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**SUBSTITUTE HOUSE BILL 2460**

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**State of Washington**

**63rd Legislature**

**2014 Regular Session**

**By** House Agriculture & Natural Resources (originally sponsored by Representatives Blake, Chandler, Hurst, Lytton, Takko, Wilcox, Kretz, Warnick, Tharinger, and Tarleton; by request of Department of Fish and Wildlife)

READ FIRST TIME 02/05/14.

1       AN ACT Relating to fish and wildlife law enforcement; amending RCW  
2 77.08.075, 77.15.080, 77.15.100, 77.15.120, 77.15.130, 77.15.160,  
3 77.15.170, 77.15.180, 77.15.190, 77.15.240, 77.15.250, 77.15.370,  
4 77.15.380, 77.15.390, 77.15.420, 77.15.425, 77.15.460, 77.15.470,  
5 77.15.480, 77.15.630, 77.15.740, 77.15.770, 77.32.010, 77.65.280, and  
6 77.65.340; reenacting and amending RCW 77.08.010; adding new sections  
7 to chapter 77.15 RCW; repealing RCW 77.15.560; and prescribing  
8 penalties.

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

10       **Sec. 1.** RCW 77.08.010 and 2012 c 176 s 4 are each reenacted and  
11 amended to read as follows:

12       The definitions in this section apply throughout this title or  
13 rules adopted under this title unless the context clearly requires  
14 otherwise.

15       (1) "Anadromous game fish buyer" means a person who purchases or  
16 sells steelhead trout and other anadromous game fish harvested by  
17 Indian fishers lawfully exercising fishing rights reserved by federal  
18 statute, treaty, or executive order, under conditions prescribed by  
19 rule of the director.

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

4 (3) "Aquatic invasive species" means any invasive, prohibited,  
5 regulated, unregulated, or unlisted aquatic animal or plant species as  
6 defined under subsections (4), (34), (49), (53), ~~((70))~~ (73), and  
7 ~~((71))~~ (74) of this section~~((7))~~ and aquatic noxious weeds as defined  
8 under RCW 17.26.020(5)(c)~~((, and aquatic nuisance species as defined~~  
9 ~~under RCW 77.60.130(1))~~.

10 (4) "Aquatic plant species" means an emergent, submersed, partially  
11 submersed, free-floating, or floating-leaving plant species that grows  
12 in or near a body of water or wetland.

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

17 (6) "Building" means a private domicile, garage, barn, or public or  
18 commercial building.

19 (7) "Closed area" means a place where the hunting of some or all  
20 species of wild animals or wild birds is prohibited.

21 (8) "Closed season" means all times, manners of taking, and places  
22 or waters other than those established by rule of the commission as an  
23 open season. "Closed season" also means all hunting, fishing, taking,  
24 or possession of game animals, game birds, game fish, food fish, or  
25 shellfish that do not conform to the special restrictions or physical  
26 descriptions established by rule of the commission as an open season or  
27 that have not otherwise been deemed legal to hunt, fish, take, harvest,  
28 or possess by rule of the commission as an open season.

29 (9) "Closed waters" means all or part of a lake, river, stream, or  
30 other body of water, where fishing or harvesting is prohibited.

31 (10) "Commercial" means related to or connected with buying,  
32 selling, or bartering.

33 (11) "Commission" means the state fish and wildlife commission.

34 (12) "Concurrent waters of the Columbia river" means those waters  
35 of the Columbia river that coincide with the Washington-Oregon state  
36 boundary.

37 (13) "Contraband" means any property that is unlawful to produce or  
38 possess.

1 (14) "Deleterious exotic wildlife" means species of the animal  
2 kingdom not native to Washington and designated as dangerous to the  
3 environment or wildlife of the state.

4 (15) "Department" means the department of fish and wildlife.

5 (16) "Director" means the director of fish and wildlife.

6 (17) "Endangered species" means wildlife designated by the  
7 commission as seriously threatened with extinction.

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

9 (a) A commissioned officer of a municipal, county, or state agency  
10 having as its primary function the enforcement of criminal laws in  
11 general, while the officer is acting in the respective jurisdiction of  
12 that agency;

13 (b) An officer or special agent commissioned by one of the  
14 following: The national marine fisheries service; the Washington state  
15 parks and recreation commission; the United States fish and wildlife  
16 service; the Washington state department of natural resources; the  
17 United States forest service; or the United States parks service, if  
18 the agent or officer is in the respective jurisdiction of the primary  
19 commissioning agency and is acting under a mutual law enforcement  
20 assistance agreement between the department and the primary  
21 commissioning agency;

22 (c) A commissioned fish and wildlife peace officer from another  
23 state who meets the training standards set by the Washington state  
24 criminal justice training commission pursuant to RCW 10.93.090,  
25 43.101.080, and 43.101.200, and who is acting under a mutual law  
26 enforcement assistance agreement between the department and the primary  
27 commissioning agency; or

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

33 (19) "Fish" includes all species classified as game fish or food  
34 fish by statute or rule, as well as all fin fish not currently  
35 classified as food fish or game fish if such species exist in state  
36 waters. The term "fish" includes all stages of development and the  
37 bodily parts of fish species.

1 (20) "Fish and wildlife officer" means a person appointed and  
2 commissioned by the director, with authority to enforce this title and  
3 rules adopted pursuant to this title, and other statutes as prescribed  
4 by the legislature. Fish and wildlife officer includes a person  
5 commissioned before June 11, 1998, as a wildlife agent or a fisheries  
6 patrol officer.

7 (21) "Fish broker" means a person whose business it is to bring a  
8 seller of fish and shellfish and a purchaser of those fish and  
9 shellfish together.

10 (22) "Fish buyer" means ~~((a person engaged by a wholesale fish  
11 dealer to purchase food fish or shellfish from a licensed commercial  
12 fisher))~~;

13 (a) A wholesale fish dealer or a retail seller who directly  
14 receives fish or shellfish from a commercial fisher or receives fish or  
15 shellfish in interstate or foreign commerce; or

16 (b) A person engaged by a wholesale fish dealer who receives fish  
17 or shellfish from a commercial fisher.

18 (23) "Fishery" means the taking of one or more particular species  
19 of fish or shellfish with particular gear in a particular geographical  
20 area.

21 (24) "Food, food waste, or other substance" includes human and pet  
22 food or other waste or garbage that could attract large wild  
23 carnivores.

24 (25) "Freshwater" means all waters not defined as saltwater  
25 including, but not limited to, rivers upstream of the river mouth,  
26 lakes, ponds, and reservoirs.

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

29 (27) "Fur dealer" means a person who purchases, receives, or  
30 resells raw furs for commercial purposes.

31 (28) "Game animals" means wild animals that shall not be hunted  
32 except as authorized by the commission.

33 (29) "Game birds" means wild birds that shall not be hunted except  
34 as authorized by the commission.

35 (30) "Game farm" means property on which wildlife is held,  
36 confined, propagated, hatched, fed, or otherwise raised for commercial  
37 purposes, trade, or gift. The term "game farm" does not include  
38 publicly owned facilities.

1 (31) "Game reserve" means a closed area where hunting for all wild  
2 animals and wild birds is prohibited.

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

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

8 (b) "Intentionally feed, attempt to feed, or attract" does not  
9 include keeping food, food waste, or other substance in an enclosed  
10 garbage receptacle or other enclosed container unless specifically  
11 directed by a fish and wildlife officer or animal control authority to  
12 secure the receptacle or container in another manner.

13 (34) "Invasive species" means a plant species or a nonnative animal  
14 species that either:

15 (a) Causes or may cause displacement of, or otherwise threatens,  
16 native species in their natural communities;

17 (b) Threatens or may threaten natural resources or their use in the  
18 state;

19 (c) Causes or may cause economic damage to commercial or  
20 recreational activities that are dependent upon state waters; or

21 (d) Threatens or harms human health.

22 (35) "Large wild carnivore" includes wild bear, cougar, and wolf.

23 (36) "License year" means the period of time for which a  
24 recreational license is valid. The license year begins April 1st, and  
25 ends March 31st.

26 (37) "Limited-entry license" means a license subject to a license  
27 limitation program established in chapter 77.70 RCW.

28 (38) "Money" means all currency, script, personal checks, money  
29 orders, or other negotiable instruments.

30 (39) "Natural person" means a human being.

31 (40)(a) "Negligently feed, attempt to feed, or attract" means to  
32 provide, leave, or place in, on, or about any land or building any  
33 food, food waste, or other substance that attracts or could attract  
34 large wild carnivores to that land or building, without the awareness  
35 that a reasonable person in the same situation would have with regard  
36 to the likelihood that the food, food waste, or other substance could  
37 attract large wild carnivores to the land or building.

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

6 (41) "Nonresident" means a person who has not fulfilled the  
7 qualifications of a resident.

