guilty of unlawful taking of protected fish or
7 wildlife if:

8 (a) The person hunts, fishes, possesses, or maliciously kills
9 protected fish or wildlife, or the person possesses or maliciously
10 destroys the eggs or nests of protected fish or wildlife, and the
11 taking has not been authorized by rule of the commission; or

12 (b) The person violates any rule of the commission regarding the
13 taking, harming, harassment, possession, or transport of protected fish
14 or wildlife.

15 (2) Unlawful taking of protected fish or wildlife is a misdemeanor.

16 (3) In addition to the penalties set forth in subsection (2) of
17 this section, if a person is convicted of violating this section and
18 the violation results in the death of protected wildlife listed in this
19 subsection, the court shall require payment of the following amounts
20 for each animal killed or possessed. This is a criminal wildlife
21 penalty assessment that must be paid to the clerk of the court and
22 distributed each month to the state treasurer for deposit in the fish
23 and wildlife enforcement reward account created in RCW 77.15.425:

24 (a) Ferruginous hawk, two thousand dollars;

25 (b) Common loon, two thousand dollars;

26 (c) Bald eagle, two thousand dollars;

27 (d) Golden eagle, two thousand dollars; and

28 (e) Peregrine falcon, two thousand dollars.

29 (4) If two or more persons are convicted under subsection (1) of
30 this section, and subsection (3) of this section is applicable, the
31 criminal wildlife penalty assessment must be imposed against the
32 persons jointly and separately.

33 (5)(a) The criminal wildlife penalty assessment under subsection
34 (3) of this section must be imposed regardless of and in addition to
35 any sentence, fines, or costs otherwise provided for violating any
36 provision of this section. The criminal wildlife penalty assessment

1 must be included by the court in any pronouncement of sentence and may
2 not be suspended, waived, modified, or deferred in any respect.

3 (b) This subsection may not be construed to abridge or alter
4 alternative rights of action or remedies in equity or under common law
5 or statutory law, criminal or civil.

6 (6) A defaulted criminal wildlife penalty assessment authorized
7 under subsection (3) of this section may be collected by any means
8 authorized by law for the enforcement of orders of the court or
9 collection of a fine or costs, including but not limited to vacation of
10 a deferral of sentencing or vacation of a suspension of sentence.

11 (7) The department shall revoke the hunting license and suspend the
12 hunting privileges of a person assessed a criminal wildlife penalty
13 assessment under this section until the penalty assessment is paid
14 through the registry of the court in which the penalty assessment was
15 assessed.

16 (8) The criminal wildlife penalty assessments provided in
17 subsection (3) of this section must be doubled in the following
18 instances:

19 (a) When a person commits a violation that requires payment of a
20 criminal wildlife penalty assessment within five years of a prior gross
21 misdemeanor or felony conviction under this title; or

22 (b) When the person killed the protected wildlife in question with
23 the intent of bartering, selling, or otherwise deriving economic profit
24 from the wildlife or wildlife parts.

25 **Sec. 14.** RCW 77.15.160 and 2000 c 107 s 237 are each amended to
26 read as follows:

27 ~~((A person is guilty of an infraction, which shall))~~ The following
28 acts are infractions and must be cited and punished as provided under
29 chapter 7.84 RCW(, if the person)):

30 ~~(1) ((Fails to immediately record a catch of fish or shellfish on~~
31 ~~a catch record card required by RCW 77.32.430, or required by rule of~~
32 ~~the commission under this title; or~~

33 ~~(2) Fishes for personal use using barbed hooks in violation of any~~
34 ~~rule; or~~

35 ~~(3) Violates any other rule of the commission or director that is~~
36 ~~designated by rule as an infraction))~~ Fishing and shellfishing
37 infractions:

1 (a) Barbed hooks: Fishing for personal use with barbed hooks in
2 violation of any department rule.

3 (b) Catch recording: Failing to immediately record a catch of
4 fish or shellfish on a catch record card as required by RCW 77.32.430
5 or department rule.

6 (c) Catch reporting: Failing to return a catch record card to the
7 department for other than Puget Sound Dungeness crab, as required by
8 department rule.

9 (d) Recreational fishing: Fishing for fish or shellfish and,
10 without yet possessing fish or shellfish, the person:

11 (i) Owns, but fails to have in the person's possession the license
12 or the catch record card required by chapter 77.32 RCW for such an
13 activity; or

14 (ii) Violates any department rule regarding seasons, closed areas,
15 closed times, or any other rule addressing the manner or method of
16 fishing for fish or shellfish. This subsection does not apply to use
17 of a net to take fish under RCW 77.15.580 or the unlawful use of
18 shellfish gear for personal use under RCW 77.15.382.

19 (e) Seaweed: Taking, possessing, or harvesting less than two times
20 the daily possession limit of seaweed:

21 (i) While owning, but not having in the person's possession, the
22 license required by chapter 77.32 RCW; or

23 (ii) In violation of any rule of the department or the department
24 of natural resources regarding seasons, closed areas, closed times, or
25 any other rule addressing the manner or method of taking, possessing,
26 or harvesting of seaweed.

27 (f) Unclassified fish or shellfish: Taking unclassified fish or
28 shellfish in violation of any department rule by killing, fishing,
29 taking, holding, possessing, or maliciously injuring or harming fish or
30 shellfish that is not classified as game fish, food fish, shellfish,
31 protected fish, or endangered fish.

32 (g) Wasting fish or shellfish: Killing, taking, or possessing fish
33 or shellfish having a value of less than two hundred fifty dollars and
34 allowing the fish or shellfish to be wasted.

35 (2) Hunting infractions:

36 (a) Eggs or nests: Maliciously, and without permit authorization,
37 destroying, taking, or harming the eggs or active nests of a wild bird

1 not classified as endangered or protected. For purposes of this
2 subsection, "active nests" means nests that contain eggs or fledglings.

3 (b) Unclassified wildlife: Taking unclassified wildlife in
4 violation of any department rule by killing, hunting, taking, holding,
5 possessing, or maliciously injuring or harming wildlife that is not
6 classified as big game, game animals, game birds, protected wildlife,
7 or endangered wildlife.

8 (c) Wasting wildlife: Killing, taking, or possessing wildlife that
9 is not classified as big game and has a value of less than two hundred
10 fifty dollars, and allowing the wildlife to be wasted.

11 (d) Wild animals: Hunting for wild animals not classified as big
12 game and, without yet possessing the wild animals, the person owns, but
13 fails to have in the person's possession, all licenses, tags, or
14 permits required by this title.

15 (e) Wild birds: Hunting for and, without yet possessing a wild
16 bird or birds, the person:

17 (i) Owns, but fails to have in the person's possession, all
18 licenses, tags, stamps, and permits required under this title; or

19 (ii) Violates any department rule regarding seasons, closed areas,
20 closed times, or any other rule addressing the manner or method of
21 hunting wild birds.

22 (3) Trapping, taxidermy, fur dealing, and wildlife meat cutting
23 infractions:

24 (a) Recordkeeping and reporting: If a person is a taxidermist, fur
25 dealer, or wildlife meat cutter who is processing, holding, or storing
26 wildlife for commercial purposes, failing to:

27 (i) Maintain records as required by department rule; or

28 (ii) Report information from these records as required by
29 department rule.

