

HOUSE BILL REPORT

HB 1325

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to expanding enforcement options for certain fish and wildlife violations.

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 History:

Committee Activity:

Agriculture & Natural Resources: 2/4/25, 2/11/25 [DPS].

Brief Summary of Substitute 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.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Reeves, Chair; Morgan, Vice Chair; Dent, Ranking Minority Member; Engell, Assistant Ranking Minority Member; Bernbaum, McClintock, Nance, Orcutt, Richards, Schmick and Springer.

Staff: Rebecca Lewis (786-7339).

Background:

The Fish and Wildlife Commission (Commission) and the Department of Fish and Wildlife (WDFW) are responsible for the management of the state's fish and wildlife resources and

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establish basic rules and regulations governing the time, place, manner, and methods used to harvest or enjoy fish and wildlife, including establishing limits, referred to as "bag limits," on the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person as specified by Commission hunting and fishing rules.

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.

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 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.

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 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 Substitute Bill:

The definition of "bag limit" in current law is revised to include the maximum amount of food fish and shellfish a person may take, catch, kill, or possess as specified by Fish and Wildlife Commission rules.

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 the magazine 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 seaweed with a wholesale value of less than \$250 in violation of any Department of Fish and Wildlife (WDFW) rule is classified as Unlawful Trafficking in Fish, Shellfish, or Wildlife in the second degree.

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 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."

Substitute Bill Compared to Original Bill:

The substitute bill revises the definition of "bag limit" in current law to include the maximum amount of food fish and shellfish a person may take, catch, kill, or possess as specified by Fish and Wildlife Commission rules.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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

Staff Summary of Public Testimony:

(In support) This is a follow-up to a previous bill that has made it easier to deter low-level wildlife violations and make better use of both the Department of Fish and Wildlife (WDFW) and court resources. Before that bill passed, most fish and wildlife violations had to be charged as criminal offenses, including for minor incidents, and individuals charged with violations had to appear in person before a district court judge. A substantial number of criminal charges were never charged, or were dismissed due to workloads. Adding infraction options minimized workloads, made penalties more proportionate to the severity of the offense, and resulted in benefits to natural resources by holding individuals accountable in a more reasonable and efficient fashion, especially first-time offenders. It was intentional to not add infraction options for big game violations in the previous bill. The WDFW believes that reducing criminal charges going to the district courts for big game offenses will cause the cases that do end up going to court to be taken more seriously and be given more time. Due to the pandemic and several other factors, criminal violations that are charged have conviction rates below 20 percent and dismissal rates above 60 percent. Additional infraction authority does not change criminal penalties related to unlawful taking or possession of big game. Two sections of this bill will have significant positive impacts on fish health and fish life, including adding penalties for driving over habitat restoration projects and building rock dams which can disrupt fish movement and impede hydraulic flow. Fishing guides are the states most effective anglers and a key educator for people visiting from out of state. It is important that fishing guides provide accurate information about fishing regulations to their clients. Violations of the fish and wildlife code are violations of shared public trust in our fish and wildlife resources and should be taken seriously.

(Opposed) None.

Persons Testifying: Representative Roger Goodman, prime sponsor; Dan Wilson, Backcountry Hunters and Anglers—Washington Chapter; Alexei Calambokidis, Trout Unlimited; and Jeff Wickersham, WDFW.

Persons Signed In To Testify But Not Testifying: None.