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**SUBSTITUTE HOUSE BILL 1325**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** House Agriculture & Natural Resources (originally sponsored by Representatives Goodman and Scott; by request of Department of Fish and Wildlife)

READ FIRST TIME 02/13/25.

1 AN ACT Relating to expanding enforcement options for certain fish  
2 and wildlife violations; amending RCW 77.08.010, 77.15.160,  
3 77.15.260, 77.15.290, 77.15.410, and 77.15.460; and prescribing  
4 penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 77.08.010 and 2017 3rd sp.s. c 8 s 2 are each  
7 amended to read as follows:

8 The definitions in this section apply throughout this title or  
9 rules adopted under this title unless the context clearly requires  
10 otherwise.

11 (1) "Angling gear" means a line attached to a rod and reel  
12 capable of being held in hand while landing the fish or a handheld  
13 line operated without rod or reel.

14 (2) "Bag limit" means the maximum number of game animals, game  
15 birds, (~~or~~) game fish, food fish, or shellfish which may be taken,  
16 caught, killed, or possessed by a person, as specified by rule of the  
17 commission for a particular period of time, or as to size, sex, or  
18 species.

19 (3) "Building" means a private domicile, garage, barn, or public  
20 or commercial building.

- 1 (4) "Closed area" means a place where the hunting of some or all  
2 species of wild animals or wild birds is prohibited.
- 3 (5) "Closed season" means all times, manners of taking, and  
4 places or waters other than those established by rule of the  
5 commission as an open season. "Closed season" also means all hunting,  
6 fishing, taking, or possession of game animals, game birds, game  
7 fish, food fish, or shellfish that do not conform to the special  
8 restrictions or physical descriptions established by rule of the  
9 commission as an open season or that have not otherwise been deemed  
10 legal to hunt, fish, take, harvest, or possess by rule of the  
11 commission as an open season.
- 12 (6) "Closed waters" means all or part of a lake, river, stream,  
13 or other body of water, where fishing or harvesting is prohibited.
- 14 (7) "Commercial" means related to or connected with buying,  
15 selling, or bartering.
- 16 (8) "Commission" means the state fish and wildlife commission.
- 17 (9) "Concurrent waters of the Columbia river" means those waters  
18 of the Columbia river that coincide with the Washington-Oregon state  
19 boundary.
- 20 (10) "Contraband" means any property that is unlawful to produce  
21 or possess.
- 22 (11) "Covered animal species" means any species of elephant,  
23 rhinoceros, tiger, lion, leopard, cheetah, pangolin, marine turtle,  
24 shark, or ray either: (a) Listed in appendix I or appendix II of the  
25 convention on international trade in endangered species of wild flora  
26 and fauna; or (b) listed as critically endangered, endangered, or  
27 vulnerable on the international union for conservation of nature and  
28 natural resources red list of threatened species.
- 29 (12) "Covered animal species part or product" means any item that  
30 contains, or is wholly or partially made from, any covered animal  
31 species.
- 32 (13) "Deleterious exotic wildlife" means species of the animal  
33 kingdom not native to Washington and designated as dangerous to the  
34 environment or wildlife of the state.
- 35 (14) "Department" means the department of fish and wildlife.
- 36 (15) "Director" means the director of fish and wildlife.
- 37 (16) "Distribute" or "distribution" means either a change in  
38 possession for consideration or a change in legal ownership.
- 39 (17) "Endangered species" means wildlife designated by the  
40 commission as seriously threatened with extinction.

1 (18) "Ex officio fish and wildlife officer" means:

2 (a) A commissioned officer of a municipal, county, or state  
3 agency having as its primary function the enforcement of criminal  
4 laws in general, while the officer is acting in the respective  
5 jurisdiction of that agency;

6 (b) An officer or special agent commissioned by one of the  
7 following: The national marine fisheries service; the Washington  
8 state parks and recreation commission; the United States fish and  
9 wildlife service; the Washington state department of natural  
10 resources; the United States forest service; or the United States  
11 parks service, if the agent or officer is in the respective  
12 jurisdiction of the primary commissioning agency and is acting under  
13 a mutual law enforcement assistance agreement between the department  
14 and the primary commissioning agency;

15 (c) A commissioned fish and wildlife peace officer from another  
16 state who meets the training standards set by the Washington state  
17 criminal justice training commission pursuant to RCW 10.93.090,  
18 43.101.080, and 43.101.200, and who is acting under a mutual law  
19 enforcement assistance agreement between the department and the  
20 primary commissioning agency; or

21 (d) A Washington state tribal police officer who successfully  
22 completes the requirements set forth under RCW 43.101.157, is  
23 employed by a tribal nation that has complied with RCW 10.92.020(2)  
24 (a) and (b), and is acting under a mutual law enforcement assistance  
25 agreement between the department and the tribal government.