30 (b) Trapper's report: Failing to report trapping activity as
31 required by department rule.

32 (4) Other infractions:

33 (a) Contests: Conducting, holding, or sponsoring a hunting
34 contest, a fishing contest involving game fish, or a competitive field
35 trial using live wildlife.

36 (b) Other rules: Violating any other department rule that is
37 designated by rule as an infraction.

1 (c) Posting signs: Posting signs preventing hunting or fishing on
2 any land not owned or leased by the person doing the posting, or
3 without the permission of the person who owns, leases, or controls the
4 land posted.

5 (d) Scientific permits: Using a scientific permit issued by the
6 director for fish, shellfish, or wildlife, but not including big game
7 or big game parts, and the person:

8 (i) Violates any terms or conditions of the scientific permit; or
9 (ii) Violates any department rule applicable to the issuance or use
10 of scientific permits.

11 (e) Transporting aquatic plants: Transporting aquatic plants on
12 any state or public road, including forest roads. However:

13 (i) This subsection does not apply to plants that are:
14 (A) Being transported to the department or to another destination
15 designated by the director, in a manner designated by the department,
16 for purposes of identifying a species or reporting the presence of a
17 species;

18 (B) Legally obtained for aquarium use, wetland or lakeshore
19 restoration, or ornamental purposes;

20 (C) Located within or on a commercial aquatic plant harvester that
21 is being transported to a suitable location to remove aquatic plants;

22 (D) Being transported in a manner that prevents their unintentional
23 dispersal, to a suitable location for disposal, research, or
24 educational purposes; or

25 (E) Being transported in such a way as the commission may otherwise
26 prescribe; and

27 (ii) This subsection does not apply to a person who:
28 (A) Is stopped at an aquatic invasive species check station and
29 possesses a recreational or commercial watercraft that is contaminated
30 with an aquatic invasive plant species if that person complies with all
31 department directives for the proper decontamination of the watercraft
32 and equipment; or

33 (B) Has voluntarily submitted a recreational or commercial
34 watercraft for inspection by the department or its designee and has
35 received a receipt verifying that the watercraft has not been
36 contaminated since its last use.

1 **Sec. 15.** RCW 77.15.170 and 1999 c 258 s 5 are each amended to read
2 as follows:

3 (1) A person is guilty of waste of fish and wildlife (~~((in the~~
4 ~~second degree))~~) if:

5 (a) ~~((The person kills, takes, or possesses fish, shellfish, or~~
6 ~~wildlife and the value of the fish, shellfish, or wildlife is greater~~
7 ~~than twenty dollars but less than two hundred fifty dollars; and~~

8 ~~(b) The person recklessly allows such fish, shellfish, or wildlife~~
9 ~~to be wasted.~~

10 ~~(2) A person is guilty of waste of fish and wildlife in the first~~
11 ~~degree if:~~

12 ~~(a))~~) The person kills, takes, or possesses fish, shellfish, or
13 wildlife having a value of two hundred fifty dollars or more or
14 wildlife classified as big game; and

15 (b) The person recklessly allows such fish, shellfish, or wildlife
16 to be wasted.

17 ~~((3)(a) Waste of fish and wildlife in the second degree is a~~
18 ~~misdemeanor.~~

19 ~~(b))~~) (2) Waste of fish and wildlife (~~((in the first degree))~~) is a
20 gross misdemeanor. Upon conviction, the department shall revoke any
21 license or tag used in the crime and shall order suspension of the
22 person's privileges to engage in the activity in which the person
23 committed waste of fish and wildlife (~~((in the first degree))~~) for a
24 period of one year.

25 ~~((4))~~) (3) It is prima facie evidence of waste if:

26 (a) A processor purchases or engages a quantity of food fish,
27 shellfish, or game fish that cannot be processed within sixty hours
28 after the food fish, game fish, or shellfish are taken from the water,
29 unless the food fish, game fish, or shellfish are preserved in good
30 marketable condition; or

31 (b) A person brings a big game animal to a wildlife meat cutter and
32 then abandons the animal. For purposes of this subsection (3)(b), a
33 big game animal is deemed to be abandoned when its carcass is placed in
34 the custody of a wildlife meat cutter for butchering and processing
35 and:

36 (i) Having been placed in such custody for an unspecified period of
37 time, the meat is not removed within thirty days after the wildlife
38 meat cutter gives notice to the person who brought in the carcass or,

1 having been so notified, the person who brought in the carcass refuses
2 or fails to pay the agreed upon or reasonable charges for the
3 butchering or processing of the carcass; or

4 (ii) Having been placed in such custody for a specified period of
5 time, the meat is not removed at the end of the specified period or the
6 person who brought in the carcass refuses to pay the agreed upon or
7 reasonable charges for the butchering or processing of the carcass.

8 **Sec. 16.** RCW 77.15.190 and 1999 c 258 s 9 are each amended to read
9 as follows:

10 (1) A person is guilty of unlawful trapping if the person:

11 (a) Sets out traps that are capable of taking wild animals, game
12 animals, or furbearing mammals and does not possess all licenses, tags,
13 or permits required under this title;

14 (b) Violates any department rule (~~((of the commission or director))~~)
15 regarding seasons, bag or possession limits, closed areas including
16 game reserves, closed times, or any other rule governing the trapping
17 of wild animals, with the exception of reporting rules; or

18 (c) Fails to identify the owner of the traps or devices by neither
19 (i) attaching a metal tag with the owner's department-assigned
20 identification number or the name and address of the trapper legibly
21 written in numbers or letters not less than one-eighth inch in height
22 nor (ii) inscribing into the metal of the trap such number or name and
23 address.

24 (2) Unlawful trapping is a misdemeanor.

25 **Sec. 17.** RCW 77.15.240 and 1998 c 190 s 30 are each amended to
26 read as follows:

27 (1) A person is guilty of unlawful use of dogs if the person:

28 (a) Negligently fails to prevent a dog under the person's control
29 from pursuing, harassing, attacking, or (~~((injuring))~~) killing deer, elk,
30 moose, caribou, mountain sheep, or (~~((an))~~) animals classified as
31 endangered under this title; or

32 (b) Uses the dog to hunt deer or elk(~~((or~~

33 ~~((c) During the closed season for a species of game animal or game~~
34 ~~bird, negligently fails to prevent the dog from pursuing such animal or~~
35 ~~destroying the nest of a game bird)).~~

1 (2) For purposes of this section, a dog is "under a person's
2 control" if the dog is owned or possessed by, or in the custody of, a
3 person.

4 (3) Unlawful use of dogs is a misdemeanor. ((A dog that is the
5 basis for a violation of this section may be declared a public
6 nuisance.))

7 (4)(a) Based on a reasonable belief that a dog is pursuing,
8 harassing, attacking, or killing a snow bound deer, elk, moose,
9 caribou, mountain sheep, or animals classified as protected or
10 endangered under this title, fish and wildlife officers and ex officio
11 fish and wildlife officers may:

12 (i) Lawfully take a dog into custody; or

13 (ii) If necessary to avoid repeated harassment, injury, or death of
14 wildlife under this section, destroy the dog.