8 (42) "Offshore waters" means marine waters of the Pacific Ocean  
9 outside the territorial boundaries of the state, including the marine  
10 waters of other states and countries.

11 (43) "Open season" means those times, manners of taking, and places  
12 or waters established by rule of the commission for the lawful hunting,  
13 fishing, taking, or possession of game animals, game birds, game fish,  
14 food fish, or shellfish that conform to the special restrictions or  
15 physical descriptions established by rule of the commission or that  
16 have otherwise been deemed legal to hunt, fish, take, (~~harvest,~~) or  
17 possess by rule of the commission. "Open season" includes the first  
18 and last days of the established time.

19 (44) "Owner" means the person in whom is vested the ownership  
20 dominion, or title of the property.

21 (45) "Person" means and includes an individual; a corporation; a  
22 public or private entity or organization; a local, state, or federal  
23 agency; all business organizations, including corporations and  
24 partnerships; or a group of two or more individuals acting with a  
25 common purpose whether acting in an individual, representative, or  
26 official capacity.

27 (46) "Personal property" or "property" includes both corporeal and  
28 incorporeal personal property and includes, among other property,  
29 contraband and money.

30 (47) "Personal use" means for the private use of the individual  
31 taking the fish or shellfish and not for sale or barter.

32 (48) "Predatory birds" means wild birds that may be hunted  
33 throughout the year as authorized by the commission.

34 (49) "Prohibited aquatic animal species" means an invasive species  
35 of the animal kingdom that has been classified as a prohibited aquatic  
36 animal species by the commission.

37 (50) "Protected wildlife" means wildlife designated by the  
38 commission that shall not be hunted or fished.

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

6 (52) "Recreational and commercial watercraft" includes the boat, as  
7 well as equipment used to transport the boat, and any auxiliary  
8 equipment such as attached or detached outboard motors.

9 (53) "Regulated aquatic animal species" means a potentially  
10 invasive species of the animal kingdom that has been classified as a  
11 regulated aquatic animal species by the commission.

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

13 (55) "Retail-eligible species" means commercially harvested salmon,  
14 crab, and sturgeon.

15 (56) "Saltwater" means those marine waters seaward of river mouths.

16 (57) "Seaweed" means marine aquatic plant species that are  
17 dependent upon the marine aquatic or tidal environment, and exist in  
18 either an attached or free floating form, and includes but is not  
19 limited to marine aquatic plants in the classes Chlorophyta,  
20 Phaeophyta, and Rhodophyta.

21 (58) "Senior" means a person seventy years old or older.

22 (59) "Shark fin" means a raw, dried, or otherwise processed  
23 detached fin or tail of a shark.

24 (60)(a) "Shark fin derivative product" means any product intended  
25 for use by humans or animals that is derived in whole or in part from  
26 shark fins or shark fin cartilage.

27 (b) "Shark fin derivative product" does not include a drug approved  
28 by the United States food and drug administration and available by  
29 prescription only or medical device or vaccine approved by the United  
30 States food and drug administration.

31 (61) "Shellfish" means those species of marine and freshwater  
32 invertebrates that have been classified and that shall not be taken or  
33 possessed except as authorized by rule of the commission. The term  
34 "shellfish" includes all stages of development and the bodily parts of  
35 shellfish species.

36 (62) "State waters" means all marine waters and fresh waters within  
37 ordinary high water lines and within the territorial boundaries of the  
38 state.

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

4 (64) "To fish(~~(,)~~)" (~~("to harvest," and "to take,")~~) and (~~(their)~~)  
5 its derivatives means an effort to kill, injure, harass, harvest, or  
6 (~~(catch)~~) capture a fish or shellfish.

7 (65) "To hunt" and its derivatives means an effort to kill, injure,  
8 harass, harvest, or capture(~~(, or harass)~~) a wild animal or wild bird.

9 (66) "To process" and its derivatives mean preparing or preserving  
10 fish, wildlife, or shellfish.

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

13 (68) "To trap" and its derivatives means a method of hunting using  
14 devices to capture wild animals or wild birds.

15 (~~(+68)~~) (69) "To waste" or "to be wasted" means to allow any  
16 edible portion of any game bird, food fish, game fish, shellfish, or  
17 big game animal other than cougar to be rendered unfit for human  
18 consumption, or to fail to retrieve edible portions of such a game  
19 bird, food fish, game fish, shellfish, or big game animal other than  
20 cougar from the field. For purposes of this chapter, edible portions  
21 of game birds must include, at a minimum, the breast meat of those  
22 birds. Entrails, including the heart and liver, of any wildlife  
23 species are not considered edible.

24 (70) "Trafficking" means offering, attempting to engage, or  
25 engaging in sale, barter, or purchase of fish, shellfish, wildlife, or  
26 deleterious exotic wildlife.

27 (~~(+69)~~) (71) "Unclaimed" means that no owner of the property has  
28 been identified or has requested, in writing, the release of the  
29 property to themselves nor has the owner of the property designated an  
30 individual to receive the property or paid the required postage to  
31 effect delivery of the property.

32 (~~(+70)~~) (72) "Unclassified wildlife" means wildlife existing in  
33 Washington in a wild state that have not been classified as big game,  
34 game animals, game birds, predatory birds, protected wildlife,  
35 endangered wildlife, or deleterious exotic wildlife.

36 (73) "Unlisted aquatic animal species" means a nonnative animal  
37 species that has not been classified as a prohibited aquatic animal

1 species, a regulated aquatic animal species, or an unregulated aquatic  
2 animal species by the commission.

3 ~~((+71+))~~ (74) "Unregulated aquatic animal species" means a  
4 nonnative animal species that has been classified as an unregulated  
5 aquatic animal species by the commission.

6 ~~((+72+))~~ (75) "Wholesale fish dealer" means a person who, acting  
7 for commercial purposes, takes possession or ownership of fish or  
8 shellfish and sells, barter, or exchanges or attempts to sell, barter,  
9 or exchange fish or shellfish that have been landed into the state of  
10 Washington or entered the state of Washington in interstate or foreign  
11 commerce.

12 ~~((+73+))~~ (76) "Wild animals" means those species of the class  
13 Mammalia whose members exist in Washington in a wild state. The term  
14 "wild animal" does not include feral domestic mammals or old world rats  
15 and mice of the family Muridae of the order Rodentia.

16 ~~((+74+))~~ (77) "Wild birds" means those species of the class Aves  
17 whose members exist in Washington in a wild state.

18 ~~((+75+))~~ (78) "Wildlife" means all species of the animal kingdom  
19 whose members exist in Washington in a wild state. This includes but  
20 is not limited to mammals, birds, reptiles, amphibians, fish, and  
21 invertebrates. The term "wildlife" does not include feral domestic  
22 mammals, old world rats and mice of the family Muridae of the order  
23 Rodentia, or those fish, shellfish, and marine invertebrates classified  
24 as food fish or shellfish by the director. The term "wildlife"  
25 includes all stages of development and the bodily parts of wildlife  
26 members.

27 ~~((+76+))~~ (79) "Wildlife meat cutter" means a person who packs,  
28 cuts, processes, or stores wildlife for consumption for another for  
29 commercial purposes.

30 ~~((+77+))~~ (80) "Youth" means a person fifteen years old for fishing  
31 and under sixteen years old for hunting.

32 **Sec. 2.** RCW 77.08.075 and 2012 c 176 s 5 are each amended to read  
33 as follows:

34 For the purposes of this title or rules adopted under this title,  
35 "resident" means:

36 (1) A natural person who has maintained a permanent place of abode  
37 within the state for at least ninety days immediately preceding an

1 application for a license, has established by formal evidence an intent  
2 to continue residing within the state, is not licensed to hunt or fish  
3 as a resident in another state or country, and is not receiving  
4 resident benefits of another state or country.

5 (a) For purposes of this section, "permanent place of abode" means  
6 a residence in this state that a person maintains for personal use.

7 (b) A natural person can demonstrate that the person has maintained  
8 a permanent place of abode in Washington by showing that the person:

9 (i) Uses a Washington state address for federal income tax or state  
10 tax purposes;

11 (ii) Designates this state as the person's residence for obtaining  
12 eligibility to hold a public office or for judicial actions;

13 (iii) Is a registered voter in the state of Washington; or

14 (iv) Is a custodial parent with a child attending prekindergarten,  
15 kindergarten, elementary school, middle school, or high school in this  
16 state.

