

FINAL BILL REPORT

HB 1641

C 141 L 15

Synopsis as Enacted

Brief Description: Adding shellfish to the list of species types listed in RCW 77.15.260(1)(a).

Sponsors: Representatives Blake, Lytton and Tharinger.

House Committee on Agriculture & Natural Resources
Senate Committee on Natural Resources & Parks

Background:

The crime of Unlawful Trafficking in Fish, Shellfish, or Wildlife in the second degree is a class C felony. This crime applies if a person traffics in fish, shellfish, or wildlife with a wholesale value of less than \$250 and the trafficked product is either in violation of a rule for unclassified species or the species is classified as a game species, food fish, shellfish, game fish, or a protected species.

Prior to 2001, the crime only applied to fish and wildlife. Legislation that year added shellfish to the scope of the crime. The legislation added the word "shellfish" to the phrase "fish or wildlife" to create the re-occurring phrase "fish, shellfish, or wildlife."

The addition of the word "shellfish" occurred eight times in the 2001 legislation. However, the phrase "fish and wildlife" occurs nine times in the underlying statute. This resulted in one instance in the statutory basis for the crime of Unlawful Trafficking in Fish, Shellfish, or Wildlife where "shellfish" is not included in the phrase "fish or wildlife." This appears in the element of the crime that describes the species classification that must apply for the crime to be prosecuted, and results in only "fish or wildlife," but not "shellfish," being a species type that qualifies under that element.

Summary:

The word "shellfish" is added to the phrase "fish or wildlife" for the purposes of the scope of one element to the crime of Unlawful Trafficking in Fish, Shellfish, or Wildlife in the second degree.

Votes on Final Passage:

House 97 0

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Senate 49 0

Effective: July 24, 2015