15 (b) Fish and wildlife officers and ex officio fish and wildlife
16 officers who destroy a dog pursuant to this section are immune from
17 civil or criminal liability arising from their actions.

18 **Sec. 18.** RCW 77.15.260 and 2001 c 253 s 33 are each amended to
19 read as follows:

20 (1) A person is guilty of unlawful trafficking in fish, shellfish,
21 or wildlife in the second degree if the person traffics in fish,
22 shellfish, or wildlife with a wholesale value of less than two hundred
23 fifty dollars and:

24 (a) The fish or wildlife is classified as game, food fish,
25 shellfish, game fish, or protected wildlife and the trafficking is not
26 authorized by statute or department rule (~~(of the department)~~); or

27 (b) The fish, shellfish, or wildlife is unclassified and the
28 trafficking violates any department rule (~~(of the department)~~).

29 (2)(a) A person is guilty of unlawful trafficking in fish,
30 shellfish, or wildlife in the first degree if the person commits the
31 act described by subsection (1) of this section and:

32 ~~((a))~~ (i) The fish, shellfish, or wildlife has a value of two
33 hundred fifty dollars or more; or

34 ~~((b))~~ (ii) The fish, shellfish, or wildlife is designated as an
35 endangered species or deleterious exotic wildlife and such trafficking
36 is not authorized by any statute or department rule (~~(of the~~
37 ~~department)~~).

1 (b) For purposes of this subsection (2), whenever any series of
2 transactions that constitute unlawful trafficking would, when
3 considered separately, constitute unlawful trafficking in the second
4 degree due to the value of the fish, shellfish, or wildlife, and the
5 series of transactions are part of a common scheme or plan, then the
6 transactions may be aggregated in one count and the sum of the value of
7 all the transactions considered when determining the degree of unlawful
8 trafficking involved.

9 (3)(a) Unlawful trafficking in fish, shellfish, or wildlife in the
10 second degree is a (~~gross misdemeanor~~) class C felony.

11 (b) Unlawful trafficking in fish, shellfish, or wildlife in the
12 first degree is a class (~~C~~) B felony.

13 **Sec. 19.** RCW 77.15.280 and 2008 c 244 s 2 are each amended to read
14 as follows:

15 (1) A person is guilty of violating rules requiring reporting of
16 fish or wildlife harvest if the person:

17 (a) Fails to make a harvest log report of a commercial fish or
18 shellfish catch in violation of any department rule (~~of the commission~~
19 ~~or the director~~); or

20 (b) (~~Fails to maintain a trapper's report or taxidermist ledger in~~
21 ~~violation of any rule of the commission or the director;~~

22 ~~(c)~~) Fails to submit any portion of a big game animal for (~~a~~
23 ~~required~~) an inspection as required by department rule (~~of the~~
24 ~~commission or the director; or~~

25 ~~(d) Fails to return a catch record card to the department as~~
26 ~~required by rule of the commission or director, except for catch record~~
27 ~~cards officially endorsed for Puget Sound Dungeness crab)).~~

28 (2) Violating rules requiring reporting of fish or wildlife harvest
29 is a misdemeanor.

30 **Sec. 20.** RCW 77.15.290 and 2007 c 350 s 6 are each amended to read
31 as follows:

32 (1) A person is guilty of unlawful transportation of fish or
33 wildlife in the second degree if the person:

34 (a) Knowingly imports, moves within the state, or exports fish,
35 shellfish, or wildlife in violation of any department rule (~~of the~~
36 ~~commission or the director~~) governing the transportation or movement

1 of fish, shellfish, or wildlife and the transportation does not involve
2 big game, endangered fish or wildlife, deleterious exotic wildlife, or
3 fish, shellfish, or wildlife having a value greater than two hundred
4 fifty dollars; or

5 (b) Possesses but fails to affix or notch a big game transport tag
6 as required by department rule (~~(of the commission or director)~~).

7 (2) A person is guilty of unlawful transportation of fish or
8 wildlife in the first degree if the person:

9 (a) Knowingly imports, moves within the state, or exports fish,
10 shellfish, or wildlife in violation of any department rule (~~(of the~~
11 ~~commission or the director)~~) governing the transportation or movement
12 of fish, shellfish, or wildlife and the transportation involves big
13 game, endangered fish or wildlife, deleterious exotic wildlife, or
14 fish, shellfish, or wildlife with a value of two hundred fifty dollars
15 or more; or

16 (b) Knowingly transports shellfish, shellstock, or equipment used
17 in commercial culturing, taking, handling, or processing shellfish
18 without a permit required by authority of this title.

19 (3)(a) Unlawful transportation of fish or wildlife in the second
20 degree is a misdemeanor.

21 (b) Unlawful transportation of fish or wildlife in the first degree
22 is a gross misdemeanor.

23 ~~(4) ((A person is guilty of unlawful transport of aquatic plants if~~
24 ~~the person transports aquatic plants on any state or public road,~~
25 ~~including forest roads, except as provided in this section.~~

26 ~~(5) Unless otherwise prohibited by law, a person may transport~~
27 ~~aquatic plants:~~

28 ~~(a) To the department, or to another destination designated by the~~
29 ~~director, in a manner designated by the department, for purposes of~~
30 ~~identifying a species or reporting the presence of a species;~~

31 ~~(b) When legally obtained for aquarium use, wetland or lakeshore~~
32 ~~restoration, or ornamental purposes;~~

33 ~~(c) When transporting a commercial aquatic plant harvester to a~~
34 ~~suitable location for purposes of removing aquatic plants;~~

35 ~~(d) In a manner that prevents their unintentional dispersal, to a~~
36 ~~suitable location for disposal, research, or educational purposes; or~~

37 ~~(e) As the commission may otherwise prescribe.~~

38 ~~(6) Unlawful transport of aquatic plants is a misdemeanor.~~

1 ~~(7)~~) This section does not apply to: (a) Any person stopped at an
2 aquatic invasive species check station who possesses a recreational or
3 commercial watercraft that is contaminated with an aquatic invasive
4 species if that person complies with all department directives for the
5 proper decontamination of the watercraft and equipment; or (b) any
6 person who has voluntarily submitted a recreational or commercial
7 watercraft for inspection by the department or its designee and has
8 received a receipt verifying that the watercraft has not been
9 contaminated since its last use.

10 **Sec. 21.** RCW 77.15.370 and 2009 c 333 s 17 are each amended to
11 read as follows:

12 (1) A person is guilty of unlawful recreational fishing in the
13 first degree if:

14 (a) The person takes, possesses, or retains two times or more than
15 the bag limit or possession limit of fish or shellfish allowed by any
16 rule of the director or commission setting the amount of food fish,
17 game fish, or shellfish that can be taken, possessed, or retained for
18 noncommercial use;

19 (b) The person fishes in a fishway;

20 (c) The person shoots, gaffs, snags, snares, spears, dipnets, or
21 stones fish or shellfish in state waters, or possesses fish or
22 shellfish taken by such means, unless such means are authorized by
23 express department rule (~~(of the commission or director)~~);

24 (d) The person fishes for or possesses a fish listed as threatened
25 or endangered in 50 C.F.R. Sec. (~~(17.11-(2002))~~) 223.102 (2006) or Sec.
26 224.101 (2010), unless fishing for or possession of such fish is
27 specifically allowed under federal or state law; (~~(or)~~)

28 (e) The person possesses a sturgeon measuring in excess of the
29 maximum size limit as established by rules adopted by the department;
30 or

31 (f) The person possesses a salmon or steelhead during a season
32 closed for that species.