17 (c) A natural person can demonstrate the intent to continue  
18 residing within the state by showing that he or she:

19 (i) Has a valid Washington state driver's license; or

20 (ii) Has a valid Washington state identification card, if the  
21 person is not eligible for a Washington state driver's license; and

22 (iii) Has registered the person's vehicle or vehicles in Washington  
23 state;

24 (2) The spouse of a member of the United States armed forces if the  
25 member qualifies as a resident under subsection (1), (3), or (4) of  
26 this section, or a natural person age eighteen or younger who does not  
27 qualify as a resident under subsection (1) of this section, but who has  
28 a parent or legal guardian who qualifies as a resident under subsection  
29 (1), (3), or (4) of this section;

30 (3) A member of the United States armed forces temporarily  
31 stationed in Washington state on predeployment orders. A copy of the  
32 person's military orders is required to meet this condition;

33 (4) ((A)) An active duty, nonretired member of the United States  
34 armed forces who is permanently stationed in Washington ((state)) or  
35 who designates Washington ((state)) on ((their)) his or her military  
36 "state of legal residence certificate" or enlistment or re-enlistment  
37 documents. A copy of the person's "state of legal residence

1 certificate" or enlistment or re-enlistment documents is required to  
2 meet the conditions of this subsection.

3 **Sec. 3.** RCW 77.15.080 and 2012 c 176 s 9 are each amended to read  
4 as follows:

5 (1) Based upon articulable facts that a person is engaged in  
6 fishing, harvesting, or hunting activities, fish and wildlife officers  
7 and ex officio fish and wildlife officers have the authority to  
8 temporarily stop the person and check for valid licenses, tags,  
9 permits, stamps, or catch record cards, and to inspect all fish,  
10 shellfish, seaweed, and wildlife in possession as well as the equipment  
11 being used to ensure compliance with the requirements of this title.  
12 Fish and wildlife officers and ex officio fish and wildlife officers  
13 also may request that the person write his or her signature for  
14 comparison with the signature on his or her fishing, harvesting, or  
15 hunting license. Failure to comply with the request is prima facie  
16 evidence that the person is not the person named on the license. Fish  
17 and wildlife officers and ex officio fish and wildlife officers may  
18 require the person, if age sixteen or older, to exhibit a driver's  
19 license or other photo identification.

20 (2) Based upon articulable facts that a person is transporting a  
21 prohibited aquatic animal species or any aquatic plant, fish and  
22 wildlife officers and ex officio fish and wildlife officers have the  
23 authority to temporarily stop the person and inspect the watercraft to  
24 ensure that the watercraft and associated equipment are not  
25 transporting prohibited aquatic animal species or aquatic plants.

26 **Sec. 4.** RCW 77.15.100 and 2012 c 176 s 10 are each amended to read  
27 as follows:

28 (1) Fish, shellfish, and wildlife are property of the state under  
29 RCW 77.04.012. Fish and wildlife officers may sell seized,  
30 commercially (~~harvested~~) taken or possessed fish and shellfish to a  
31 wholesale buyer and deposit the proceeds into the fish and wildlife  
32 enforcement reward account under RCW 77.15.425. Seized, recreationally  
33 (~~harvested~~) taken or possessed fish, shellfish, and wildlife may be  
34 donated to nonprofit charitable organizations. The charitable  
35 organization must qualify for tax-exempt status under 26 U.S.C. Sec.  
36 501(c)(3) of the federal internal revenue code.

1 (2) Unless otherwise provided in this title, fish, shellfish, or  
2 wildlife taken(~~(7)~~) or possessed(~~(7-or-harvested)~~) in violation of this  
3 title or department rule shall be forfeited to the state upon  
4 conviction or any outcome in criminal court whereby a person  
5 voluntarily enters into a disposition that continues or defers the case  
6 for dismissal upon the successful completion of specific terms or  
7 conditions. For criminal cases resulting in other types of  
8 dispositions, the fish, shellfish, or wildlife may be returned, or its  
9 equivalent value paid, if the fish, shellfish, or wildlife have already  
10 been donated or sold.

11 **Sec. 5.** RCW 77.15.120 and 2000 c 107 s 236 are each amended to  
12 read as follows:

13 (1)(a) A person is guilty of unlawful taking of endangered fish or  
14 wildlife in the second degree if the person hunts, fishes, possesses,  
15 maliciously harasses, or kills fish or wildlife, or ((maliciously))  
16 knowingly destroys the ((nests-or)) eggs, active nests, or perennial  
17 nests of fish or wildlife, and the fish or wildlife is designated by  
18 the commission as endangered, and the taking has not been authorized by  
19 rule of the commission or a permit issued by a state or federal agency.

20 (b) For the purposes of this subsection:

21 (i) "Active nests" means nests that are attended by an adult or  
22 contain eggs or young.

23 (ii) "Perennial nests" means nests that are likely to be reused  
24 annually regardless of whether they are active or not.

25 (2) A person is guilty of unlawful taking of endangered fish or  
26 wildlife in the first degree if the person has been:

27 (a) Convicted under subsection (1) of this section or convicted of  
28 any crime under this title involving the ~~((killing, possessing,~~  
29 ~~harassing, or harming))~~ taking, possessing, or malicious harassment of  
30 endangered fish or wildlife; and

31 (b) Within five years of the date of the prior conviction the  
32 person commits the act described by subsection (1) of this section.

33 (3)(a) Unlawful taking of endangered fish or wildlife in the second  
34 degree is a gross misdemeanor.

35 (b) Unlawful taking of endangered fish or wildlife in the first  
36 degree is a class C felony. The department shall revoke any licenses

1 or tags used in connection with the crime and order the person's  
2 privileges to hunt, fish, trap, or obtain licenses under this title to  
3 be suspended for two years.

4 **Sec. 6.** RCW 77.15.130 and 2012 c 176 s 14 are each amended to read  
5 as follows:

6 (1)(a) A person is guilty of unlawful taking of protected fish or  
7 wildlife if:

8 (~~(a)~~) (i) The person hunts, fishes for, maliciously takes,  
9 harasses, or possesses(~~(, or maliciously kills protected)~~) fish or  
10 wildlife, or the person possesses or maliciously destroys the eggs or  
11 active nests of (~~protected~~) fish or wildlife(~~(,)~~) designated by the  
12 commission as protected, other than species designated as threatened or  
13 sensitive, and the taking has not been authorized by rule of the  
14 commission or a permit issued pursuant to RCW 77.12.240; (~~(or~~

15 ~~(b)~~) (ii) The person violates any rule of the commission regarding  
16 the taking, (~~(harming, harassment,)~~) harassing, or possession(~~(, or~~  
17 ~~transport)~~) of protected fish or wildlife; or

18 (iii) The person hunts, fishes for, intentionally takes, harasses,  
19 or possesses fish or wildlife, or the person possesses or intentionally  
20 destroys the eggs, active nests, or perennial nests of fish or wildlife  
21 designated by the commission as threatened or sensitive, and the taking  
22 has not been authorized by rule of the commission or a permit issued by  
23 a state or federal agency.

24 (b) For the purposes of this subsection:

25 (i) "Active nests" means nests that are attended by an adult or  
26 contain eggs or young.

27 (ii) "Perennial nests" means nests that are likely to be reused  
28 annually regardless of whether they are active or not.

29 (2) Unlawful taking of protected fish or wildlife is a misdemeanor.

30 (3) In addition to the penalties set forth in subsection (2) of  
31 this section, if a person is convicted of violating this section and  
32 the violation results in the death of protected wildlife listed in this  
33 subsection, the court shall require payment of the following amounts  
34 for each animal (~~(killed)~~) taken or possessed. This is a criminal  
35 wildlife penalty assessment that must be paid to the clerk of the court  
36 and distributed each month to the state treasurer for deposit in the  
37 fish and wildlife enforcement reward account created in RCW 77.15.425:

- 1 (a) Ferruginous hawk, two thousand dollars;
- 2 (b) Common loon, two thousand dollars;
- 3 (c) Bald eagle, two thousand dollars;
- 4 (d) Golden eagle, two thousand dollars; and
- 5 (e) Peregrine falcon, two thousand dollars.

6 (4) If two or more persons are convicted under subsection (1) of  
7 this section, and subsection (3) of this section is applicable, the  
8 criminal wildlife penalty assessment must be imposed against the  
9 persons jointly and (~~separately~~) severally.

10 (5)(a) The criminal wildlife penalty assessment under subsection  
11 (3) of this section must be imposed regardless of and in addition to  
12 any sentence, fines, or costs otherwise provided for violating any  
13 provision of this section. The criminal wildlife penalty assessment  
14 must be included by the court in any pronouncement of sentence and may  
15 not be suspended, waived, modified, or deferred in any respect.

16 (b) This subsection may not be construed to abridge or alter  
17 alternative rights of action or remedies in equity or under common law  
18 or statutory law, criminal or civil.

19 (6) A defaulted criminal wildlife penalty assessment authorized  
20 under subsection (3) of this section may be collected by any means  
21 authorized by law for the enforcement of orders of the court or  
22 collection of a fine or costs, including but not limited to vacation of  
23 a deferral of sentencing or vacation of a suspension of sentence.

