

SENATE BILL REPORT

HB 1627

As of March 20, 2015

Title: An act relating to expanding the existing prohibition on unlawfully entering the land of another to hunt or to retrieve hunted wildlife under Title 77 RCW to include entering the land of another to collect wildlife parts.

Brief Description: Expanding the existing prohibition on unlawfully entering the land of another to hunt or to retrieve hunted wildlife under Title 77 RCW to include entering the land of another to collect wildlife parts.

Sponsors: Representative Schmick.

Brief History: Passed House: 3/09/15, 98-0.

Committee Activity: Natural Resources & Parks: 3/18/15.

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Staff: Curt Gavigan (786-7437)

Background: Department of Fish and Wildlife (DFW) Wildlife Management Authority. DFW serves as manager of the state's fish and wildlife resources. Among other duties, DFW must classify wildlife and establish the basic rules and regulations governing the time, place, manner, and methods used to take fish and wildlife.

Unlawfully Entering onto Another's Land for Hunting Purposes. It is a misdemeanor to unlawfully enter onto the land of another to hunt or retrieve wildlife.

Several defenses to this crime exist, which include that:

- the land was open to public hunting and the person complied with all conditions imposed on access;
- the person reasonably believed that the land was not privately owned; or
- the person made reasonable attempts to contact the landowner and entered the land only to avoid wasting harvested wildlife.

DFW must suspend the hunting privileges of a person convicted of this crime for two years. Additionally, DFW must seize the wildlife unlawfully hunted or retrieved.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: The current misdemeanor for unlawfully entering onto the land of another for certain hunting purposes is expanded to include collecting wildlife parts.

Several other changes are made to incorporate this change into statute including the following:

- specifying that the defense of seeking to avoid waste does not apply to the act of collecting wildlife parts;
- exempting a conviction relating to collecting wildlife parts from a loss of hunting privileges; and
- making technical changes.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill is aimed at a situation in which people were running elk on other people's land in order to have them shed their antlers so they could collect and sell them. While they can be charged with trespass, the law does not allow seizure of the antlers. This bill would remedy that situation.

Persons Testifying: PRO: Representative Schmick, prime sponsor.

Persons Signed in to Testify But Not Testifying: No one.