26 (19) "Fish" includes all species classified as game fish or food  
27 fish by statute or rule, as well as all finfish not currently  
28 classified as food fish or game fish if such species exist in state  
29 waters. The term "fish" includes all stages of development and the  
30 bodily parts of fish species.

31 (20) "To fish" and its derivatives means an effort to kill,  
32 injure, harass, harvest, or capture a fish or shellfish.

33 (21) "Fish and wildlife officer" means a person appointed and  
34 commissioned by the director, with authority to enforce this title  
35 and rules adopted pursuant to this title, and other statutes as  
36 prescribed by the legislature. Fish and wildlife officer includes a  
37 person commissioned before June 11, 1998, as a wildlife agent or a  
38 fisheries patrol officer.

1 (22) "Fish broker" means a person who facilitates the sale or  
2 purchase of raw or frozen fish or shellfish on a fee or commission  
3 basis, without assuming title to the fish or shellfish.

4 (23) "Fish dealer" means a person who engages in any activity  
5 that triggers the need to obtain a fish dealer license under RCW  
6 77.65.280.

7 (24) "Fishery" means the taking of one or more particular species  
8 of fish or shellfish with particular gear in a particular  
9 geographical area.

10 (25) "Food, food waste, or other substance" includes human and  
11 pet food or other waste or garbage that could attract large wild  
12 carnivores.

13 (26) "Fresh water" means all waters not defined as salt water  
14 including, but not limited to, rivers upstream of the river mouth,  
15 lakes, ponds, and reservoirs.

16 (27) "Fur-bearing animals" means game animals that shall not be  
17 trapped except as authorized by the commission.

18 (28) "Fur dealer" means a person who purchases, receives, or  
19 resells raw furs for commercial purposes.

20 (29) "Game animals" means wild animals that shall not be hunted  
21 except as authorized by the commission.

22 (30) "Game birds" means wild birds that shall not be hunted  
23 except as authorized by the commission.

24 (31) "Game farm" means property on which wildlife is held,  
25 confined, propagated, hatched, fed, or otherwise raised for  
26 commercial purposes, trade, or gift. The term "game farm" does not  
27 include publicly owned facilities.

28 (32) "Game reserve" means a closed area where hunting for all  
29 wild animals and wild birds is prohibited.

30 (33) "To hunt" and its derivatives means an effort to kill,  
31 injure, harass, harvest, or capture a wild animal or wild bird.

32 (34) "Illegal items" means those items unlawful to be possessed.

33 (35)(a) "Intentionally feed, attempt to feed, or attract" means  
34 to purposefully or knowingly provide, leave, or place in, on, or  
35 about any land or building any food, food waste, or other substance  
36 that attracts or could attract large wild carnivores to that land or  
37 building.

38 (b) "Intentionally feed, attempt to feed, or attract" does not  
39 include keeping food, food waste, or other substance in an enclosed  
40 garbage receptacle or other enclosed container unless specifically

1 directed by a fish and wildlife officer or animal control authority  
2 to secure the receptacle or container in another manner.

3 (36) "Large wild carnivore" includes wild bear, cougar, and wolf.

4 (37) "License year" means the period of time for which a  
5 recreational license is valid. The license year begins April 1st, and  
6 ends March 31st.

7 (38) "Limited-entry license" means a license subject to a license  
8 limitation program established in chapter 77.70 RCW.

9 (39) "Limited fish seller" means a licensed commercial fisher who  
10 sells his or her fish or shellfish to anyone other than a wholesale  
11 fish buyer thereby triggering the need to obtain a limited fish  
12 seller endorsement under RCW 77.65.510.

