
SUBSTITUTE SENATE BILL 5187

State of Washington

63rd Legislature

2013 Regular Session

By Senate Natural Resources & Parks (originally sponsored by Senators Smith, Becker, Roach, Schoesler, and Honeyford)

READ FIRST TIME 02/18/13.

1 AN ACT Relating to protecting domestic animals against gray wolf
2 attacks; amending RCW 77.36.030, 77.15.120, 77.15.130, 77.15.410, and
3 77.15.430; creating a new section; and prescribing penalties.

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

5 **Sec. 1.** RCW 77.36.030 and 2009 c 333 s 61 are each amended to read
6 as follows:

7 (1) Except as otherwise provided by this section, and subject to
8 limitations and conditions established by the commission, the owner,
9 the owner's immediate family member, the owner's documented employee,
10 or a tenant of real property may trap, consistent with RCW 77.15.194,
11 or kill wildlife that is threatening human safety or causing property
12 damage on that property, without the licenses required under RCW
13 77.32.010 or authorization from the director under RCW 77.12.240.

14 (2) The commission shall establish the limitations and conditions
15 of this section by rule. The rules must include:

16 (a) Appropriate protection for threatened or endangered species;

17 (b) Instances when verbal or written permission is required to kill
18 wildlife;

19 (c) Species that may be killed under this section; and

1 (d) Requirements for the disposal of wildlife trapped or killed
2 under this section.

3 ~~(3) ((In establishing the limitations and conditions of this~~
4 ~~section, the commission shall take into consideration the~~
5 ~~recommendations of the Washington state wolf conservation and~~
6 ~~management plan.))~~ (a) The commission's rules must allow for an owner,
7 the owner's immediate family member, the agent of an owner, or the
8 owner's documented employee to kill a gray wolf (*Canis lupus*),
9 regardless of its state classification, that is attacking or poses an
10 immediate threat of physical harm to livestock or other domestic
11 animals without the need for a permit or other form of permission.

12 (b) For the purposes of (a) of this subsection, the term "owner"
13 refers to the owner of the livestock or other domestic animals being
14 attacked or threatened, and not to the land where the attack occurs.
15 The rules adopted under this subsection (3) must be made applicable
16 across all lands, public and private, where livestock or other domestic
17 animals are found.

18 NEW SECTION. **Sec. 2.** The legislature finds that, based on the
19 gray wolf's state classification on the effective date of this section,
20 a person that takes a gray wolf in a manner inconsistent with RCW
21 77.36.030 and the rules adopted under that section violates the
22 prohibition on unlawfully taking endangered fish or wildlife under RCW
23 77.15.120 and is subject to either a gross misdemeanor or class C
24 felony, depending on the person's history of unlawfully taking of
25 endangered fish or wildlife under RCW 77.15.120.

26 **Sec. 3.** RCW 77.15.120 and 2000 c 107 s 236 are each amended to
27 read as follows:

28 (1) A person is guilty of unlawful taking of endangered fish or
29 wildlife in the second degree if the person hunts, fishes, possesses,
30 maliciously harasses or kills fish or wildlife, or maliciously destroys
31 the nests or eggs of fish or wildlife and the fish or wildlife is
32 designated by the commission as endangered, and the taking is not
33 consistent with RCW 77.36.030 or has not been authorized by rule of the
34 commission.

35 (2) A person is guilty of unlawful taking of endangered fish or
36 wildlife in the first degree if the person has been:

1 (a) Convicted under subsection (1) of this section or convicted of
2 any crime under this title involving the killing, possessing,
3 harassing, or harming of endangered fish or wildlife; and

4 (b) Within five years of the date of the prior conviction the
5 person commits the act described by subsection (1) of this section.

6 (3)(a) Unlawful taking of endangered fish or wildlife in the second
7 degree is a gross misdemeanor.

8 (b) Unlawful taking of endangered fish or wildlife in the first
9 degree is a class C felony. The department shall revoke any licenses
10 or tags used in connection with the crime and order the person's
11 privileges to hunt, fish, trap, or obtain licenses under this title to
12 be suspended for two years.