33 (2) Unlawful recreational fishing in the first degree is a gross
34 misdemeanor.

35 **Sec. 22.** RCW 77.15.380 and 2010 c 193 s 5 are each amended to read
36 as follows:

1 (1) A person is guilty of unlawful recreational fishing in the
2 second degree if the person fishes for(~~(,)~~) fish or shellfish and,
3 whether or not the person possesses fish or shellfish, the person has
4 not purchased the appropriate fishing or shellfishing license and catch
5 record card issued to Washington residents or nonresidents under
6 chapter 77.32 RCW.

7 (2) A person is guilty of unlawful recreational fishing in the
8 second degree if the person takes, possesses, or harvests fish or
9 shellfish and:

10 (a) The person owns, but does not have (~~(and possess)~~) in the
11 person's possession, the license or the catch record card required by
12 chapter 77.32 RCW for such activity; or

13 (b) The action violates any department rule (~~(of the commission or~~
14 ~~the director)~~) regarding seasons, bag or possession limits but less
15 than two times the bag or possession limit, closed areas, closed times,
16 or any other rule addressing the manner or method of fishing or
17 possession of fish(~~(, except for)~~). This section does not apply to use
18 of a net to take fish ((as provided for in)) under RCW 77.15.580
19 ((and)) or the unlawful use of shellfish gear for personal use ((as
20 provided in)) under RCW 77.15.382.

21 ~~((+2))~~ (3) Unlawful recreational fishing in the second degree is
22 a misdemeanor.

23 **Sec. 23.** RCW 77.15.390 and 2001 c 253 s 40 are each amended to
24 read as follows:

25 (1) A person is guilty of unlawful taking of seaweed if the person
26 takes, possesses, or harvests seaweed and:

27 (a) The person (~~(does not have and possess the license required by~~
28 ~~chapter 77.32 RCW for taking seaweed)~~) has not purchased a personal use
29 shellfish and seaweed license issued to Washington residents or
30 nonresidents under chapter 77.32 RCW; or

31 (b) The (~~(action violates any rule of the department or the~~
32 ~~department of natural resources regarding seasons, possession limits,~~
33 ~~closed areas, closed times, or any other rule addressing the manner or~~
34 ~~method of taking, possessing, or harvesting)~~) person takes, possesses,
35 or harvests seaweed in an amount that is two times or more of the daily
36 possession limit of seaweed.

1 (2) Unlawful taking of seaweed is a misdemeanor. This does not
2 affect rights of the state to recover civilly for trespass, conversion,
3 or theft of state-owned valuable materials.

4 **Sec. 24.** RCW 77.15.400 and 2006 c 148 s 1 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 hunts for wild birds and, whether or not
8 the person possesses wild birds, the person has not purchased the
9 appropriate hunting license issued to Washington residents or
10 nonresidents under chapter 77.32 RCW.

11 (2) A person is guilty of unlawful hunting of wild birds in the
12 second degree if the person takes or possesses less than two times the
13 bag or possession limit of wild birds and the person:

14 (a) ~~((Hunts for, takes, or possesses a wild bird and the person~~
15 ~~does not have and possess))~~ Owns, but does not have in the person's
16 possession, all licenses, tags, stamps, and permits required under this
17 title; or

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

20 ~~(c))~~ Violates any department rule ~~((of the commission or~~
21 ~~director))~~ regarding seasons, bag or possession limits ~~((but less than~~
22 ~~two times the bag or possession limit))~~, closed areas, closed times, or
23 ~~((other rule addressing))~~ the manner or method of hunting or possession
24 of wild birds ~~((; or~~

25 ~~(d) Possesses a wild bird taken during a closed season for that~~
26 ~~wild bird or taken from a closed area for that wild bird)).~~

27 ~~((+2))~~ (3) A person is guilty of unlawful hunting of wild birds in
28 the first degree if the person takes or possesses two times or more
29 than the possession or bag limit for wild birds allowed by department
30 rule ~~((of the commission or director))~~.

31 ~~((+3))~~ (4)(a) Unlawful hunting of wild birds in the second degree
32 is a misdemeanor.

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

35 ~~((+4))~~ (5) In addition to the penalties set forth in this section,
36 if a person, other than a youth as defined in RCW 77.08.010 for hunting

1 purposes, violates a department rule (~~((adopted by the commission under~~
2 ~~the authority of this title))~~) that requires the use of nontoxic shot,
3 upon conviction:

4 (a) The court shall require a payment of one thousand dollars as a
5 criminal wildlife penalty assessment that must be paid to the clerk of
6 the court and distributed to the state treasurer for deposit in the
7 fish and wildlife enforcement reward account created in RCW 77.15.425.
8 The criminal wildlife penalty assessment must be imposed regardless of
9 and in addition to any sentence, fine, or costs imposed for violating
10 this section. The criminal wildlife penalty assessment must be
11 included by the court in any pronouncement of sentence and may not be
12 suspended, waived, modified, or deferred in any respect; and

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

15 **Sec. 25.** RCW 77.15.410 and 2011 c 133 s 1 are each amended to read
16 as follows:

17 (1) A person is guilty of unlawful hunting of big game in the
18 second degree if the person:

19 (a) Hunts for, takes, or possesses big game and the person does not
20 have and possess all licenses, tags, or permits required under this
21 title; or

22 (b) Violates any department rule (~~((of the commission or director))~~)
23 regarding seasons, bag or possession limits, closed areas including
24 game reserves, closed times, or any other rule governing the hunting,
25 taking, or possession of big game(~~(+or~~

26 ~~(c) Possesses big game taken during a closed season for that big~~
27 ~~game or taken from a closed area for that big game)).~~

28 (2) A person is guilty of unlawful hunting of big game in the first
29 degree if the person commits the act described in subsection (1) of
30 this section and:

31 (a) The person hunts for, takes, or possesses three or more big
32 game animals within the same course of events; or

33 (b) The act occurs within five years of the date of a prior
34 conviction under this title involving unlawful hunting, killing,
35 possessing, or taking big game.

36 (3)(a) Unlawful hunting of big game in the second degree is a gross
37 misdemeanor. Upon conviction of an offense involving killing or

1 possession of big game taken during a closed season, closed area, (~~or~~
2 ~~taken~~) without the proper license, tag, or permit using an unlawful
3 method, or in excess of the bag or possession limit, the department
4 shall revoke all of the person's hunting licenses and tags and order a
5 suspension of the person's hunting privileges for two years.

6 (b) Unlawful hunting of big game in the first degree is a class C
7 felony. Upon conviction, the department shall revoke all of the
8 person's hunting licenses or tags and order the person's hunting
9 privileges suspended for ten years.