24 (7) The department shall revoke the hunting license and suspend the  
25 hunting privileges of a person assessed a criminal wildlife penalty  
26 assessment under this section until the penalty assessment is paid  
27 through the registry of the court in which the penalty assessment was  
28 assessed.

29 (8) The criminal wildlife penalty assessments provided in  
30 subsection (3) of this section must be doubled in the following  
31 instances:

32 (a) When a person commits a violation that requires payment of a  
33 criminal wildlife penalty assessment within five years of a prior gross  
34 misdemeanor or felony conviction under this title; or

35 (b) When the trier of fact determines that the person (~~killed~~)  
36 took or possessed the protected wildlife in question with the intent of  
37 bartering, selling, or otherwise deriving economic profit from the  
38 wildlife or wildlife parts.

1       **Sec. 7.** RCW 77.15.160 and 2013 c 307 s 2 are each amended to read  
2 as follows:

3       The following acts are infractions and must be cited and punished  
4 as provided under chapter 7.84 RCW:

5       (1) Fishing and shellfishing infractions:

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

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

11       (c) Catch reporting: Failing to return a catch record card to the  
12 department for other than Puget Sound Dungeness crab, as required by  
13 department rule.

14       (d) Recreational fishing: Fishing for fish or shellfish (~~and~~),  
15 without yet possessing fish or shellfish, the person:

16       (i) Owns, but fails to have in the person's possession, the license  
17 or the catch record card required by chapter 77.32 RCW for such an  
18 activity; or

19       (ii) Violates any department rule regarding seasons, closed areas,  
20 closed times, or any other rule addressing the manner or method of  
21 fishing for fish or shellfish. This subsection does not apply to use  
22 of a net to take fish under RCW 77.15.580 or the unlawful use of  
23 shellfish gear for personal use under RCW 77.15.382.

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

26       (i) While owning, but not having in the person's possession, the  
27 license required by chapter 77.32 RCW; or

28       (ii) In violation of any rule of the department or the department  
29 of natural resources regarding seasons, closed areas, closed times, or  
30 any other rule addressing the manner or method of taking(~~(,)~~) or  
31 possessing(~~(, or harvesting of)~~) seaweed.

32       (f) Unclassified fish or shellfish: Fishing for or taking  
33 unclassified fish or shellfish in violation of (~~(any department rule by~~  
34 ~~killing, fishing, taking, holding, possessing, or maliciously injuring~~  
35 ~~or harming fish or shellfish that is not classified as game fish, food~~  
36 ~~fish, shellfish, protected fish, or endangered fish)~~) this title or  
37 department rule.

1 (g) Wasting fish or shellfish: ~~((Killing<sub>7</sub>))~~ Taking((<sub>7</sub>)) or  
2 possessing food fish, game fish, or shellfish having a value of less  
3 than two hundred fifty dollars and recklessly allowing the fish or  
4 shellfish to be wasted.

5 (2) Hunting infractions:

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

11 (b) Unclassified wildlife: Hunting for, harassing, or taking  
12 unclassified wildlife in violation of ~~((any department rule by killing,~~  
13 ~~hunting, taking, holding, possessing, or maliciously injuring or~~  
14 ~~harming wildlife that is not classified as big game, game animals, game~~  
15 ~~birds, protected wildlife, or endangered wildlife))~~ this title or  
16 department rule.

17 (c) Wasting wildlife: ~~((Killing<sub>7</sub>))~~ Taking((<sub>7</sub>)) or possessing  
18 wildlife ~~((that is not))~~ classified as ~~((big))~~ game birds and ~~((has))~~  
19 having a value of less than two hundred fifty dollars, and recklessly  
20 allowing the ~~((wildlife))~~ game birds to be wasted.

21 (d) Wild animals: Hunting for wild animals not classified as big  
22 game or threatened or endangered and, without yet possessing the wild  
23 animals, the person owns, but fails to have in the person's possession,  
24 all licenses, tags, or permits required by this title.

25 (e) Wild birds: Hunting for and, without yet possessing a wild  
26 bird or birds, the person:

27 (i) Owns, but fails to have in the person's possession, all  
28 licenses, tags, stamps, and permits required under this title; or

29 (ii) Violates any department rule regarding seasons, closed areas,  
30 closed times, or any other rule addressing the manner or method of  
31 hunting wild birds.

32 (3) Trapping, taxidermy, fur dealing, ~~((and))~~ wildlife meat  
33 cutting, and wildlife rehabilitator infractions:

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

37 (i) Maintain records as required by department rule; or

1 (ii) Report information from these records as required by  
2 department rule.

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

5 (c) Wildlife rehabilitator's recordkeeping and reporting: If a  
6 person is a primary permittee or a subpermittee on a wildlife  
7 rehabilitation permit issued by the department, failing to:

8 (i) Maintain records as required by department rule; or

9 (ii) Report information from these records as required by  
10 department rule.

11 (4) Aquatic invasive species infraction: Entering Washington by  
12 road and transporting a recreational or commercial watercraft that has  
13 been used outside of Washington without meeting documentation  
14 requirements as provided under RCW 77.12.879.

15 (5) Other infractions:

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

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

21 (c) Posting signs: Posting signs preventing hunting or fishing on  
22 any land not owned or leased by the person doing the posting, or  
23 without the permission of the person who owns, leases, or controls the  
24 land posted.

25 (d) Scientific permits: Using a scientific permit issued by the  
26 director for fish, shellfish, or wildlife, but not including big game  
27 or big game parts, and the person:

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

29 (ii) Violates any department rule applicable to the issuance or use  
30 of scientific permits.

31 (e) Transporting aquatic plants: Unlawfully transporting aquatic  
32 plants on any state or public road, including forest roads. However:

33 (i) This subsection does not apply to plants that are:

34 (A) Being transported to the department or to another destination  
35 designated by the director, in a manner designated by the department,  
36 for purposes of identifying a species or reporting the presence of a  
37 species;

1 (B) Legally obtained for aquarium use, wetland or lakeshore  
2 restoration, or ornamental purposes;

3 (C) Located within or on a commercial aquatic plant harvester that  
4 is being transported to a suitable location to remove aquatic plants;

5 (D) Being transported in a manner that prevents their unintentional  
6 dispersal, to a suitable location for disposal, research, or  
7 educational purposes; or

8 (E) Being transported in such a way as the commission may otherwise  
9 prescribe; and

10 (ii) This subsection does not apply to a person who:

11 (A) Is stopped at an aquatic invasive species check station and  
12 possesses a recreational or commercial watercraft that is contaminated  
13 with an aquatic invasive plant species if that person complies with all  
14 department directives for the proper decontamination of the watercraft  
15 and equipment; or

16 (B) Has voluntarily submitted a recreational or commercial  
17 watercraft for inspection by the department or its designee and has  
18 received a receipt verifying that the watercraft has not been  
19 contaminated since its last use.

20 **Sec. 8.** RCW 77.15.170 and 2012 c 176 s 16 are each amended to read  
21 as follows:

22 (1) A person is guilty of waste of fish and wildlife if the person:

23 (a) (~~The person kills,~~) Takes(~~(,)~~) or possesses wildlife  
24 classified as food fish, game fish, shellfish, or ((wildlife)) game  
25 birds having a value of two hundred fifty dollars or more, or wildlife  
26 classified as big game; and

27 (b) (~~The person~~) Recklessly allows such fish, shellfish, or  
28 wildlife to be wasted.

29 (2) Waste of fish and wildlife is a gross misdemeanor. Upon  
30 conviction, the department shall revoke any license or tag used in the  
31 crime and shall order suspension of the person's privileges to engage  
32 in the activity in which the person committed waste of fish and  
33 wildlife for a period of one year.

34 (3) It is prima facie evidence of waste if:

35 (a) A processor purchases or engages a quantity of food fish,  
36 shellfish, or game fish that cannot be processed within sixty hours

1 after the food fish, game fish, or shellfish are taken from the water,  
2 unless the food fish, game fish, or shellfish are preserved in good  
3 marketable condition; or

4 (b) A person brings a big game animal to a wildlife meat cutter and  
5 then abandons the animal. For purposes of this subsection (3)(b), a  
6 big game animal is deemed to be abandoned when its carcass is placed in  
7 the custody of a wildlife meat cutter for butchering and processing  
8 and:

9 (i) Having been placed in such custody for an unspecified period of  
10 time, the meat is not removed within thirty days after the wildlife  
11 meat cutter gives notice to the person who brought in the carcass or,  
12 having been so notified, the person who brought in the carcass refuses  
13 or fails to pay the agreed upon or reasonable charges for the  
14 butchering or processing of the carcass; or

15 (ii) Having been placed in such custody for a specified period of  
16 time, the meat is not removed at the end of the specified period or the  
17 person who brought in the carcass refuses to pay the agreed upon or  
18 reasonable charges for the butchering or processing of the carcass.