13 **Sec. 4.** RCW 77.15.130 and 2012 c 176 s 14 are each amended to read
14 as follows:

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

17 (a) The person hunts, fishes, possesses, or maliciously kills
18 protected fish or wildlife, or the person possesses or maliciously
19 destroys the eggs or nests of protected fish or wildlife, and the
20 taking is not consistent with RCW 77.36.030 or has not been authorized
21 by rule of the commission; or

22 (b) The person violates any rule of the commission regarding the
23 taking, harming, harassment, possession, or transport of protected fish
24 or wildlife.

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

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

34 (a) Ferruginous hawk, two thousand dollars;

35 (b) Common loon, two thousand dollars;

36 (c) Bald eagle, two thousand dollars;

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

1 (e) Peregrine falcon, two thousand dollars.

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

6 (5)(a) The criminal wildlife penalty assessment under subsection
7 (3) of this section must be imposed regardless of and in addition to
8 any sentence, fines, or costs otherwise provided for violating any
9 provision of this section. The criminal wildlife penalty assessment
10 must be included by the court in any pronouncement of sentence and may
11 not be suspended, waived, modified, or deferred in any respect.

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

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

20 (7) The department shall revoke the hunting license and suspend the
21 hunting privileges of a person assessed a criminal wildlife penalty
22 assessment under this section until the penalty assessment is paid
23 through the registry of the court in which the penalty assessment was
24 assessed.

25 (8) The criminal wildlife penalty assessments provided in
26 subsection (3) of this section must be doubled in the following
27 instances:

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

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

34 **Sec. 5.** RCW 77.15.410 and 2012 c 176 s 26 are each amended to read
35 as follows:

36 (1) Except as provided in RCW 77.36.030, a person is guilty of
37 unlawful hunting of big game in the second degree if the person:

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

4 (b) Violates any department rule regarding seasons, bag or
5 possession limits, closed areas including game reserves, closed times,
6 or any other rule governing the hunting, taking, or possession of big
7 game.

8 (2) Except as provided in RCW 77.36.030, a person is guilty of
9 unlawful hunting of big game in the first degree if the person commits
10 the act described in subsection (1) of this section and:

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

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

16 (3)(a) Unlawful hunting of big game in the second degree is a gross
17 misdemeanor. Upon conviction of an offense involving killing or
18 possession of big game taken during a closed season, closed area,
19 without the proper license, tag, or permit using an unlawful method, or
20 in excess of the bag or possession limit, the department shall revoke
21 all of the person's hunting licenses and tags and order a suspension of
22 the person's hunting privileges for two years.

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

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

31 **Sec. 6.** RCW 77.15.430 and 2012 c 176 s 27 are each amended to read
32 as follows:

33 (1) Except as provided in RCW 77.36.030, a person is guilty of
34 unlawful hunting of wild animals in the second degree if the person
35 hunts for wild animals not classified as big game and, whether or not
36 the person possesses the wild animals, the person has not purchased the

1 appropriate hunting license issued to Washington residents or
2 nonresidents under chapter 77.32 RCW.

3 (2) Except as provided in RCW 77.36.030, a person is guilty of
4 unlawful hunting of wild animals in the second degree if the person:

5 (a) Takes or possesses a wild animal that is not classified as big
6 game, and owns, but does not have in the person's possession, all
7 licenses, tags, or permits required by this title; or

8 (b) Violates any department rule regarding seasons, bag or
9 possession limits but less than two times the bag or possession limit,
10 closed areas including game reserves, closed times, or any other rule
11 addressing the manner or method of hunting or possession of wild
12 animals not classified as big game.

13 (3) Except as provided in RCW 77.36.030, a person is guilty of
14 unlawful hunting of wild animals in the first degree if the person
15 takes or possesses two times or more than the possession or bag limit
16 for wild animals that are not classified as big game animals as allowed
17 by department rule.

18 (4)(a) Unlawful hunting of wild animals in the second degree is a
19 misdemeanor.

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

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