
**Agriculture & Natural Resources
Committee**

SB 6400

Brief Description: Concerning technical changes that clarify fish and wildlife enforcement laws.

Sponsors: Senators Hewitt, Hargrove and Warnick; by request of Department of Fish and Wildlife.

Brief Summary of Bill

- Allows the Washington Department of Fish and Wildlife (WDFW) to enforce the crime of Unlawful Recreational Fishing during seasons that are closed to the harvest of wild salmon if a person is found in possession of a salmon that does not have a healed scar over the area where the adipose fin was once connected.
- Allows the WDFW to enforce the crime of Unlawful Hunting of Wild Birds based on the failure to possess licensure documents that are in a form other than a true license, such as a tag, permit, or stamp.
- Specifies that any suspension or revocation of hunting licenses or privileges due to failure to pay a criminal wildlife penalty assessment is in addition to, and runs concurrently with, any other revocation or suspension required under the law.

Hearing Date: 2/23/16

Staff: Jason Callahan (786-7117).

Background:

Title 77 is primarily enforced by the Washington Department of Fish and Wildlife (WDFW) enforcement staff. The WDFW enforces a myriad of offenses and criminal sanctions. Among those are crimes related to the Unlawful Hunting of Wild Birds and Unlawful Recreational Fishing. A successful enforcement of the crime of Unlawful Recreational Fishing can, on occasion, rely on the WDFW enforcement staff being able to ascertain whether the harvested

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salmon in question was a wild fish or a fish of hatchery origin. To do this, the adipose fin of the salmon is examined. If there is no adipose fin present, the fish is statutorily considered to be a hatchery-raised fish and not a wild fish.

The enforcement of the crime of Unlawful Hunting of Wild Birds requires the enforcement staff to review the licensing documents of the suspected violator. It is illegal to hunt wild birds without possessing, specifically, a license issued by the WDFW. The statute makes no reference to other types of permitting documents that may be issued by the WDFW, such as stamps, permits, or game tags.

Some violations of Title 77 carry with them monetary penalties that are in addition to any of the underlying criminal penalties. These monetary penalties, called criminal wildlife penalty assessments, are required to be paid by someone convicted of one of the qualifying crimes and may not be waived by the court. All hunting licenses must be revoked, and all hunting privileges must be suspended, until the person makes full payment of all criminal wildlife penalty assessments.

Summary of Bill:

Enforcement staff of the WDFW are able to enforce the crime of Unlawful Recreational Fishing during seasons that are closed to the harvest of wild salmon if a person is found in possession of a salmon that does not have a healed scar over the area where the adipose fin was once connected. Although a fish does not have an adipose fin, the lack of a healed scar allows the officer to infer its wild origins and identify it as a nonhatchery fish.

A clarification is made to the elements of the crime known as Unlawful Hunting of Wild Birds. This clarity provides that the WDFW may enforce the crime even if the WDFW issues licensure documents that are in a form other than a true license, such as a tag, permit, or stamp.

A change is made regarding criminal wildlife penalty assessments specifying that any suspension or revocation of hunting licenses or privileges due to failure to pay a criminal wildlife penalty assessment is in addition to, and runs concurrently with, any other revocation or suspension required under the law.

Appropriation: None.

Fiscal Note: Available.

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