19 **Sec. 9.** RCW 77.15.180 and 2001 c 253 s 29 are each amended to read  
20 as follows:

21 (1) A person is guilty of unlawful interference with fishing or  
22 hunting gear in the second degree if the person:

23 (a) (~~Takes~~) Removes or releases a wild animal from another  
24 person's trap without permission;

25 (b) Springs, pulls up, damages, possesses, or destroys another  
26 person's trap without the owner's permission; or

27 (c) Interferes with recreational gear used to take fish or  
28 shellfish.

29 (2) Unlawful interference with fishing or hunting gear in the  
30 second degree is a misdemeanor.

31 (3) A person is guilty of unlawful interference with fishing or  
32 hunting gear in the first degree if the person:

33 (a) (~~Takes~~) Removes or releases fish or shellfish from commercial  
34 fishing gear without the owner's permission; or

35 (b) Intentionally destroys or interferes with commercial fishing  
36 gear.

1 (4) Unlawful interference with fishing or hunting gear in the first  
2 degree is a gross misdemeanor.

3 (5) A person is not in violation of unlawful interference with  
4 fishing or hunting gear if the person removes a trap placed on property  
5 owned, leased, or rented by the person.

6 **Sec. 10.** RCW 77.15.190 and 2012 c 176 s 17 are each amended to  
7 read as follows:

8 (1) A person is guilty of unlawful trapping if the person:

9 (a) Sets out traps that are capable of taking wild animals, wild  
10 birds, game animals, or furbearing mammals and does not possess ~~((all))~~  
11 the licenses, tags, or permits required under this title;

12 (b) Violates any department rule regarding seasons, bag, or  
13 possession limits, closed areas including game reserves, closed times,  
14 or any other rule governing the trapping of wild animals or wild birds,  
15 with the exception of reporting rules; or

16 (c) Fails to identify the owner of the traps or devices by neither  
17 (i) attaching a metal tag with the owner's department-assigned  
18 identification number or the name and address of the trapper legibly  
19 written in numbers or letters not less than one-eighth inch in height  
20 nor (ii) inscribing into the metal of the trap such number or name and  
21 address.

22 (2) Unlawful trapping is a misdemeanor.

23 **Sec. 11.** RCW 77.15.240 and 2012 c 176 s 18 are each amended to  
24 read as follows:

25 (1)~~(a)~~ A person is guilty of unlawful use of dogs if the person:

26 ~~((+a))~~ (i) Negligently fails to prevent a dog under the person's  
27 control from pursuing, harassing, attacking, or killing deer, elk,  
28 moose, caribou, mountain sheep, or animals classified as endangered  
29 under this title; or

30 ~~((+b))~~ (ii) Uses the dog to hunt deer or elk.

31 ~~((+2))~~ (b) For the purposes of this subsection, a dog is "under a  
32 person's control" if the dog is owned or possessed by, or in the  
33 custody of, a person.

34 ~~((+3))~~ (2) Unlawful use of dogs is a misdemeanor.

35 ~~((+4))~~ (3)(a) Based on a reasonable belief that a dog is pursuing,  
36 harassing, attacking, or killing a ~~((snow-bound))~~ deer, elk, moose,

1 caribou, mountain sheep, or animals classified as protected or  
2 endangered under this title, fish and wildlife officers and ex officio  
3 fish and wildlife officers may:

4 (i) Lawfully take a dog into custody; or

5 (ii) If necessary to avoid repeated harassment, injury, or death of  
6 wildlife under this section, destroy the dog.

7 (b) Fish and wildlife officers and ex officio fish and wildlife  
8 officers who destroy a dog pursuant to this section are immune from  
9 civil or criminal liability arising from their actions.

10 (4)(a) This section does not apply to a person using a dog to  
11 conduct a department-approved and controlled hazing activity.

12 (b) For the purposes of this subsection, "hazing" means the act of  
13 chasing or herding wildlife in an effort to move them from one location  
14 to another.

15 **Sec. 12.** RCW 77.15.250 and 2001 c 253 s 32 are each amended to  
16 read as follows:

17 (1)(a) A person is guilty of unlawfully releasing, planting,  
18 possessing, or placing fish, shellfish, or wildlife if the person  
19 knowingly releases, plants, possesses, or places live fish, shellfish,  
20 wildlife, or aquatic plants within the state in violation of this title  
21 or rule of the department, and the fish, shellfish, or wildlife have  
22 not been classified as deleterious wildlife. This subsection does not  
23 apply to a release of game fish into private waters for which a game  
24 fish stocking permit has been obtained, or the planting of fish or  
25 shellfish by permit of the commission.

26 (b) A violation of this subsection is a gross misdemeanor. In  
27 addition, the department shall order the person to pay all costs the  
28 department incurred in capturing, killing, or controlling the fish,  
29 shellfish, aquatic plants, ~~((or wildlife released or its progeny))~~  
30 wildlife, or progeny unlawfully released, planted, possessed, or  
31 placed. This does not affect the existing authority of the department  
32 to bring a separate civil action to recover costs of capturing,  
33 killing, or controlling the fish, shellfish, aquatic plants, ~~((or))~~  
34 wildlife ~~((released or their progeny, or restoration of habitat~~  
35 ~~necessitated by the unlawful release)), or progeny unlawfully released,~~  
36 planted, possessed, or placed, or the costs of habitat restoration  
37 necessitated by the unlawful release, planting, possession, or placing.

1 (2)(a) A person is guilty of (~~unlawful release of~~) unlawfully  
2 releasing, planting, possessing, or placing deleterious exotic wildlife  
3 if the person knowingly releases, plants, possesses, or places live  
4 fish, shellfish, or wildlife within the state in violation of this  
5 title or rule of the department, and (~~such~~) the fish, shellfish, or  
6 wildlife (~~has~~) have been classified as deleterious exotic wildlife by  
7 rule of the commission.

8 (b) A violation of this subsection is a class C felony. In  
9 addition, the department shall (~~also~~) order the person to pay all  
10 costs the department incurred in capturing, killing, or controlling the  
11 fish, shellfish, (~~or~~) wildlife (~~released or its progeny~~), or  
12 progeny unlawfully released, planted, possessed, or placed. This does  
13 not affect the existing authority of the department to bring a separate  
14 civil action to recover costs of capturing, killing, or controlling the  
15 fish, shellfish, (~~or wildlife released or their progeny, or~~  
16 ~~restoration of habitat necessitated by the unlawful release~~) wildlife,  
17 or progeny unlawfully released, planted, possessed, or placed, or the  
18 costs of habitat restoration necessitated by the unlawful release,  
19 planting, possession, or placing.

20 **Sec. 13.** RCW 77.15.370 and 2012 c 176 s 22 are each amended to  
21 read as follows:

22 (1) A person is guilty of unlawful recreational fishing in the  
23 first degree if:

24 (a) The person takes(~~or~~) or possesses(~~or retains~~) two times or  
25 more than the bag limit or possession limit of fish or shellfish  
26 allowed by any rule of the director or commission setting the amount of  
27 food fish, game fish, or shellfish that can be taken(~~or~~) or  
28 possessed(~~or retained~~) for noncommercial use;

29 (b) The person fishes in a fishway;

30 (c) The person shoots, gaffs, snags, snares, spears, dipnets, or  
31 stones fish or shellfish in state waters, or possesses fish or  
32 shellfish taken by such means, unless such means are authorized by  
33 express department rule;

34 (d) The person fishes for or possesses a fish listed as threatened  
35 or endangered in 50 C.F.R. Sec. 223.102 (2006) or Sec. 224.101 (2010),  
36 unless fishing for (~~or possession of~~) or possessing such fish is  
37 specifically allowed under federal or state law;

1 (e) The person takes or possesses a white sturgeon measuring in  
2 excess of the maximum size limit as established by rules adopted by the  
3 department; (~~(or)~~)

4 (~~(f) ((The person possesses a salmon or steelhead during a season~~  
5 ~~closed for that species))~~ The person possesses a green sturgeon of any  
6 size; or

7 (g)(i) The person possesses a wild salmon or wild steelhead during  
8 a season closed for wild salmon or wild steelhead.

9 (ii) For the purposes of this subsection:

10 (A) "Wild salmon" means a salmon with an unclipped adipose fin,  
11 regardless of whether the salmon's ventral fin is clipped.

12 (B) "Wild steelhead" means a steelhead with no fins clipped.

13 (2) Unlawful recreational fishing in the first degree is a gross  
14 misdemeanor.