10 (4) For the purposes of this section, "same course of events" means
11 within one twenty-four hour period, or a pattern of conduct composed of
12 a series of acts that are unlawful under subsection (1) of this
13 section, over a period of time evidencing a continuity of purpose.

14 **Sec. 26.** RCW 77.15.430 and 1999 c 258 s 4 are each amended to read
15 as follows:

16 (1) A person is guilty of unlawful hunting of wild animals in the
17 second degree if the person hunts for wild animals not classified as
18 big game and, whether or not the person possesses the wild animals, the
19 person has not purchased the appropriate hunting license issued to
20 Washington residents or nonresidents under chapter 77.32 RCW.

21 (2) A person is guilty of unlawful hunting of wild animals in the
22 second degree if the person:

23 (a) (~~Hunts for,~~) Takes(~~(,)~~) or possesses a wild animal that is
24 not classified as big game, and owns, but does not have (~~and possess~~)
25 in the person's possession, all licenses, tags, or permits required by
26 this title; or

27 (b) Violates any department rule (~~(of the commission or director)~~)
28 regarding seasons, bag or possession limits but less than two times the
29 bag or possession limit, closed areas including game reserves, closed
30 times, or any other rule addressing the manner or method of hunting or
31 possession of wild animals not classified as big game(~~(, or~~

32 ~~(c) Possesses a wild animal that is not classified as big game~~
33 ~~taken during a closed season for that wild animal or from a closed area~~
34 ~~for that wild animal)).~~

35 ~~((+2))~~ (3) A person is guilty of unlawful hunting of wild animals
36 in the first degree if the person takes or possesses two times or more

1 than the possession or bag limit for wild animals that are not
2 classified as big game animals as allowed by department rule (~~of the~~
3 ~~commission or director~~)).

4 ~~((3))~~ (4)(a) Unlawful hunting of wild animals in the second
5 degree is a misdemeanor.

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

8 **Sec. 27.** RCW 77.15.460 and 1999 c 258 s 7 are each amended to read
9 as follows:

10 (1) A person is guilty of unlawful possession of a loaded (~~firearm~~
11 ~~in a motor vehicle~~) rifle or shotgun in a motor vehicle, as defined in
12 RCW 46.04.320, or upon an off-road vehicle, as defined in RCW
13 46.04.365, if:

14 (a) The person carries, transports, conveys, possesses, or controls
15 a rifle or shotgun in (~~or on~~) a motor vehicle, or upon an off-road
16 vehicle, except as allowed by department rule; and

17 (b) The rifle or shotgun contains shells or cartridges in the
18 magazine or chamber, or is a muzzle-loading firearm that is loaded and
19 capped or primed.

20 (2) A person is guilty of unlawful use of a loaded firearm if:

21 (a) The person negligently (~~shoots~~) discharges a firearm from,
22 across, or along the maintained portion of a public highway; or

23 (b) The person discharges a firearm from within a moving motor
24 vehicle or from upon a moving off-road vehicle.

25 (3) Unlawful possession of a loaded (~~firearm in~~) rifle or shotgun
26 in a motor vehicle or upon an off-road vehicle, and unlawful use of a
27 loaded firearm (~~is a~~) are misdemeanors.

28 (4) This section does not apply if the person:

29 (a) Is a law enforcement officer who is authorized to carry a
30 firearm and is on duty within the officer's respective jurisdiction;

31 (b) Possesses a disabled hunter's permit as provided by RCW
32 77.32.237 and complies with all rules of the department concerning
33 hunting by persons with disabilities; or

34 (c) Discharges the rifle or shotgun from upon a nonmoving motor
35 vehicle or a nonmoving off-road vehicle, as long as the engine is
36 turned off and the motor vehicle or off-road vehicle is not parked on

1 or beside the maintained portion of a public road, except as authorized
2 by the commission by rule.

3 (5) For purposes of subsection (1) of this section, a ((firearm))
4 rifle or shotgun shall not be considered loaded if the detachable clip
5 or magazine is not inserted in or attached to the ((firearm)) rifle or
6 shotgun.

7 **Sec. 28.** RCW 77.15.610 and 2009 c 333 s 5 are each amended to read
8 as follows:

9 (1) A person who holds a fur ((buyer's)) dealer's license or
10 taxidermy license is guilty of unlawful use of a commercial wildlife
11 license if the person((+

12 ~~(a))~~ fails to purchase and have in the ((license-in)) person's
13 possession the required license while engaged in fur buying or
14 practicing taxidermy for commercial purposes((+or

15 ~~(b) Violates any rule of the department regarding reporting~~
16 ~~requirements or the use, possession, display, or presentation of the~~
17 ~~taxidermy or fur buyer's license)).~~

18 (2) Unlawful use of a commercial wildlife license is a misdemeanor.

19 **Sec. 29.** RCW 77.15.620 and 2009 c 333 s 20 are each amended to
20 read as follows:

21 (1) A person is guilty of engaging in fish dealing activity without
22 a license in the second degree if the person:

23 (a) Engages in the commercial processing of fish or shellfish,
24 including custom canning or processing of personal use fish or
25 shellfish and does not hold a wholesale dealer's license required by
26 RCW 77.65.280(1) or 77.65.480 for anadromous game fish, or a direct
27 retail endorsement under RCW 77.65.510;

28 (b) Engages in the wholesale selling, buying, or brokering of food
29 fish or shellfish and does not hold a wholesale dealer's or buying
30 license required by RCW 77.65.280(2) or 77.65.480 for anadromous game
31 fish;

32 (c) Is a fisher who lands and sells his or her catch or harvest in
33 the state to anyone other than a licensed wholesale dealer within or
34 outside the state and does not hold a direct retail endorsement
35 required by RCW 77.65.510; or

1 (d) Engages in the commercial manufacture or preparation of
2 fertilizer, oil, meal, caviar, fish bait, or other by-products from
3 food fish or shellfish and does not hold a wholesale dealer's license
4 required by RCW 77.65.280(4) or 77.65.480 for anadromous game fish.

5 ~~(2) ((Engaging in fish dealing activity without a license in the
6 second degree is a gross misdemeanor.~~

7 ~~(3))~~ A person is guilty of engaging in fish dealing activity
8 without a license in the first degree if the person commits the act
9 described by subsection (1) of this section and the violation
10 involves(~~(a) fish or shellfish worth two hundred fifty dollars or
11 more;~~ ~~(b) a failure to document such fish or shellfish with a fish
12 receiving ticket or other documentation required by statute or rule of
13 the department; or (c) violates [a violation of] any other rule of the
14 department regarding wholesale fish buying and dealing)).~~

15 (3)(a) Engaging in fish dealing activity without a license in the
16 second degree is a gross misdemeanor.

17 (b) Engaging in fish dealing activity without a license in the
18 first degree is a class C felony.

