

SENATE BILL REPORT

ESHB 2571

As of February 19, 2020

Title: An act relating to increased deterrence and meaningful enforcement of fish and wildlife violations.

Brief Description: Concerning increased deterrence and meaningful enforcement of fish and wildlife violations.

Sponsors: House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Goodman, Klippert and Ormsby; by request of Department of Fish and Wildlife).

Brief History: Passed House: 2/16/20, 95-0.

Committee Activity: Agriculture, Water, Natural Resources & Parks: 2/20/20.

Brief Summary of Bill

- Reorganizes and reclassifies certain fish and wildlife violations and adds additional violations which may be cited as infractions.
- Modifies license suspension timeframes for repeated fish and wildlife violations.
- Allows the Department of Fish and Wildlife to hire lawful permanent residents as enforcement officers.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Staff: Jeff Olsen (786-7428)

Background: Department of Fish and Wildlife Enforcement Officers. The Department of Fish and Wildlife (DFW) is responsible for management of the state's fish and wildlife resources and establishes basic rules and regulations governing the time, place, manner, and methods used to harvest or enjoy fish and wildlife.

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.

DFW enforcement officers are general authority peace officers and have the authority to enforce all criminal laws, with the primary responsibility of enforcing the Fish and Wildlife Code. An applicant to become a DFW enforcement officer must be a United States citizen.

Seizure and Forfeiture. Upon seizure of commercially taken or possessed fish or shellfish, a fish and wildlife officer may sell the product to a wholesale buyer and deposit the proceeds in the fish and wildlife enforcement reward account. Seized, recreationally taken or possessed fish, shellfish, and wildlife may be donated to a qualifying nonprofit charitable organization. Fish and wildlife officers may also dispose of any seized covered animal species part or product by way of donation to a bona fide educational or scientific institution solely for the purposes of raising awareness of the trafficking and threatened nature of endangered animals. Seized fish, shellfish, wildlife, or any covered animal species part or product is forfeited to the state upon conviction or any other criminal court outcome allowing the defendant to voluntarily enter into a disposition that continues or defers the case for dismissal. For all other types of dispositions, DFW must either return the seized fish or wildlife or return the value of the fish or wildlife if it has been donated or sold.

Infractions. Violations of the Fish and Wildlife Code are assigned various penalty classifications: infractions, misdemeanors, gross misdemeanors, or felonies. A natural resource infraction is a noncriminal offense for which a fine may be imposed. Unless specifically authorized by statute, the fine for an infraction may not exceed \$500.

Revocation and Suspension. DFW may permanently suspend a person's recreational hunting and fishing privileges under certain conditions if it finds a willful and wanton disregard for conservation of fish and wildlife. DFW must suspend a person's recreational hunting and fishing privileges for two years if a person is convicted of an infraction twice within ten years for violating rules involving big game or violates recreational hunting or fishing laws three or more times in a ten-year period.

Summary of Bill: Department of Fish and Wildlife Enforcement Officers. Applicants to become a fish and wildlife officer may be lawful permanent residents.

Seizure and Forfeiture. A provision is added to allow fish and wildlife officers to safely dispose of or release to the environment, seized fish, shellfish, and wildlife if the items are not needed for exculpatory value and storage is not practicable under the circumstances.

Additional case dispositions are added to allow for forfeiture of seized fish, shellfish, wildlife, or any covered animal species part or product to include:

- a finding of guilt or plea of guilty pursuant to an amended information;
- any infraction adjudicated under fish and wildlife laws with a final disposition of committed, paid, or uncontested; or
- any case where the offender enters into a disposition that continues or defers the case for dismissal upon the completion of specific terms or conditions.

For findings of not guilty, not committed, or dismissal with prejudice due to a failure of proof or violation of law, the fish, shellfish, and wildlife or its equivalent value may be returned. If a case is dismissed without prejudice and is subject to being refiled, the seized fish, shellfish, or wildlife need not be returned until the statute of limitations for the violation has expired.

Infractions. Certain violations of the Fish and Wildlife Code are reorganized and reclassified as infractions. Additional violations of the Code may be cited as natural resource infractions, including failing to return a catch record card for Puget Sound Dungeness crab; not possessing a required license; and violating the terms of certain permits issued by the DFW. Civil provisions are cumulative and nonexclusive and do not affect any criminal prosecution or investigatory authority over criminal offenses.

In a natural resource infraction proceeding, the attorney representing the state or local government entity may appear, but does not need to appear.

Revocation and Suspension. DFW must permanently suspend a person's recreational hunting and fishing privileges in certain circumstances, such as when DFW finds the person demonstrated a willful or wanton disregard for conservation of fish and wildlife.

The suspension period for violating rules involving big game or recreational hunting or fishing laws within a ten-year period is modified from two years, to at least two years and up to ten years.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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