15 (3) In addition to the penalties set forth in subsection (2) of  
16 this section, if a person is convicted of violating this section and  
17 the violation results in the death of fish listed in this subsection,  
18 the court shall require payment of the following amounts for each fish  
19 taken or possessed. This is a criminal wildlife penalty assessment  
20 that must be paid to the clerk of the court and distributed each month  
21 to the state treasurer for deposit in the fish and wildlife enforcement  
22 reward account created in RCW 77.15.425:

23 (a) White sturgeon longer than fifty-five inches in fork length,  
24 two thousand dollars;

25 (b) Green sturgeon, two thousand dollars; and

26 (c) Wild salmon or wild steelhead, five hundred dollars.

27 (4) If two or more persons are convicted under subsection (1) of  
28 this section, and subsection (3) of this section is applicable, the  
29 criminal wildlife penalty assessment must be imposed against the  
30 persons jointly and severally.

31 (5)(a) The criminal wildlife penalty assessment under subsection  
32 (3) of this section must be imposed regardless of and in addition to  
33 any sentence, fines, or costs otherwise provided for violating any  
34 provision of this section. The criminal wildlife penalty assessment  
35 must be included by the court in any pronouncement of sentence and may  
36 not be suspended, waived, modified, or deferred in any respect.

37 (b) This subsection may not be construed to abridge or alter

1 alternative rights of action or remedies in equity or under common law  
2 or statutory law, criminal or civil.

3 (6) A defaulted criminal wildlife penalty assessment authorized  
4 under subsection (3) of this section may be collected by any means  
5 authorized by law for the enforcement of orders of the court or  
6 collection of a fine or costs, including but not limited to vacation of  
7 a deferral of sentencing or vacation of a suspension of sentence.

8 (7) The department shall revoke the fishing license and suspend the  
9 fishing privileges of a person assessed a criminal wildlife penalty  
10 assessment under this section until the penalty assessment is paid  
11 through the registry of the court in which the penalty assessment was  
12 assessed.

13 (8) The criminal wildlife penalty assessments provided in  
14 subsection (3) of this section must be doubled in the following  
15 instances:

16 (a) When a person commits a violation that requires payment of a  
17 criminal wildlife penalty assessment within five years of a prior gross  
18 misdemeanor or felony conviction under this title; or

19 (b) When the trier of fact determines that the person took or  
20 possessed the fish in question with the intent of bartering, selling,  
21 or otherwise deriving economic profit from the fish or fish parts.

22 **Sec. 14.** RCW 77.15.380 and 2012 c 176 s 23 are each amended to  
23 read as follows:

24 (1) A person is guilty of unlawful recreational fishing in the  
25 second degree if the person fishes for fish or shellfish and, whether  
26 or not the person possesses fish or shellfish, the person has not  
27 purchased the appropriate fishing or shellfishing license and catch  
28 record card issued to Washington residents or nonresidents under  
29 chapter 77.32 RCW.

30 (2) A person is guilty of unlawful recreational fishing in the  
31 second degree if the person takes(~~(7)~~) or possesses(~~(7 or harvests)~~)  
32 fish or shellfish and:

33 (a) The person owns, but does not have in the person's possession,  
34 the license or the catch record card required by chapter 77.32 RCW for  
35 such activity; or

36 (b) The action violates any department rule regarding seasons, bag  
37 or possession limits but less than two times the bag or possession

1 limit, closed areas, closed times, or any other rule addressing the  
2 manner or method of fishing for, taking, or (~~possession-of~~)  
3 possessing fish or shellfish. This section does not apply to use of a  
4 net to take fish under RCW 77.15.580 or the unlawful use of shellfish  
5 gear for personal use under RCW 77.15.382.

6 (3) Unlawful recreational fishing in the second degree is a  
7 misdemeanor.

8 **Sec. 15.** RCW 77.15.390 and 2012 c 176 s 24 are each amended to  
9 read as follows:

10 (1) A person is guilty of unlawful taking of seaweed if the person  
11 takes(~~( $\tau$ )~~) or possesses(~~( $\tau$ -or-harvests)~~) seaweed and:

12 (a) The person has not purchased a personal use shellfish and  
13 seaweed license issued to Washington residents or nonresidents under  
14 chapter 77.32 RCW; or

15 (b) The person takes(~~( $\tau$ )~~) or possesses(~~( $\tau$ -or-harvests)~~) seaweed in  
16 an amount that is two times or more of the daily possession limit of  
17 seaweed.

18 (2) Unlawful taking of seaweed is a misdemeanor. This does not  
19 affect rights of the state to recover civilly for trespass, conversion,  
20 or theft of state-owned valuable materials.

21 **Sec. 16.** RCW 77.15.420 and 2005 c 406 s 5 are each amended to read  
22 as follows:

23 (1) If a person is convicted of violating RCW 77.15.410 and that  
24 violation results in the death of wildlife listed in this section, the  
25 court shall require payment of the following amounts for each animal  
26 (~~(killed)~~) taken or possessed. This shall be a criminal wildlife  
27 penalty assessment that shall be paid to the clerk of the court and  
28 distributed each month to the state treasurer for deposit in the fish  
29 and wildlife enforcement reward account created in RCW 77.15.425.

1	(a)	Moose, mountain sheep, mountain	
2		goat, and all wildlife species	
3		classified as endangered by rule	
4		of the commission, except for	
5		mountain caribou and grizzly	
6		bear as listed under (d) of this	
7		subsection.....	\$4,000
8	(b)	Elk, deer, black bear, and cougar....	\$2,000
9	(c)	Trophy animal elk and deer.....	\$6,000
10	(d)	Mountain caribou, grizzly bear, and	
11		trophy animal mountain sheep.....	\$12,000

12       (2) ~~((No forfeiture of bail may be less than the amount of the bail~~  
13 ~~established for hunting during closed season plus the amount of the~~  
14 ~~criminal wildlife penalty assessment in subsection (1) of this section.~~

15       ~~(3))~~ (a) For the purpose of this section a "trophy animal" is:  
16       ~~((a))~~ (i) A buck deer with four or more antler points on both  
17 sides, not including eyeguards;  
18       ~~((b))~~ (ii) A bull elk with five or more antler points on both  
19 sides, not including eyeguards; or  
20       ~~((c))~~ (iii) A mountain sheep with a horn curl of three-quarter  
21 curl or greater.

22       (b) For purposes of this subsection, "eyeguard" means an antler  
23 protrusion on the main beam of the antler closest to the eye of the  
24 animal.

25       ~~((4))~~ (3) If two or more persons are convicted of illegally  
26 possessing wildlife in subsection (1) of this section, the criminal  
27 wildlife penalty assessment shall be imposed on them jointly and  
28 ~~((separately))~~ severally.

29       ~~((5))~~ (4) The criminal wildlife penalty assessment shall be  
30 imposed regardless of and in addition to any sentence, fines, or costs  
31 otherwise provided for violating any provision of this title. The  
32 criminal wildlife penalty assessment shall be included by the court in  
33 any pronouncement of sentence and may not be suspended, waived,  
34 modified, or deferred in any respect. This section may not be  
35 construed to abridge or alter alternative rights of action or remedies  
36 in equity or under common law or statutory law, criminal or civil.

1        ~~((+6))~~ (5) A defaulted criminal wildlife penalty assessment may be  
2 collected by any means authorized by law for the enforcement of orders  
3 of the court or collection of a fine or costs, including but not  
4 limited to vacation of a deferral of sentencing or vacation of a  
5 suspension of sentence.

6        ~~((+7))~~ (6) A person assessed a criminal wildlife penalty  
7 assessment under this section shall have his or her hunting license  
8 revoked and all hunting privileges suspended until the penalty  
9 assessment is paid through the registry of the court in which the  
10 penalty assessment was assessed.

11        ~~((+8))~~ (7) The criminal wildlife penalty assessments provided in  
12 subsection (1) of this section shall be doubled in the following  
13 instances:

14        (a) When a person is convicted of spotlighting big game under RCW  
15 77.15.450;

16        (b) When a person commits a violation that requires payment of a  
17 wildlife penalty assessment within five years of a prior gross  
18 misdemeanor or felony conviction under this title;

19        (c) When the trier of fact determines that the person ~~((killed))~~  
20 took or possessed the animal in question with the intent of bartering,  
21 selling, or otherwise deriving economic profit from the animal or the  
22 animal's parts; or

23        (d) When ~~((a))~~ the trier of fact determines that the person  
24 ~~((kills))~~ took the animal under the supervision of a licensed guide.