13 (40) "Money" means all currency, script, personal checks, money  
14 orders, or other negotiable instruments.

15 (41) "Natural person" means a human being.

16 (42)(a) "Negligently feed, attempt to feed, or attract" means to  
17 provide, leave, or place in, on, or about any land or building any  
18 food, food waste, or other substance that attracts or could attract  
19 large wild carnivores to that land or building, without the awareness  
20 that a reasonable person in the same situation would have with regard  
21 to the likelihood that the food, food waste, or other substance could  
22 attract large wild carnivores to the land or building.

23 (b) "Negligently feed, attempt to feed, or attract" does not  
24 include keeping food, food waste, or other substance in an enclosed  
25 garbage receptacle or other enclosed container unless specifically  
26 directed by a fish and wildlife officer or animal control authority  
27 to secure the receptacle or container in another manner.

28 (43) "Nonresident" means a person who has not fulfilled the  
29 qualifications of a resident.

30 (44) "Offshore waters" means marine waters of the Pacific Ocean  
31 outside the territorial boundaries of the state, including the marine  
32 waters of other states and countries.

33 (45) "Open season" means those times, manners of taking, and  
34 places or waters established by rule of the commission for the lawful  
35 hunting, fishing, taking, or possession of game animals, game birds,  
36 game fish, food fish, or shellfish that conform to the special  
37 restrictions or physical descriptions established by rule of the  
38 commission or that have otherwise been deemed legal to hunt, fish,  
39 take, or possess by rule of the commission. "Open season" includes  
40 the first and last days of the established time.

1 (46) "Owner" means the person in whom is vested the ownership  
2 dominion, or title of the property.

3 (47) "Person" means and includes an individual; a corporation; a  
4 public or private entity or organization; a local, state, or federal  
5 agency; all business organizations, including corporations and  
6 partnerships; or a group of two or more individuals acting with a  
7 common purpose whether acting in an individual, representative, or  
8 official capacity.

9 (48) "Personal property" or "property" includes both corporeal  
10 and incorporeal personal property and includes, among other property,  
11 contraband and money.

12 (49) "Personal use" means for the private use of the individual  
13 taking the fish or shellfish and not for sale or barter.

14 (50) "Predatory birds" means wild birds that may be hunted  
15 throughout the year as authorized by the commission.

16 (51) "To process" and its derivatives mean preparing or  
17 preserving fish, wildlife, or shellfish.

18 (52) "Protected wildlife" means wildlife designated by the  
19 commission that shall not be hunted or fished.

20 (53) "Raffle" means an activity in which tickets bearing an  
21 individual number are sold for not more than twenty-five dollars each  
22 and in which a permit or permits are awarded to hunt or for access to  
23 hunt big game animals or wild turkeys on the basis of a drawing from  
24 the tickets by the person or persons conducting the raffle.

25 (54) "Resident" has the same meaning as defined in RCW 77.08.075.

26 (55) "Salt water" means those marine waters seaward of river  
27 mouths.

28 (56) "Seaweed" means marine aquatic plant species that are  
29 dependent upon the marine aquatic or tidal environment, and exist in  
30 either an attached or free floating form, and includes but is not  
31 limited to marine aquatic plants in the classes Chlorophyta,  
32 Phaeophyta, and Rhodophyta.

33 (57) "Senior" means a person seventy years old or older.

34 (58) "Shark fin" means a raw, dried, or otherwise processed  
35 detached fin or tail of a shark.

36 (59)(a) "Shark fin derivative product" means any product intended  
37 for use by humans or animals that is derived in whole or in part from  
38 shark fins or shark fin cartilage.

39 (b) "Shark fin derivative product" does not include a drug  
40 approved by the United States food and drug administration and

1 available by prescription only or medical device or vaccine approved  
2 by the United States food and drug administration.

3 (60) "Shellfish" means those species of marine and freshwater  
4 invertebrates that have been classified and that shall not be taken  
5 or possessed except as authorized by rule of the commission. The term  
6 "shellfish" includes all stages of development and the bodily parts  
7 of shellfish species.

8 (61) "State waters" means all marine waters and fresh waters  
9 within ordinary high water lines and within the territorial  
10 boundaries of the state.

