

# SENATE BILL REPORT

## SB 6400

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As Passed Senate, February 11, 2016

**Title:** An act relating to the technical changes that clarify fish and wildlife enforcement laws.

**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 History:**

**Committee Activity:** Natural Resources & Parks: 1/28/16, 2/04/16 [DP].  
Passed Senate: 2/11/16, 49-0.

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### SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

**Majority Report:** Do pass.

Signed by Senators Pearson, Chair; Dandel, Vice Chair; Jayapal, Ranking Member; Chase, Fraser, Hewitt and Warnick.

**Staff:** Bonnie Kim (786-7316)

**Background:** The Washington Department of Fish and Wildlife (WDFW) is responsible for issuing recreational hunting and fishing licenses at fees set in statute for each license type. WDFW also has authority to enforce statutory and regulatory hunting and fishing laws.

Unlawful Recreational Fishing in the First Degree. A person is guilty of unlawful recreational fishing in the first degree if the person:

- takes or possesses two times or more than the bag limit or possession limit of fish or shellfish allowed by any rule;
- fishes in a fishway;
- shoots, gaffs, snags, snares, spears, dipnets, or stones fish or shellfish in state waters, or possesses fish or shellfish taken by such means, unless authorized by rule;
- fishes for or possesses a fish listed as threatened or endangered, unless specifically allowed under federal or state law;
- possesses a white sturgeon measuring in excess of the maximum size limit;
- possesses a green sturgeon of any size; or

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- possesses a wild salmon or wild steelhead during a season closed for wild salmon or wild steelhead. Wild salmon means a salmon with an unclipped adipose fin, regardless of whether the salmon's ventral fin is clipped. Wild steelhead means a steelhead with no fins clipped.

Unlawful recreational fishing in the first degree is a gross misdemeanor.

Unlawful Hunting of Wild Birds in the Second Degree. A person is guilty of unlawful hunting of wild birds in the second degree if the person:

1. Hunts for wild birds and, whether or not the person possesses wild birds, the person has not purchased the appropriate hunting license; or
2. Takes or possesses less than two times the bag or possession limit of wild birds and either:
  - a. owns, but does not possess, all required licenses; or
  - b. violates any rule regarding seasons, bag or possession limits, closed areas, closed times, or the manner or method of hunting or possession of wild birds.

Unlawful hunting of wild birds in the second degree is a misdemeanor.

Unlawful Hunting of Big Game. A person is guilty of unlawful hunting of big game in the second degree if the person:

- hunts for, takes, or possesses big game and the person does not have and possess all required licenses, tags, or permits; or
- violates any rule regarding seasons, bag or possession limits, closed areas including game reserves, closed times, or any other rule governing the hunting, taking, or possession of big game.

A person is guilty of unlawful hunting of big game in the first degree if the person commits the acts for unlawful hunting of big game in the second degree and:

- hunts for, takes, or possesses three or more big game animals within the same course of events; or
- the act occurs within five years of the date of a prior conviction involving unlawful hunting, killing, possessing, or taking big game.

Unlawful hunting of big game in the second degree is a gross misdemeanor. Unlawful hunting of big game in the first degree is a class C felony.

If an adult offender is convicted of unlawful hunting of big game in the first or second degree and that violation results in the death of certain big game animals, the court must require payment of a criminal wildlife penalty assessment. Imposition of the penalty assessment results in revocation of the person's hunting license and suspension of all hunting privileges until the assessment is paid.

**Summary of Bill:** Unlawful Recreational Fishing in the First Degree. Clarifies that a salmon is considered to have an unclipped adipose fin if it does not have a healed scar at the location of the clipped adipose fin.

Unlawful Hunting of Wild Birds in the Second Degree. Makes a technical correction to add tags, stamps, and permits to the list of appropriate types of hunting licenses required to hunt for wild birds.

Unlawful Hunting of Big Game. Clarifies that the revocation and suspension that results when assessed the criminal wildlife penalty assessment is imposed are in addition to and runs concurrently with any other revocation and suspension required by law.

**Appropriation:** None.

**Fiscal Note:** Available.

**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: WDFW sees a number of violations. These amendments were recommended by field staff who have struggled with issues while prosecuting offenders.

**Persons Testifying:** PRO: Senator Hewitt, prime sponsor; Mike Hobbs, WDFW.

**Persons Signed In To Testify But Not Testifying:** No one.