25        **Sec. 17.** RCW 77.15.425 and 2009 c 333 s 18 are each amended to  
26 read as follows:

27        The fish and wildlife enforcement reward account is created in the  
28 custody of the state treasurer. Deposits to the account include:  
29 Receipts from fish and shellfish overages as a result of a department  
30 enforcement action; fees for hunter education deferral applications;  
31 fees for master hunter applications and master hunter certification  
32 renewals; all receipts from criminal wildlife penalty assessments under  
33 RCW 77.15.370, 77.15.400, and 77.15.420; all receipts of court-ordered  
34 restitution or donations associated with any fish, shellfish, or  
35 wildlife enforcement action; and proceeds from forfeitures and evidence  
36 pursuant to RCW 77.15.070 and 77.15.100. The department may accept  
37 money or personal property from persons under conditions requiring the

1 property or money to be used consistent with the intent of expenditures  
2 from the fish and wildlife enforcement reward account. Expenditures  
3 from the account may be used only for investigation and prosecution of  
4 fish and wildlife offenses, to provide rewards to persons informing the  
5 department about violations of this title and rules adopted under this  
6 title, to offset department-approved costs incurred to administer the  
7 hunter education deferral program and the master hunter (~~(permit)~~)  
8 permit program, and for other valid enforcement uses as determined by  
9 the commission. Only the director or the director's designee may  
10 authorize expenditures from the account. The account is subject to  
11 allotment procedures under chapter 43.88 RCW, but an appropriation is  
12 not required for expenditures.

13 **Sec. 18.** RCW 77.15.460 and 2012 c 176 s 28 are each amended to  
14 read as follows:

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

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

21 (b) The rifle or shotgun contains shells or cartridges in the  
22 magazine or chamber, or is a muzzle-loading firearm that is loaded and  
23 capped or primed.

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

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

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

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

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

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

35 (b) Possesses a disabled hunter's permit as provided by RCW  
36 77.32.237 and complies with all rules of the department concerning  
37 hunting by persons with disabilities; or

1 (c) Discharges the rifle or shotgun from upon a nonmoving motor  
2 vehicle (~~(or a nonmoving off-road vehicle)~~), as long as the engine is  
3 turned off and the motor vehicle (~~(or off-road vehicle)~~) is not parked  
4 on or beside the maintained portion of a public road, except as  
5 authorized by the commission by rule. This subsection (4)(c) does not  
6 apply to off-road vehicles, which are unlawful to use for hunting under  
7 RCW 46.09.480, unless the person has a department permit issued under  
8 RCW 77.32.237.

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

12 **Sec. 19.** RCW 77.15.470 and 2000 c 107 s 246 are each amended to  
13 read as follows:

14 (1) A person is guilty of unlawfully avoiding wildlife check  
15 stations or field inspections if the person fails to:

16 (a) Obey check station signs;

17 (b) Stop and report at a check station if directed to do so by a  
18 uniformed fish and wildlife officer or if directed by an ex officio  
19 fish and wildlife officer participating in a department-authorized  
20 check station; or

21 (c) Produce for inspection upon request by a fish and wildlife  
22 officer or ex officio fish and wildlife officer: (i) Hunting or  
23 fishing equipment; (ii) seaweed, fish, shellfish, or wildlife; or (iii)  
24 licenses, permits, tags, stamps, or catch record cards required by this  
25 title.

26 (2) Unlawfully avoiding wildlife check stations or field  
27 inspections is a gross misdemeanor.

28 (3) Wildlife check stations may not be established upon interstate  
29 highways or state routes.

30 **Sec. 20.** RCW 77.15.480 and 2001 c 253 s 42 are each amended to  
31 read as follows:

32 Articles or devices unlawfully used, possessed, or maintained for  
33 (~~(catching,)~~) taking, (~~(killing,)~~) harassing, attracting, or decoying  
34 wildlife, fish, and shellfish are public nuisances. If necessary, fish  
35 and wildlife officers and ex officio fish and wildlife officers may

1 seize, abate, or destroy these public nuisances without warrant or  
2 process.

3 **Sec. 21.** RCW 77.15.630 and 2012 c 176 s 31 are each amended to  
4 read as follows:

5 (1) A person (~~who acts in the capacity of a wholesale fish dealer,~~  
6 ~~anadromous game fish buyer, or a fish buyer is guilty of unlawful fish~~  
7 ~~and shellfish catch accounting in the second degree if the person:~~

8 ~~(a) Possesses or receives fish or shellfish for commercial purposes~~  
9 ~~worth less than two hundred fifty dollars; and~~

10 ~~(b))~~ licensed as a commercial fisher, wholesale fish dealer,  
11 direct retail seller, anadromous game fish buyer, or a fish buyer, or  
12 a person not so licensed but acting in such a capacity, is guilty of  
13 unlawful fish and shellfish catch accounting in the second degree if he  
14 or she receives or delivers for commercial purposes fish or shellfish  
15 worth less than two hundred fifty dollars; and

16 (a) Fails to document such fish or shellfish with a fish-receiving  
17 ticket or other documentation required by statute or department rule;  
18 ~~((or~~

19 ~~(e)))~~ (b) Fails to sign the fish receiving ticket or other required  
20 documentation, fails to provide all of the information required by  
21 statute or department rule on the fish receiving ticket or other  
22 documentation, or both; or

23 (c) Fails to submit the fish receiving ticket to the department as  
24 required by statute or department rule.

25 (2) A person is guilty of unlawful fish and shellfish catch  
26 accounting in the first degree if the person commits ~~((the))~~ an act  
27 described by subsection (1) of this section and:

28 (a) The violation involves fish or shellfish worth two hundred  
29 fifty dollars or more;

30 (b) The person acted with knowledge that the fish or shellfish were  
31 taken from a closed area, at a closed time, or by a person not licensed  
32 to take such fish or shellfish for commercial purposes; or

33 (c) The person acted with knowledge that the fish or shellfish were  
34 taken in violation of any tribal law.

35 (3)(a) Unlawful fish and shellfish catch accounting in the second  
36 degree is a gross misdemeanor.

1 (b) Unlawful fish and shellfish catch accounting in the first  
2 degree is a class C felony. Upon conviction, the department shall  
3 suspend all privileges to engage in fish buying or dealing for two  
4 years.

5 (4) For the purposes of this section:

6 (a) A person "receives" fish or shellfish when title or control of  
7 the fish or shellfish is transferred or conveyed to the person.

8 (b) A person "delivers" fish or shellfish when title or control of  
9 the fish or shellfish is transferred or conveyed from the person.

10 **Sec. 22.** RCW 77.15.740 and 2012 c 176 s 37 are each amended to  
11 read as follows:

12 (1) Except as provided in subsection (2) of this section, it is  
13 unlawful to:

14 (a) Cause a vessel or other object to approach, in any manner,  
15 within two hundred yards of a southern resident orca whale;

16 (b) Position a vessel to be in the path of a southern resident orca  
17 whale at any point located within four hundred yards of the whale.  
18 This includes intercepting a southern resident orca whale by  
19 positioning a vessel so that the prevailing wind or water current  
20 carries the vessel into the path of the whale at any point located  
21 within four hundred yards of the whale;

22 (c) Fail to disengage the transmission of a vessel that is within  
23 two hundred yards of a southern resident orca whale; or

24 (d) Feed a southern resident orca whale.

25 (2) A person is exempt from subsection (1) of this section if that  
26 person is:

27 (a) Operating a federal government vessel in the course of his or  
28 her official duties, or operating a state, tribal, or local government  
29 vessel when engaged in official duties involving law enforcement,  
30 search and rescue, or public safety;

31 (b) Operating a vessel in conjunction with a vessel traffic service  
32 established under 33 C.F.R. and following a traffic separation scheme,  
33 or complying with a vessel traffic service measure of direction. This  
34 also includes support vessels escorting ships in the traffic lanes,  
35 such as tug boats;

36 (c) Engaging in an activity, including scientific research,

1 pursuant to a permit or other authorization from the national marine  
2 fisheries service and the department;

3 (d) Lawfully engaging in a treaty Indian or commercial fishery that  
4 is actively setting, retrieving, or closely tending fishing gear;

5 (e) Conducting vessel operations necessary to avoid an imminent and  
6 serious threat to a person, vessel, or the environment, including when  
7 necessary for overall safety of navigation and to comply with state and  
8 federal navigation requirements; or

9 (f) Engaging in rescue or clean-up efforts of a beached southern  
10 resident orca whale overseen, coordinated, or authorized by a volunteer  
11 stranding network.

12 (3) For the purpose of this section, "vessel" includes aircraft(~~(~~  
13 ~~canoes, fishing vessels, kayaks, personal watercraft, rafts,~~  
14 ~~recreational vessels, tour boats, whale watching boats, vessels engaged~~  
15 ~~in whale watching activities, or other small craft including power~~  
16 ~~boats and sailboats)) while on the surface of the water, and every  
17 description of watercraft on the water that is used or capable of being  
18 used as a means of transportation on the water. However, "vessel" does  
19 not include inner tubes, air mattresses, sailboards, and small rafts,  
20 or flotation devices or toys customarily used by swimmers.~~

21 (4)(a) A violation of this section is a natural resource infraction  
22 punishable under chapter 7.84 RCW and carries a fine of five hundred  
23 dollars, not including statutory assessments added pursuant to RCW  
24 3.62.090.