19 **Sec. 30.** RCW 77.15.630 and 2000 c 107 s 254 are each amended to
20 read as follows:

21 (1) A person who (~~holds a fish dealer's license required by RCW
22 77.65.280, an anadromous game fish buyer's license required by RCW
23 77.65.480, or a fish buyer's license required by RCW 77.65.340 is
24 guilty of unlawful use of fish buying and dealing licenses)) acts in
25 the capacity of a wholesale fish dealer, anadromous game fish buyer, or
26 a fish buyer is guilty of unlawful fish and shellfish catch accounting
27 in the second degree if the person:~~

28 (a) Possesses or receives fish or shellfish for commercial purposes
29 worth less than two hundred fifty dollars; and

30 (b) Fails to document such fish or shellfish with a fish-receiving
31 ticket or other documentation required by statute or department rule
32 (~~of the department~~); or

33 (c) Fails to sign the fish receiving ticket or other required
34 documentation, fails to provide all of the information required by
35 statute or department rule on the fish receiving ticket or other
36 documentation, or both.

1 (2) A person is guilty of unlawful (~~(use of fish buying and dealing~~
2 ~~licenses)) fish and shellfish catch accounting in the first degree if
3 the person commits the act described by subsection (1) of this section
4 and:~~

5 (a) The violation involves fish or shellfish worth two hundred
6 fifty dollars or more;

7 (b) The person acted with knowledge that the fish or shellfish were
8 taken from a closed area, at a closed time, or by a person not licensed
9 to take such fish or shellfish for commercial purposes; or

10 (c) The person acted with knowledge that the fish or shellfish were
11 taken in violation of any tribal law.

12 (3)(a) Unlawful (~~(use of fish buying and dealing licenses)) fish
13 and shellfish catch accounting in the second degree is a gross
14 misdemeanor.~~

15 (b) Unlawful (~~(use of fish buying and dealing licenses)) fish and
16 shellfish catch accounting in the first degree is a class C felony.
17 Upon conviction, the department shall suspend all privileges to engage
18 in fish buying or dealing for two years.~~

19 **Sec. 31.** RCW 77.15.640 and 2002 c 301 s 8 are each amended to read
20 as follows:

21 (1) A person who holds a wholesale fish dealer's license required
22 by RCW 77.65.280, an anadromous game fish buyer's license required by
23 RCW 77.65.480, a fish buyer's license required by RCW 77.65.340, or a
24 direct retail endorsement under RCW 77.65.510 is guilty of (~~(violating~~
25 ~~rules governing)) unlawful wholesale fish buying and dealing if the
26 person:~~

27 (a) Fails to possess or display his or her license when engaged in
28 any act requiring the license; or

29 (b) Fails to display or uses the license in violation of any
30 department rule (~~(of the department;~~

31 ~~(c) Files a signed fish receiving ticket but fails to provide all~~
32 ~~information required by rule of the department; or~~

33 ~~(d) Violates any other rule of the department regarding wholesale~~
34 ~~fish buying and dealing)).~~

35 (2) (~~(Violating rules governing)) Unlawful wholesale fish buying
36 and dealing is a gross misdemeanor.~~

1 **Sec. 32.** RCW 77.15.650 and 2008 c 10 s 2 are each amended to read
2 as follows:

3 (1) A person is guilty of unlawful purchase or use of a license in
4 the second degree if the person buys, holds, uses, displays, transfers,
5 or obtains any license, tag, permit, or approval required by this title
6 and the person:

7 (a) Uses false information to buy, hold, use, display, or obtain a
8 license, permit, tag, or approval;

9 (b) Acquires, holds, or buys in excess of one license, permit, or
10 tag for a license year if only one license, permit, or tag is allowed
11 per license year;

12 (c) Except as authorized under RCW 77.32.565, uses or displays a
13 license, permit, tag, or approval that was issued to another person;

14 (d) Except as authorized under RCW 77.32.565, permits or allows a
15 license, permit, tag, or approval to be used or displayed by another
16 person not named on the license, permit, tag, or approval;

17 (e) Acquires or holds a license while privileges for the license
18 are revoked or suspended;

19 (f) Holds a resident license from another state or country. This
20 subsection (1)(f) only applies if the Washington license, tag, permit,
21 or approval that the person buys, holds, uses, displays, transfers, or
22 obtains is a resident license. It is prima facie evidence of a
23 violation of this section if any person who has a resident license from
24 another state or country purchases a resident license, tag, permit, or
25 approval in Washington. This subsection does not apply to individuals
26 who meet the definition of "resident" in section 4(2), (3), and (4) of
27 this act.

28 (2) A person is guilty of unlawful purchase or use of a license in
29 the first degree if the person commits the act described by subsection
30 (1) of this section and the person was acting with intent that the
31 license, permit, tag, or approval be used for any commercial purpose.
32 A person is presumed to be acting with such intent if the violation
33 involved obtaining, holding, displaying, or using a license or permit
34 for participation in any commercial fishery issued under this title or
35 a license authorizing fish or wildlife buying, trafficking, or
36 wholesaling.

37 (3)(a) Unlawful purchase or use of a license in the second degree
38 is a gross misdemeanor. Upon conviction, the department shall revoke

1 any unlawfully used or held licenses and order a two-year suspension of
2 participation in the activities for which the person unlawfully
3 obtained, held, or used a license, permit, tag, or approval.

4 (b) Unlawful purchase or use of a license in the first degree is a
5 class C felony. Upon conviction, the department shall revoke any
6 unlawfully used or held licenses and order a five-year suspension of
7 participation in any activities for which the person unlawfully
8 obtained, held, or used a license, permit, tag, or approval.

9 (4) For purposes of this section, a person "uses" a license,
10 permit, tag, or approval if the person engages in any activity
11 authorized by the license, permit, tag, or approval held or possessed
12 by the person. Such uses include but are not limited to fishing,
13 hunting, taking, trapping, delivery or landing fish or wildlife, and
14 selling, buying, or wholesaling of fish or wildlife.

15 (5) Any license obtained in violation of this section is void upon
16 issuance and is of no legal effect.

17 **Sec. 33.** RCW 77.15.660 and 1998 c 190 s 55 are each amended to
18 read as follows:

19 (1) A person is guilty of unlawful use of a scientific permit if
20 the permit issued by the director is for big game or big game parts,
21 and the person:

22 (a) Violates any terms or conditions of ((a)) the scientific permit
23 ((~~issued by the director~~));

24 (b) Buys or sells ((~~fish or wildlife taken~~)) big game or big game
25 parts that were taken or acquired with a scientific permit; or

26 (c) Violates any department rule ((~~of the commission or the~~
27 ~~director~~)) applicable to the issuance or use of scientific permits.

28 (2) Unlawful use of a scientific permit is a gross misdemeanor.

29 **Sec. 34.** RCW 77.15.700 and 2009 c 333 s 2 are each amended to read
30 as follows:

31 (1) The department shall ((~~impose revocation and suspension of~~))
32 revoke a person's recreational license or licenses and suspend a
33 person's recreational license privileges in the following
34 circumstances:

35 (a) Upon conviction, if directed by statute for an offense.

1 (b) Upon conviction (~~of a violation not involving commercial~~
2 ~~fishing~~), failure to appear at a hearing to contest an infraction or
3 criminal charge, or an unvacated payment of a fine or a finding of
4 committed as a final disposition for any infraction, if the department
5 finds that actions of the defendant demonstrated a willful or wanton
6 disregard for conservation of fish or wildlife. Suspension of
7 privileges under this subsection may be permanent.

