
**Agriculture & Natural Resources
Committee**

HB 1325

Brief Description: Expanding enforcement options for certain fish and wildlife violations.

Sponsors: Representatives Goodman and Scott; by request of Department of Fish and Wildlife.

Brief Summary of Bill

- Classifies certain hunting, firearms, fishing guide, and hydraulic code violations as natural resource infractions.
- Classifies trafficking of a certain amount of seaweed as unlawful trafficking in fish, shellfish, or wildlife in the second degree.

Hearing Date: 2/4/25

Staff: Rebecca Lewis (786-7339).

Background:

The Department of Fish and Wildlife (WDFW) is responsible for the 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.

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, a fine for an infraction may not exceed \$500. Civil provisions are cumulative and nonexclusive and do not affect any criminal prosecution or investigatory authority over criminal offenses.

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

Hunting Violations.

Unlawful hunting in the second degree is a gross misdemeanor. A person is guilty of unlawful hunting in the first degree if they commit an act that constitutes unlawful hunting in the second degree and hunts for, takes, or possesses more than three big game animals within the same course of events, defined as one 24-hour period or a pattern of conduct over a period of time evidencing continuity of purpose. Unlawful hunting in the first degree is a class C felony.

If an adult offender is convicted of unlawful hunting in the first or second degree and that violation results in the death of certain big game animals, a court must impose a species-based fine for each animal taken or possessed.

Trafficking in Fish, Shellfish, or Wildlife.

Trafficking fish, shellfish, or wildlife with a wholesale value of less than \$250 in violation of any WDFW rule is classified as unlawful trafficking in fish, shellfish, or wildlife in the second degree, which is a class C felony.

Hydraulic Code Violations.

A person must obtain a hydraulic project approval (HPA) prior to commencing any construction project that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. Hydraulic project approvals are issued by the WDFW to ensure the proper protection of fish life. To receive an HPA, the applicant must provide certain information to the WDFW. This information includes general plans for the overall project and complete plans for the proper protection of fish life. In addition, driving across streams or on wetted streambeds requires a permit from the WDFW.

The hydraulic code sets out a process to enforce violations, which involves notification, stop-work orders, notices to comply, appeals processes, and an option for the WDFW to assess civil penalties rather than criminal penalties. Otherwise, undertaking hydraulic project activities is a gross misdemeanor.

Fishing Guide Violations.

Fishing guides must be licensed by the WDFW and are required to maintain daily logbooks of their guiding activity. By rule, failing to report guiding activity is a natural resource infraction.

Summary of Bill:

Hunting Violations.

The following hunting violations are changed from criminal offenses to natural resource infractions:

- Big game: hunting for big game without possessing the appropriate license or tag, and violating rules regarding method or manner of hunting or taking big game species. Big game hunting infractions carry a mandatory fine of \$500.
- General hunting: failing to properly notch a transport tag; carrying, transporting, conveying, possessing, or controlling a rifle or shotgun that contains live shells or cartridges in a motor vehicle; and discharging a firearm from or across the maintained portion of a public highway.

A person is guilty of unlawful hunting in the first degree if they commit an act that constitutes unlawful hunting in the second degree and hunts for, takes, or possesses more than three big game animals over one 72-hour period, rather than one 24-hour period.

Trafficking in Fish, Shellfish, or Wildlife.

Trafficking seaweed with a wholesale value of less than \$250 in violation of any WDFW rule is classified as unlawful trafficking in fish, shellfish, or wildlife in the second degree.

Hydraulic Code Violations.

The following hydraulic code offenses are natural resource infractions:

- operating a motor vehicle in the wetted portion of a streambed, other than an established ford; and
- constructing a rock dam or similar structure by hand that could impede the movement of fish life.

Fishing Guide Infractions.

Fishing guides providing sport fishing guide services and charter boat operators must display required registration stickers and complete; and submit logbooks to the WDFW. Failing to do either of these things, or knowingly aiding a client to fail to do either of these things, are natural resource infractions. Definitions are provided for "fishing guide" and "sport fishing guide services."

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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