11 (62) "To take" and its derivatives means to kill, injure,  
12 harvest, or capture a fish, shellfish, wild animal, bird, or seaweed.

13 (63) "Taxidermist" means a person who, for commercial purposes,  
14 creates lifelike representations of fish and wildlife using fish and  
15 wildlife parts and various supporting structures.

16 (64) "Trafficking" means offering, attempting to engage, or  
17 engaging in sale, barter, or purchase of fish, shellfish, wildlife,  
18 or deleterious exotic wildlife.

19 (65) "To trap" and its derivatives means a method of hunting  
20 using devices to capture wild animals or wild birds.

21 (66) "Unclaimed" means that no owner of the property has been  
22 identified or has requested, in writing, the release of the property  
23 to themselves nor has the owner of the property designated an  
24 individual to receive the property or paid the required postage to  
25 effect delivery of the property.

26 (67) "Unclassified wildlife" means wildlife existing in  
27 Washington in a wild state that have not been classified as big game,  
28 game animals, game birds, predatory birds, protected wildlife,  
29 endangered wildlife, or deleterious exotic wildlife.

30 (68) "To waste" or "to be wasted" means to allow any edible  
31 portion of any game bird, food fish, game fish, shellfish, or big  
32 game animal other than cougar to be rendered unfit for human  
33 consumption, or to fail to retrieve edible portions of such a game  
34 bird, food fish, game fish, shellfish, or big game animal other than  
35 cougar from the field. For purposes of this chapter, edible portions  
36 of game birds must include, at a minimum, the breast meat of those  
37 birds. Entrails, including the heart and liver, of any wildlife  
38 species are not considered edible.

1 (69) "Wholesale fish buyer" means a person who engages in any  
2 fish buying or selling activity that triggers the need to obtain a  
3 wholesale fish buyer endorsement under RCW 77.65.340.

4 (70) "Wild animals" means those species of the class Mammalia  
5 whose members exist in Washington in a wild state. The term "wild  
6 animal" does not include feral domestic mammals or old world rats and  
7 mice of the family Muridae of the order Rodentia.

8 (71) "Wild birds" means those species of the class Aves whose  
9 members exist in Washington in a wild state.

10 (72) "Wildlife" means all species of the animal kingdom whose  
11 members exist in Washington in a wild state. This includes but is not  
12 limited to mammals, birds, reptiles, amphibians, fish, and  
13 invertebrates. The term "wildlife" does not include feral domestic  
14 mammals, old world rats and mice of the family Muridae of the order  
15 Rodentia, or those fish, shellfish, and marine invertebrates  
16 classified as food fish or shellfish by the director. The term  
17 "wildlife" includes all stages of development and the bodily parts of  
18 wildlife members.

19 (73) "Wildlife meat cutter" means a person who packs, cuts,  
20 processes, or stores wildlife for consumption for another for  
21 commercial purposes.

22 (74) "Youth" means a person fifteen years old for fishing and  
23 under sixteen years old for hunting.

24 (75) "Fishing guide" means a person who provides or offers to  
25 provide sport fishing guide services to persons who are engaged in  
26 personal use fisheries on or along state waters.

27 (76) "Sport fishing guide services" means an individual or  
28 company providing assistance to a client to fish or to attempt to  
29 fish, for compensation or with the intent to receive compensation, by  
30 either accompanying or physically directing the client, or both, in  
31 personal use fishing activities during any part of a trip on or along  
32 state waters.

33 **Sec. 2.** RCW 77.15.160 and 2020 c 38 s 3 are each amended to read  
34 as follows:

35 The following acts are infractions and may be cited and civil  
36 penalties imposed as provided under chapter 7.84 RCW, to include  
37 detentions for a reasonable period and investigations as provided in  
38 RCW 7.84.030. The civil provisions of this section are cumulative and



1 nonexclusive and do not affect any criminal prosecution or  
2 investigatory authority over criminal offenses:

3 (1) Fishing and shellfishing infractions:

4 (a) Barbed hooks: Fishing for personal use with barbed hooks in  
5 violation of any department rule.

6 (b) Catch recording: Failing to immediately record a catch of  
7 fish or shellfish on a catch record card as required by RCW 77.32.430  
8 or department rule.

