

SENATE BILL REPORT

SHB 1325

As of March 11, 2025

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: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Goodman and Scott; by request of Department of Fish and Wildlife).

Brief History: Passed House: 2/20/25, 97-0.

Committee Activity: Agriculture & Natural Resources: 3/13/25.

Brief Summary of Bill

- Establishes certain hunting, firearms, fishing guide services, and hydraulic code violations as natural resource infractions.
- Modifies fish and wildlife enforcement regulations for hunting of big game that are gross misdemeanors and felonies and prescribes mandatory penalties.
- Classifies trafficking of seaweed as unlawful trafficking in fish, shellfish, or wildlife in the second degree.

SENATE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Staff: Jeff Olsen (786-7428)

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 establish basic rules and regulations governing the time, place, manner, and methods used to harvest or enjoy fish and wildlife. Rules adopted by the Commission include establishing 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.

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.

Violations of the Fish and Wildlife Code are assigned various penalty classifications including 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 including 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 without an approved HPA 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 Bill: Natural Resource Infractions. The following hunting violations are added as 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; and
- 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.

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 or permitting the commission of any infraction by a client, are natural resource infractions.

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 in violation of a WDFW rule that could impede the movement of fish life.

Fish and Wildlife Enforcement Code. A person is guilty of unlawful hunting of big game in the second degree if the person hunts for big game and the person does not have the required licenses, tags, or permits, and the act occurs within two years of the date of a prior committed finding of any big game hunting infraction.

A person is guilty of unlawful hunting of big game 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. Courts shall impose the mandatory penalty requirements prescribed for illegally taken or possessed 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.

Clarifies that a person is guilty of unlawful possession of a loaded rifle or shotgun in a motor vehicle if the person carries a rifle or shotgun in a motor vehicle and the rifle or shotgun contains a shell or cartridge in the chamber, not the magazine.

The definition of bag limit is modified to include the maximum amount of food fish and shellfish a person may take, catch, kill, or possess as specified by Commission rules.

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.