8 (c) If a person is convicted, fails to appear at a hearing to
9 contest an infraction or criminal citation, or has an unvacated payment
10 of a fine or a finding of committed as a final disposition for any
11 infraction, twice within ten years for a violation involving unlawful
12 hunting, killing, or possessing big game. Revocation and suspension
13 under this subsection must be ordered for all hunting privileges for
14 two years.

15 (d) If a person violates, three times or more in a ten-year period,
16 recreational hunting or fishing laws or rules for which the person:
17 (i) Is convicted of an offense; (ii) has an (~~uncontested notice of~~)
18 unvacated payment of a fine or a finding of committed as a final
19 disposition for any infraction; or (iii) fails to appear at a hearing
20 to contest (~~a fish and wildlife infraction; or (iv) is found to have~~
21 ~~committed~~) an infraction or a criminal citation. Revocation and
22 suspension under this subsection must be ordered of all recreational
23 hunting and fishing privileges for two years.

24 (2)(a) A violation punishable as an infraction counts towards the
25 revocation and suspension of recreational hunting and fishing
26 privileges under this section if that violation is:

27 (i) Punishable as a crime on July 24, 2005, and is subsequently
28 decriminalized; or

29 (ii) One of the following violations, as they exist on July 24,
30 2005: RCW 77.15.160; WAC 220-56-116; WAC 220-56-315(11); or WAC 220-
31 56-355 (1) through (4).

32 (b) The commission may, by rule, designate infractions that do not
33 count towards the revocation and suspension of recreational hunting and
34 fishing privileges.

35 (3) If either the deferred education licensee or the required
36 nondeferred accompanying person, hunting under the authority of RCW
37 77.32.155(2), is convicted of a violation of this title, fails to
38 appear at a hearing to contest a fish and wildlife infraction or a

1 criminal citation, or has an unvacated payment of a fine or a finding
2 of committed as a final disposition for any fish and wildlife
3 infraction, except for a violation of RCW 77.15.400 (1) through ((+3+))
4 (4), the department may revoke all hunting licenses and tags and may
5 order a suspension of either or both the deferred education licensee's
6 and the nondeferred accompanying person's hunting privileges for one
7 year.

8 (4) A person who has a recreational license revoked and privileges
9 suspended under this section may file an appeal with the department
10 pursuant to chapter 34.05 RCW. An appeal must be filed within twenty
11 days of notice of license revocation and privilege suspension. If an
12 appeal is filed, the revocation and suspension issued by the department
13 do not take effect until twenty-one days after the department has
14 delivered an opinion. If no appeal is filed within twenty days of
15 notice of license revocation and suspension, the right to an appeal is
16 waived, and the revocation and suspension take effect twenty-one days
17 following the notice of revocation and suspension.

18 (5) A recreational license revoked and privilege suspended under
19 this section is in addition to the statutory penalties assigned to the
20 underlying violation.

21 **Sec. 35.** RCW 77.15.720 and 2000 c 107 s 258 are each amended to
22 read as follows:

23 (1)(a) If a person ((shoots)) discharges a firearm, bow, or
24 crossbow while hunting and in a manner that injures, or that a
25 reasonable person would believe is likely to injure, another person
26 ((or domestic livestock while hunting)), the director shall revoke all
27 of the shooter's hunting licenses and suspend all hunting privileges
28 for three years. If the shooting ((of another person or livestock is
29 the result of criminal negligence or reckless or intentional conduct,
30 then the person's)) kills or results in the death of another person,
31 then the director shall revoke all of the shooter's hunting licenses
32 and suspend all of the person's hunting privileges ((shall be
33 suspended)) for ten years. ((The))

34 (b) If a person, with malice, discharges a firearm, bow, or
35 crossbow while hunting and in a manner that kills or causes substantial
36 bodily harm to livestock belonging to another person, the director
37 shall revoke all of the shooter's hunting licenses and suspend all

1 hunting privileges for three years. For the purposes of this
2 subsection (1)(b), "malice" has the same meaning as provided in RCW
3 9A.04.110 but applies to acts against livestock.

4 (2) A suspension under subsection (1) of this section shall be
5 continued beyond ((these)) the applicable periods if damages owed to
6 the victim or livestock owner have not been paid by the suspended
7 person. ((A)) In such a case, no hunting license shall ((not)) be
8 reissued to the suspended person unless authorized by the director.

9 ~~((2) Within twenty days of service of an order suspending~~
10 ~~privileges or imposing conditions under this section or RCW 77.15.710,~~
11 ~~a person may petition for administrative review under chapter 34.05 RCW~~
12 ~~by serving the director with a petition for review. The order is final~~
13 ~~and unappealable if there is no timely petition for administrative~~
14 ~~review.)) (3) A person who is notified of a license revocation under~~
15 this section may request an appeal hearing under chapter 34.05 RCW.

16 ~~((3)) (4) The commission may by rule authorize petitions for~~
17 ~~reinstatement of administrative suspensions and define circumstances~~
18 ~~under which such a reinstatement will be allowed.~~

19 **Sec. 36.** RCW 77.15.740 and 2008 c 225 s 2 are each amended to read
20 as follows:

21 (1) Except as provided in subsection (2) of this section, it is
22 unlawful to:

23 (a) ~~((Approach, by any means, within three hundred feet of a~~
24 ~~southern resident orca whale (*Orcinus orca*);~~

25 ~~(b) Cause a vessel or other object to approach within three hundred~~
26 ~~feet of a southern resident orca whale;~~

27 ~~(c) Intercept a southern resident orca whale. A person intercepts~~
28 ~~a southern resident orca whale when that person places a vessel or~~
29 ~~allows a vessel to remain in the path of a whale and the whale~~
30 ~~approaches within three hundred feet of that vessel;~~

31 ~~(d) Fail to disengage the transmission of a vessel that is within~~
32 ~~three hundred feet of a southern resident orca whale, for which the~~
33 ~~vessel operator is strictly liable; or~~

34 ~~(e) Feed a southern resident orca whale, for which any person~~
35 ~~feeding a southern resident orca whale is strictly liable.~~

36 ~~(2) A person is exempt from subsection (1) of this section where:~~

1 ~~(a) A reasonably prudent person in that person's position would~~
2 ~~determine that compliance with the requirements of subsection (1) of~~
3 ~~this section will threaten the safety of the vessel, the vessel's crew~~
4 ~~or passengers, or is not feasible due to vessel design limitations, or~~
5 ~~because the vessel is restricted in its ability to maneuver due to~~
6 ~~wind, current, tide, or weather;~~

7 ~~(b) That person is lawfully participating in a commercial fishery~~
8 ~~and is engaged in actively setting, retrieving, or closely tending~~
9 ~~commercial fishing gear;~~

10 ~~(c) That person is acting in the course of official duty for a~~
11 ~~state, federal, tribal, or local government agency; or~~

12 ~~(d) That person is acting pursuant to and consistent with~~
13 ~~authorization from a state or federal government agency.~~

14 ~~(3) Nothing in this section is intended to conflict with existing~~
15 ~~rules regarding safe operation of a vessel or vessel navigation rules.~~

16 ~~(4)) Cause a vessel or other object to approach, in any manner,~~
17 ~~within two hundred yards of a southern resident orca whale;~~

18 (b) Position a vessel to be in the path of a southern resident orca
19 whale at any point located within four hundred yards of the whale.
20 This includes intercepting a southern resident orca whale by
21 positioning a vessel so that the prevailing wind or water current
22 carries the vessel into the path of the whale at any point located
23 within four hundred yards of the whale;

24 (c) Fail to disengage the transmission of a vessel that is within
25 two hundred yards of a southern resident orca whale; or

26 (d) Feed a southern resident orca whale.