25 (b) A person who qualifies for an exemption under subsection (2) of  
26 this section may offer that exemption as an affirmative defense, which  
27 that person must prove by a preponderance of the evidence.

28 **Sec. 23.** RCW 77.15.770 and 2011 c 324 s 2 are each amended to read  
29 as follows:

30 (1) Except as otherwise provided in this section, a person is  
31 guilty of unlawful trade in shark fins in the second degree if:

32 (a) The person sells, offers for sale, purchases, offers to  
33 purchase, or otherwise exchanges a shark fin or shark fin derivative  
34 product for commercial purposes; or

35 (b) The person prepares or processes a shark fin or shark fin  
36 derivative product for human or animal consumption for commercial  
37 purposes.

1 (2) Except as otherwise provided in this section, a person is  
2 guilty of unlawful trade in shark fins in the first degree if:

3 (a) The person commits the act described by subsection (1) of this  
4 section and the violation involves shark fins or a shark fin derivative  
5 product with a total market value of two hundred fifty dollars or more;

6 (b) The person commits the act described by subsection (1) of this  
7 section and acted with knowledge that the shark fin or shark fin  
8 derivative product originated from a shark that was harvested in an  
9 area or at a time where or when the harvest was not legally allowed or  
10 by a person not licensed to harvest the shark; or

11 (c) The person commits the act described by subsection (1) of this  
12 section and the violation occurs within five years of entry of a prior  
13 conviction under this section or a prior conviction for any other gross  
14 misdemeanor or felony under this title involving fish, other than a  
15 recreational fishing violation.

16 (3)(a) Unlawful trade in shark fins in the second degree is a gross  
17 misdemeanor. Upon conviction, the department shall suspend any  
18 commercial fishing privileges for the person that requires a license  
19 under this title for a period of one year.

20 (b) Unlawful trade in shark fins in the first degree is a class C  
21 felony. Upon conviction, the department shall suspend any commercial  
22 fishing privileges for the person that requires a license under this  
23 title for a period of one year.

24 (4) Any person who obtains a license or permit issued by the  
25 department to take or possess sharks or shark parts for bona fide  
26 research or educational purposes, and who sells, offers for sale,  
27 purchases, offers to purchase, or otherwise trades a shark fin or shark  
28 fin derivative product, exclusively for bona fide research or  
29 educational purposes, may not be held liable under or subject to the  
30 penalties of this section.

31 ~~((5) Nothing in this section prohibits the sale, offer for sale,~~  
32 ~~purchase, offer to purchase, or other exchange of shark fins or shark~~  
33 ~~fin derivative products for commercial purposes, or preparation or~~  
34 ~~processing of shark fins or shark fin derivative products for purposes~~  
35 ~~of human or animal consumption for commercial purposes, if the shark~~  
36 ~~fins or shark fin derivative products were lawfully harvested or~~  
37 ~~lawfully acquired prior to July 22, 2011.))~~

1        NEW SECTION.    **Sec. 24.**    A new section is added to chapter 77.15 RCW  
2 to read as follows:

3        (1) It is unlawful for any person to possess in Washington any  
4 fish, shellfish, or wildlife that the person knows was taken in another  
5 state or country in violation of that state's or country's laws or  
6 regulations relating to licenses or tags, seasons, areas, methods, or  
7 bag or possession limits.

8        (2) As used in this section, the terms "fish," "shellfish," and  
9 "wildlife" have the meaning ascribed to those terms in the applicable  
10 law or regulation of the state or country of the fish's, shellfish's,  
11 or wildlife's origin.

12        (3) Unlawful possession of fish, shellfish, or wildlife taken or  
13 possessed in violation of another state's or country's laws or  
14 regulations is a gross misdemeanor.

15        NEW SECTION.    **Sec. 25.**    A new section is added to chapter 77.15 RCW  
16 to read as follows:

17        (1) A person is guilty of engaging in wildlife rehabilitation  
18 without a permit if the person captures, transports, treats, feeds,  
19 houses, conditions, or trains injured, diseased, oiled, or abandoned  
20 wildlife without department authority for temporary actions or a  
21 wildlife rehabilitation permit issued by the department.

22        (2) A person who is a primary permittee or subpermittee on a  
23 wildlife rehabilitation permit issued by the department is guilty of  
24 unlawful use of a wildlife rehabilitation permit if the person violates  
25 any permit provisions or department rules pertaining to wildlife  
26 rehabilitation other than those addressing recordkeeping and reporting  
27 requirements.

28        (3) A violation of this section is a misdemeanor.

29        **Sec. 26.**    RCW 77.32.010 and 2011 c 320 s 19 are each amended to  
30 read as follows:

31        (1) Except as otherwise provided in this chapter or department  
32 rule, a recreational license issued by the director is required to hunt  
33 (~~for or take wild animals or wild birds, fish for, take, or harvest~~  
34 ~~fish, shellfish, and~~), fish, or take wildlife or seaweed. A  
35 recreational fishing or shellfish license is not required for carp,

1 smelt, and crawfish, and a hunting license is not required for  
2 bullfrogs.

3 (2) A pass or permit issued under RCW 79A.80.020, 79A.80.030, or  
4 79A.80.040 is required to park or operate a motor vehicle on a  
5 recreation site or lands, as defined in RCW 79A.80.010.

6 (3) ~~((During the 2009-2011 fiscal biennium to enable the  
7 implementation of the pilot project established in section 307, chapter  
8 329, Laws of 2008,))~~ The commission may, by rule, indicate that a  
9 fishing permit issued to a nontribal member by the Colville Tribes  
10 shall satisfy the license requirements in subsection (1) of this  
11 section on the waters of Lake Rufus Woods and on the north shore of  
12 Lake Rufus Woods, and that a Colville Tribes tribal member  
13 identification card shall satisfy the license requirements in  
14 subsection (1) of this section on all waters of Lake Rufus Woods.

15 **Sec. 27.** RCW 77.65.280 and 2013 c 23 s 244 are each amended to  
16 read as follows:

17 (1) A wholesale fish dealer's license is required for:

18 ~~((+1))~~ (a) A business in the state to engage in the commercial  
19 processing of food fish or shellfish, including custom canning or  
20 processing of personal use food fish or shellfish.

21 ~~((+2))~~ (b) A business in the state to engage in the wholesale  
22 selling, buying, or brokering of food fish or shellfish. A wholesale  
23 fish dealer's license is not required of those businesses which buy  
24 exclusively from Washington licensed wholesale dealers and sell solely  
25 at retail.

26 ~~((+3))~~ (c) Fishers who land and sell their catch or harvest in the  
27 state to anyone other than a licensed wholesale dealer within or  
28 outside the state, unless the fisher has a direct retail endorsement.

29 ~~((+4))~~ (d) A business to engage in the commercial manufacture or  
30 preparation of fertilizer, oil, meal, caviar, fish bait, or other by-  
31 products from food fish or shellfish.

32 ~~((+5))~~ (e) A business ~~((employing))~~ engaging a fish buyer as  
33 defined under RCW 77.65.340.

34 (2) The annual license fee for a wholesale dealer is two hundred  
35 fifty dollars. The application fee is one hundred five dollars. A  
36 wholesale fish dealer's license is not required for persons engaged in  
37 the processing, wholesale selling, buying, or brokering of private

1 sector cultured aquatic products as defined in RCW 15.85.020. However,  
2 if a means of identifying such products is required by rules adopted  
3 under RCW 15.85.060, the exemption from licensing requirements  
4 established by this subsection applies only if the aquatic products are  
5 identified in conformance with those rules.

6 **Sec. 28.** RCW 77.65.340 and 2013 c 23 s 245 are each amended to  
7 read as follows:

8 (1) A fish buyer's license is required of and shall be carried by  
9 each individual engaged by a wholesale fish dealer to purchase food  
10 fish or shellfish from a (~~licensed~~) commercial fisher. A fish buyer  
11 may represent only one wholesale fish dealer.

12 (2) The annual fee for a fish buyer's license is ninety-five  
13 dollars. The application fee is one hundred five dollars.

14 NEW SECTION. **Sec. 29.** RCW 77.15.560 (Commercial fish, shellfish  
15 harvest or delivery--Failure to report--Penalty) and 1998 c 190 s 41  
16 are each repealed.

17 NEW SECTION. **Sec. 30.** If any provision of this act or its  
18 application to any person or circumstance is held invalid, the  
19 remainder of the act or the application of the provision to other  
20 persons or circumstances is not affected.

--- END ---