9 (c) Catch reporting: Failing to return a catch record card to the  
10 department as required by department rule.

11 (d) (i) Recreational fishing: Fishing for fish or shellfish and  
12 the person:

13 ~~((i))~~ (A) Fails to have in the person's possession the license  
14 or the catch record card required by chapter 77.32 RCW for such an  
15 activity; or

16 ~~((ii))~~ (B) Violates any department rule regarding seasons,  
17 closed areas, closed times, or any other rule addressing the manner  
18 or method of fishing for fish or shellfish and the violation  
19 involves:

20 ~~((A))~~ (I) Salmon or steelhead;

21 ~~((B))~~ (II) Sturgeon;

22 ~~((C))~~ (III) Game fish;

23 ~~((D))~~ (IV) Food fish;

24 ~~((E))~~ (V) Shellfish;

25 ~~((F))~~ (VI) Unclassified fish or shellfish;

26 ~~((G))~~ (VII) Waste of food fish, game fish or shellfish. ~~((This~~  
27 ~~subsection (1)(d)(ii) does not apply to use of a net to take fish~~  
28 ~~under RCW 77.15.580 or unlawful recreational fishing in the first~~  
29 ~~degree under RCW 77.15.370.))~~

30 (ii) (d) (i) (B) of this subsection does not apply to use of a net  
31 to take fish under RCW 77.15.580 or unlawful recreational fishing in  
32 the first degree under RCW 77.15.370.

33 (e) Seaweed: Taking, possessing, or harvesting less than two  
34 times the daily possession limit of seaweed:

35 (i) While the person is not in possession of the license required  
36 by chapter 77.32 RCW; or

37 (ii) In violation of any rule of the department or the department  
38 of natural resources regarding seasons, closed areas, closed times,  
39 or any other rule addressing the manner or method of taking,  
40 possessing, or harvesting of seaweed.

1 (2) (~~Hunting~~) Small game hunting infractions:

2 (a) A person engages in an activity defined by chapter 77.32 RCW  
3 while not having in the person's possession or having failed to  
4 purchase the hunting license or tag required by that chapter, not  
5 including big game.

6 (b) Eggs or nests: Maliciously, and without permit authorization,  
7 destroying, taking, or harming the eggs or active nests of a wild  
8 bird not classified as endangered or protected. For purposes of this  
9 subsection, "active nests" means nests that contain eggs or  
10 fledglings.

11 (c) Hunting for wildlife not classified as big game and the  
12 person violates any department rule regarding seasons, closed areas,  
13 closed times, or any other rule defining the method or manner of  
14 hunting or taking wildlife and the violation involves:

- 15 (i) Unclassified wildlife;
- 16 (ii) Small game;
- 17 (iii) Furbearers;
- 18 (iv) Game birds;
- 19 (v) Wild birds;
- 20 (vi) Wild animals;
- 21 (vii) Waste of small game.

22 (3) Trapping, taxidermy, fur dealing, and wildlife meat cutting  
23 infractions:

24 (a) Recordkeeping and reporting: If a person is a taxidermist,  
25 fur dealer, or wildlife meat cutter who is processing, holding, or  
26 storing wildlife for commercial purposes, failing to:

- 27 (i) Maintain records as required by department rule; or
- 28 (ii) Report information from these records as required by  
29 department rule.

30 (b) Trapper's report: Failing to report trapping activity as  
31 required by department rule.

32 (4) Limited fish seller infraction: Failure of a holder of a  
33 limited fish seller endorsement to satisfy the food safety  
34 requirements to consumers under RCW 77.65.510(2).

35 (5) (a) Invasive species management infractions:

36 (i) Out-of-state certification: Entering Washington in possession  
37 of an aquatic conveyance that does not meet certificate of inspection  
38 requirements as provided under RCW 77.135.100;

1 (ii) Clean and drain requirements: Possessing an aquatic  
2 conveyance that does not meet clean and drain requirements under RCW  
3 77.135.110;

4 (iii) Clean and drain orders: Possessing an aquatic conveyance  
5 and failing to obey a clean and drain order under RCW 77.135.110 or  
6 77.135.120; and

7 (iv) Aquatic invasive species prevention permit requirements:  
8 Failing to possess a valid aquatic invasive species prevention permit  
9 as required under RCW 77.135.210, 77.135.220, or 77.135.230.