27 (2) A person is exempt from subsection (1) of this section if that
28 person is:

29 (a) Operating a federal government vessel in the course of his or
30 her official duties, or operating a state, tribal, or local government
31 vessel when engaged in official duties involving law enforcement,
32 search and rescue, or public safety;

33 (b) Operating a vessel in conjunction with a vessel traffic service
34 established under 33 C.F.R. and following a traffic separation scheme,
35 or complying with a vessel traffic service measure of direction. This
36 also includes support vessels escorting ships in the traffic lanes,
37 such as tug boats;

1 (c) Engaging in an activity, including scientific research,
2 pursuant to a permit or other authorization from the national marine
3 fisheries service and the department;

4 (d) Lawfully engaging in a treaty Indian or commercial fishery that
5 is actively setting, retrieving, or closely tending fishing gear;

6 (e) Conducting vessel operations necessary to avoid an imminent and
7 serious threat to a person, vessel, or the environment, including when
8 necessary for overall safety of navigation and to comply with state and
9 federal navigation requirements; or

10 (f) Engaging in rescue or clean-up efforts of a beached southern
11 resident orca whale overseen, coordinated, or authorized by a volunteer
12 stranding network.

13 (3) For the purpose of this section, "vessel" includes aircraft,
14 canoes, fishing vessels, kayaks, personal watercraft, rafts,
15 recreational vessels, tour boats, whale watching boats, vessels engaged
16 in whale watching activities, or other small craft including power
17 boats and sailboats.

18 ~~((+5+))~~ (4)(a) A violation of this section is a natural resource
19 infraction punishable under chapter 7.84 RCW.

20 (b) A person who qualifies for an exemption under subsection (2) of
21 this section may offer that exemption as an affirmative defense, which
22 that person must prove by a preponderance of the evidence.

23 NEW SECTION. Sec. 37. A new section is added to chapter 77.15 RCW
24 to read as follows:

25 (1) A person may not negligently feed or attempt to feed large wild
26 carnivores or negligently attract large wild carnivores to land or a
27 building.

28 (2) If a fish and wildlife officer, ex officio fish and wildlife
29 officer, or animal control authority, as defined in RCW 16.30.010, has
30 probable cause to believe that a person is negligently feeding,
31 attempting to feed, or attracting large wild carnivores to land or a
32 building by placing or locating food, food waste, or other substance
33 in, on, or about any land or building, and the food, food waste, or
34 other substance poses a risk to the safety of any person, livestock, or
35 pet because it is attracting or could attract large wild carnivores to
36 the land or building, that person commits an infraction under chapter
37 7.84 RCW.

1 (3) Subsection (2) of this section does not apply to:

2 (a) A person who is engaging in forest practices in accordance with
3 chapter 76.09 RCW or in hunting or trapping wildlife in accordance with
4 all other applicable provisions of this title or rules of the
5 commission or the director;

6 (b) A person who is engaging in a farming or ranching operation
7 that is using generally accepted farming or ranching practices
8 consistent with Titles 15 and 16 RCW;

9 (c) Waste disposal facilities that are operating in accordance with
10 applicable federal, state, and municipal laws;

11 (d) Entities listed in RCW 16.30.020(1) (a) through (j) and
12 scientific collection permit holders; or

13 (e) A fish and wildlife officer or employee or agent of the
14 department operating under the authority of or upon request from an
15 officer conducting authorized wildlife capture activities to address a
16 threat to human safety or a wildlife interaction as defined in RCW
17 77.36.010.

18 (4) For persons and entities listed in subsection (3) of this
19 section, a fish and wildlife officer, ex officio fish and wildlife
20 officer, or animal control authority, as defined in RCW 16.30.010, may
21 issue a written warning to the person or entity if:

22 (a) The officer or animal control authority can articulate facts to
23 support that the person or entity has placed or is responsible for
24 placing food, food waste, or other substance in, on, or about the
25 person's or entity's land or buildings; and

26 (b) The food, food waste, or other substance poses a risk to the
27 safety of any person, livestock, or pet because the food, food waste,
28 or other substance is attracting or could attract large wild carnivores
29 to the land or buildings.

30 (5)(a) Any written warning issued under subsection (4) of this
31 section requires the person or entity placing or otherwise responsible
32 for placing the food, food waste, or other substance to contain, move,
33 or remove that food, food waste, or other substance within two days.

34 (b) If a person who is issued a written warning under (a) of this
35 subsection fails to contain, move, or remove the food, food waste, or
36 other substance as directed, the person commits an infraction under
37 chapter 7.84 RCW.

1 NEW SECTION. **Sec. 38.** A new section is added to chapter 77.15 RCW
2 to read as follows:

3 (1) A person may not intentionally feed or attempt to feed large
4 wild carnivores or intentionally attract large wild carnivores to land
5 or a building.

6 (2) A person who intentionally feeds, attempts to feed, or attracts
7 large wild carnivores to land or a building is guilty of a misdemeanor.

8 (3) A person who is issued an infraction under section 37 of this
9 act for negligently feeding, attempting to feed, or attracting large
10 wild carnivores to land or a building, and who fails to contain, move,
11 or remove the food, food waste, or other substance within twenty-four
12 hours of being issued the infraction, is guilty of a misdemeanor.

13 NEW SECTION. **Sec. 39.** The following acts or parts of acts are
14 each repealed:

15 (1) RCW 77.12.315 (Dogs harassing deer and elk--Declaration of
16 emergency--Taking dogs into custody or destroying--Immunity) and 2000
17 c 107 s 221, 1987 c 506 s 40, 1980 c 78 s 49, & 1971 ex.s. c 183 s 1;

18 (2) RCW 77.15.140 (Unclassified fish or wildlife--Unlawful taking--
19 Penalty) and 1998 c 190 s 15;

20 (3) RCW 77.15.220 (Unlawful posting--Penalty) and 1998 c 190 s 25;
21 and

22 (4) RCW 77.15.330 (Unlawful hunting or fishing contests--Penalty)
23 and 2001 c 253 s 36 & 1998 c 190 s 56.

24 NEW SECTION. **Sec. 40.** If any provision of this act or its
25 application to any person or circumstance is held invalid, the
26 remainder of the act or the application of the provision to other
27 persons or circumstances is not affected."

28 Correct the title.

EFFECT: Clarifies the exemption for fish and wildlife officers and
department employees on an infraction for feeding or attempting to
attract large wild carnivores to land or a building.

--- END ---