

# Enforcement omnibus legislation

Regarding issues that impact the enforcement of fish and wildlife violations

HB 2365 & SB 6135



**Problem:** Under current law, insufficient penalties exist for activities such as endangering, killing or injuring another person or livestock, and killing or possessing protected bird species. In addition, fish and wildlife felonies are unranked, which creates uncertainty for courts and prosecutors when determining a crime's seriousness and appropriate sentence. Also, effective July 1, 2012, bail forfeitures (paying fines for crimes without going through the criminal process) will no longer be available as a final disposition for natural-resource crimes. If the Department does not decriminalize some of its crimes, courts and prosecutor's offices will be overwhelmed by the resulting caseloads.

**Proposed solution:** WDFW is seeking legislation to correct deficiencies in current Title 77 fish and wildlife laws. The proposal would strengthen statutory penalties for certain fish-and wildlife-related crimes that endanger people and natural resources. It also would decriminalize activity that does not involve protected or endangered species, big game, or other high-stakes resources. Among other improvements, the proposed legislation would:

- Amend the state's felony sentencing grid to rank felonies found within the Fish and Wildlife Enforcement Code, chapter 77.15 RCW.
- Strengthen penalties for shooting another person or livestock while hunting.
- Apply additional penalties for killing or possessing protected birds.
- Aggregate unlawful trafficking transactions in one count if those transactions are part of a common scheme or plan; and rank first- and second-degree unlawful trafficking as a class B and class C felony, respectively.
- Clarify requirements for resident-license purchases, to include allowing out-of-state members of the armed services to qualify for resident licenses under specific conditions.
- Refine statutes relating to commercial fish and shellfish catch-accounting and license requirements.

**Benefits:** This proposal would protect public safety and the state's fish and wildlife and their habitat. Fish and wildlife resources support commercial and recreational opportunities that generate more than \$6 billion annually for the Washington economy.

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## WDFW Title 77 omnibus legislation— Proposal detail:

### **Ranking fish and wildlife felonies**

**WDFW's Proposal (Policy change):** Would rank felonies found within the Fish and Wildlife Enforcement Code, chapter 77.15 RCW to allow courts and prosecutors to ascertain a felony's seriousness and appropriate sentence.

### **Decriminalizing activity not involving high-stakes resources**

**WDFW's Proposal (Policy change):** The courts' elimination of bail forfeitures as a final disposition on natural-resource crimes beginning July 1, 2012, means increased caseloads. This proposal would decriminalize activity that does not involve protected or endangered species, big game, or other high-stakes resources, to help keep caseloads manageable for courts and prosecutors.

### **Increasing penalties for taking protected wildlife**

**WDFW's Proposal (Policy change):** Would impose a criminal penalty of \$2,000 and a two-year hunting license suspension for possessing or maliciously killing ferruginous hawk, common loon, bald eagle, or peregrine falcon, all of which are protected species requiring additional protection.

### **Strengthening penalties for unlawful trafficking**

**WDFW's Proposal (Policy change):** Would aggregate unlawful trafficking transactions in one count if those transactions are part of a common scheme or plan. Also would rank first- and second-degree unlawful trafficking as a class B and class C felony, respectively.

### **Revoking licenses for shooting another person/livestock**

**WDFW's Proposal (Policy and technical changes):** Would increase penalties and allow hunting license revocation and privilege suspension for anyone shooting a firearm, bow or crossbow in a manner likely to injure or kill— or who does injure or kill—another person or domestic livestock; provides for three-year suspension of hunting privileges for a shooting that could or does result in injury, and a 10-year license suspension if a shooting results in a human death.

### **Clarifying resident license requirements**

**WDFW's Proposal (Policy and technical changes):** Would define "resident" in a manner that is clear and allows Washington residents to purchase resident licenses if they can prove residency and do not have resident licenses for another state or country. Would also allow active-duty military personnel to purchase resident licenses if they are permanently stationed in Washington State, temporarily stationed here on pre-deployment orders, or designate Washington State on their military "State of Legal Residence Certificate" and do not have a resident license in another state or country.

### **Refining statutes relating to commercial fish and shellfish activities**

**WDFW's Proposal (Policy change):** Would more clearly explain the catch-accounting and licensing requirements of people acting in the capacity of commercial fish and shellfish buyers and sellers.

### **Aligning state law with federal law regarding southern resident orca whales**

**WDFW's Proposal (Technical change):** Would align Washington state law with federal law regarding vessel-distance requirements when encountering southern resident orca whales.