10 (b) Unless the context clearly requires otherwise, the  
11 definitions in both RCW 77.08.010 and 77.135.010 apply throughout  
12 this subsection (5).

13 (6) Big game hunting:

14 (a) A person hunts for big game while not having in the person's  
15 possession the hunting license or tag required under this title.

16 (b) A person hunts for big game species of deer, elk, black bear,  
17 or cougar and the person violates any department rule regarding  
18 seasons, closed areas, closed times, or any other department rule  
19 defining the method or manner of hunting or taking these big game  
20 species. This subsection (6)(b) does not apply to protected,  
21 threatened, or endangered big game as identified under RCW 77.12.020.

22 (c) A violation of this subsection carries a mandatory fine of  
23 \$500, not including statutory assessments added pursuant to RCW  
24 3.62.090.

25 (7) General hunting:

26 (a) A person carries, transports, conveys, possesses, or controls  
27 a rifle or shotgun in a motor vehicle, except as allowed by  
28 department rule, and the rifle or shotgun contains live shells or  
29 cartridges in the attached or internal magazine.

30 (b) A person discharges a firearm from or across the maintained  
31 portion of a public highway.

32 (c) A person fails to properly notch a transport tag as required  
33 by department rule.

34 (8) Hydraulic activities:

35 (a) A person operates a motor vehicle as defined in RCW 46.04.320  
36 in the wetted portion of a streambed other than at an established  
37 ford.

38 (b) A person, in violation of a department rule, constructs by  
39 hand, without the use of tools or equipment, a rock dam or similar

1 structure that could impede the movement of fish life, as defined by  
2 department rule.

3 (9) Department licensed guides:

4 (a) Failing to display department registration stickers as  
5 required by chapter 77.65 RCW or a department rule.

6 (b) Failing to initiate, complete, or submit guide logbooks as  
7 required by department rule.

8 (10) Fishing guide or charter boat operator infractions:

9 (a) It is an infraction for a person who is licensed and acting  
10 as a fishing guide or charter boat operator to:

11 (i) Aid in the commission of any infraction under subsection (1)  
12 of this section by a client; or

13 (ii) Permit the commission of any infraction under subsection (1)  
14 of this section by a client that the fishing guide or charter boat  
15 operator knows or reasonably believes is being or will be committed  
16 without:

17 (A) Attempting to prevent the infraction, short of using force;  
18 and

19 (B) Reporting the infraction.

20 (b) A person acting as a fishing guide or charter boat operator  
21 may be found to have committed an infraction under (a)(i) or (ii) of  
22 this subsection regardless of whether the client was issued an  
23 infraction for the underlying violation.

24 (11) Other infractions:

25 (a) Contests: Unlawfully conducting, holding, or sponsoring a  
26 hunting contest, a fishing contest involving game fish, or a  
27 competitive field trial using live wildlife.

28 (b) Other rules: Violating any other department rule that is  
29 designated by rule as an infraction.

30 (c) Posting signs: Posting signs preventing hunting or fishing on  
31 any land not owned or leased by the person doing the posting, or  
32 without the permission of the person who owns, leases, or controls  
33 the land posted.

34 (d) Department permits: Except as provided in RCW 77.15.750,  
35 using a department permit issued by the department, and the person:

36 (i) Violates any terms or conditions of the permit;

37 (ii) Violates any department rule applicable to the issuance or  
38 use of permits; or

39 (iii) Violates any commercial use or activity permits,  
40 noncommercial use or activity permits, or parking permits.

1 (e) This subsection does not apply to discover pass, vehicle  
2 access pass, or day-use permit requirements or penalties pursuant to  
3 RCW 79A.80.080.

4 **Sec. 3.** RCW 77.15.260 and 2015 c 141 s 1 are each amended to  
5 read as follows:

6 (1) A person is guilty of unlawful trafficking in fish,  
7 shellfish, or wildlife in the second degree if the person traffics in  
8 fish, shellfish, seaweed, or wildlife with a wholesale value of less  
9 than (~~two hundred fifty dollars~~) \$250 and:

10 (a) The fish, shellfish, or wildlife is classified as game, food  
11 fish, shellfish, game fish, or protected wildlife and the trafficking  
12 is not authorized by statute or department rule; (~~or~~)

13 (b) The fish, shellfish, or wildlife is unclassified and the  
14 trafficking violates any department rule; or

15 (c) The seaweed is trafficked in violation of any department  
16 rule.

17 (2)(a) A person is guilty of unlawful trafficking in fish,  
18 shellfish, or wildlife in the first degree if the person commits the  
19 act described by subsection (1) of this section and:

20 (i) The fish, shellfish, or wildlife has a value of two hundred  
21 fifty dollars or more; or

22 (ii) The fish, shellfish, or wildlife is designated as an  
23 endangered species or deleterious exotic wildlife and such  
24 trafficking is not authorized by any statute or department rule.

25 (b) For purposes of this subsection (2), whenever any series of  
26 transactions that constitute unlawful trafficking would, when  
27 considered separately, constitute unlawful trafficking in the second  
28 degree due to the value of the fish, shellfish, or wildlife, and the  
29 series of transactions are part of a common scheme or plan, then the  
30 transactions may be aggregated in one count and the sum of the value  
31 of all the transactions considered when determining the degree of  
32 unlawful trafficking involved.

33 (3)(a) Unlawful trafficking in fish, shellfish, or wildlife in  
34 the second degree is a class C felony.

35 (b) Unlawful trafficking in fish, shellfish, or wildlife in the  
36 first degree is a class B felony.

37 **Sec. 4.** RCW 77.15.290 and 2014 c 202 s 304 are each amended to  
38 read as follows:

1 (1) A person is guilty of unlawful transportation of fish or  
2 wildlife in the second degree if the person:

3 (a) Knowingly imports, moves within the state, or exports fish,  
4 shellfish, or wildlife in violation of any department rule governing  
5 the transportation or movement of fish, shellfish, or wildlife and  
6 the transportation does not involve big game, endangered fish or  
7 wildlife, deleterious exotic wildlife, or fish, shellfish, or  
8 wildlife having a value greater than (~~two hundred fifty dollars~~)  
9 \$250; or

10 (b) Possesses but fails to affix (~~or~~) and notch a big game  
11 transport tag as required by department rule.

12 (2) A person is guilty of unlawful transportation of fish or  
13 wildlife in the first degree if the person:

14 (a) Knowingly imports, moves within the state, or exports fish,  
15 shellfish, or wildlife in violation of any department rule governing  
16 the transportation or movement of fish, shellfish, or wildlife and  
17 the transportation involves big game, endangered fish or wildlife,  
18 deleterious exotic wildlife, or fish, shellfish, or wildlife with a  
19 value of (~~two hundred fifty dollars~~) \$250 or more; or

20 (b) Knowingly transports shellfish, shellstock, or equipment used  
21 in commercial culturing, taking, handling, or processing shellfish  
22 without a permit required by authority of this title.

23 (3) (a) Unlawful transportation of fish or wildlife in the second  
24 degree is a misdemeanor.

25 (b) Unlawful transportation of fish or wildlife in the first  
26 degree is a gross misdemeanor.

27 (4) This section does not apply to invasive species.

28 **Sec. 5.** RCW 77.15.410 and 2012 c 176 s 26 are each amended to  
29 read as follows:

30 (1) A person is guilty of unlawful hunting of big game in the  
31 second degree if the person:

32 (~~(a) Hunts for (, takes, or possesses big game and the person does~~  
33 ~~not have and possess all licenses, tags, or permits required under~~  
34 ~~this title; or~~

35 ~~(b) Violates~~) big game and, whether or not the person takes or  
36 possesses big game, the person has not purchased the appropriate  
37 license, permit, or tags required under this title;

1 (b) Takes or possesses big game, but does not have in the  
2 person's possession the licenses, tags, or permits required under  
3 this title;

4 (c) Takes or possesses big game and violates any department rule  
5 regarding seasons, bag or possession limits, closed areas including  
6 game reserves, closed times, or any other rule governing the hunting,  
7 taking, or possession of ((big game)) deer, elk, cougar, and black  
8 bear;

9 (d) Hunts for big game and, whether or not the person takes or  
10 possesses big game, the person does not have in the person's  
11 possession the licenses, tags, or permits required under this title;  
12 and the act occurs within two years of the date of a prior committed  
13 finding of any big game hunting infraction under RCW 77.15.160(6); or

14 (e) Violates any department rule regarding seasons, bag or  
15 possession limits, closed areas including game reserves, closed  
16 times, or any other rule governing the hunting, taking, or possession  
17 of big game species other than deer, elk, cougar, or black bear.

18 (2) A person is guilty of unlawful hunting of big game in the  
19 first degree if the person commits the act described in subsection  
20 (1) of this section and:

21 (a) The person hunts for, takes, or possesses three or more big  
22 game animals within the same course of events; or

23 (b) The act occurs within five years of the date of a prior  
24 conviction under this title involving unlawful hunting, killing,  
25 possessing, or taking big game.

26 (3)(a) Unlawful hunting of big game in the second degree is a  
27 gross misdemeanor. Upon conviction of an offense involving killing or  
28 possession of big game taken during a closed season, closed area,  
29 without the proper license, tag, or permit using an unlawful method,  
30 or in excess of the bag or possession limit, the department shall  
31 revoke all of the person's hunting licenses and tags and order a  
32 suspension of the person's hunting privileges for two years. Courts  
33 shall impose the mandatory penalty requirements of RCW 77.15.420.

34 (b) Unlawful hunting of big game in the first degree is a class C  
35 felony. Upon conviction, the department shall revoke all of the  
36 person's hunting licenses or tags and order the person's hunting  
37 privileges suspended for ((ten)) 10 years. Courts shall impose the  
38 mandatory penalty requirements of RCW 77.15.420.

39 (4) For the purposes of this section, "same course of events"  
40 means within one ((twenty-four)) 72 hour period, or a ((pattern of

1 ~~conduct composed~~) common scheme or plan of a series of acts that are  
2 unlawful under subsection (1) of this section(~~(, over a period of~~  
3 ~~time evidencing a continuity of purpose)~~).

4 **Sec. 6.** RCW 77.15.460 and 2018 c 168 s 1 are each amended to  
5 read as follows:

6 (1) A person is guilty of unlawful possession of a loaded rifle  
7 or shotgun in a motor vehicle, as defined in RCW 46.04.320, or upon  
8 an off-road vehicle, as defined in RCW 46.04.365, if:

9 (a) The person carries, transports, conveys, possesses, or  
10 controls a rifle or shotgun in a motor vehicle, or upon an off-road  
11 vehicle, except as allowed by department rule; and

12 (b) The rifle or shotgun contains (~~shells or cartridges~~) a  
13 shell or cartridge in the (~~magazine or~~) chamber, or is a muzzle-  
14 loading firearm that is loaded and capped or primed.

15 (2) A person is guilty of unlawful use of a loaded firearm if:

16 (a) The person negligently discharges a firearm from, across, or  
17 along the maintained portion of a public highway; or

18 (b) The person discharges a firearm from within a moving motor  
19 vehicle or from upon a moving off-road vehicle.

20 (3) Unlawful possession of a loaded rifle or shotgun in a motor  
21 vehicle or upon an off-road vehicle, and unlawful use of a loaded  
22 firearm are misdemeanors.

23 (4) This section does not apply if the person:

24 (a) Is a law enforcement officer who is authorized to carry a  
25 firearm and is on duty within the officer's respective jurisdiction;

26 (b) Has been granted a disability designation as provided by RCW  
27 77.32.237 and complies with all rules of the department concerning  
28 hunting by persons with disabilities; or

29 (c) Discharges the rifle or shotgun from upon a nonmoving motor  
30 vehicle, as long as the engine is turned off and the motor vehicle is  
31 not parked on or beside the maintained portion of a public road,  
32 except as authorized by the commission by rule. This subsection

33 (4)(c) does not apply to off-road vehicles, which are unlawful to use  
34 for hunting under RCW 46.09.480, unless the person has a department  
35 permit issued under RCW 77.32.237.



1           (5) For purposes of subsection (1) of this section, a rifle or  
2 shotgun shall not be considered loaded if the detachable clip or  
3 magazine is not inserted in or attached to the rifle or shotgun.

--- **END** ---