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HOUSE BILL 1968

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State of Washington

58th Legislature

2003 Regular Session

By Representatives O'Brien, Cooper, Romero, Kessler, Carrell, Delvin and Lantz

Read first time 02/18/2003. Referred to Committee on Fisheries, Ecology & Parks.

1 AN ACT Relating to the use of body-gripping traps as they apply to  
2 moles, gophers, and mountain beavers; and amending RCW 77.15.192 and  
3 77.15.194.

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

5 **Sec. 1.** RCW 77.15.192 and 2001 c 1 s 2 are each amended to read as  
6 follows:

7 The definitions in this section apply throughout RCW 77.15.194  
8 through 77.15.198.

9 (1) "Animal" means any nonhuman vertebrate.

10 (2) "Body-gripping trap" means a trap that grips an animal's body  
11 or body part. Body-gripping trap includes, but is not limited to,  
12 steel-jawed leghold traps, padded-jaw leghold traps, Conibear traps,  
13 neck snares, and nonstrangling foot snares. Cage and box traps,  
14 suitcase-type live beaver traps, and common rat (~~and~~), mouse, gopher,  
15 and mole traps are not considered body-gripping traps.

16 (3) "Person" means a human being and, where appropriate, a public  
17 or private corporation, an unincorporated association, a partnership,  
18 a government, or a governmental instrumentality.

1 (4) "Raw fur" means a pelt that has not been processed for purposes  
2 of retail sale.

3 (5) "Animal problem" means any animal that threatens or damages  
4 timber or private property or threatens or injures livestock or any  
5 other domestic animal.

6 **Sec. 2.** RCW 77.15.194 and 2001 c 1 s 3 are each amended to read as  
7 follows:

8 (1) It is unlawful to use or authorize the use of any steel- jawed  
9 leghold trap, neck snare, or other body-gripping trap to capture any  
10 mammal for recreation or commerce in fur.

11 (2) It is unlawful to knowingly buy, sell, barter, or otherwise  
12 exchange, or offer to buy, sell, barter, or otherwise exchange the raw  
13 fur of a mammal or a mammal that has been trapped in this state with a  
14 steel-jawed leghold trap or any other body-gripping trap, whether or  
15 not pursuant to permit.

16 (3) It is unlawful to use or authorize the use of any steel- jawed  
17 leghold trap or any other body-gripping trap to capture any animal,  
18 except as provided in subsections (4), (5), and ~~((+5+))~~ (6) of this  
19 section.

20 (4)(a) The definitions in this subsection (4)(a) apply throughout  
21 this subsection unless the context clearly requires otherwise.

22 (i) "Operator" has the same meaning as defined in RCW 76.09.020.

23 (ii) "Owner" has the same meaning as "timber owner" as defined in  
24 RCW 76.09.020.

25 (iii) "Timber" has the same meaning as defined in RCW 76.09.020.

26 (b) Until July 1, 2008, nothing in this section prohibits the use  
27 of a number 110 Conibear trap to trap mountain beaver (*Aplodontia rufa*)  
28 on land by the owner or operator of commercial timber if nonlethal  
29 control tools, including but not limited to fencing, electric fencing,  
30 or tree-wrapping, cannot be reasonably applied. Any mountain beaver  
31 trapped under this subsection, and the approximate location of the  
32 trapping, must be reported to the department on an annual basis.  
33 Nothing in this subsection limits the application of subsection (2) of  
34 this section to mountain beavers.

35 (5) Nothing in this section prohibits the use of a Conibear trap in  
36 water, a padded leghold trap, or a nonstrangling type foot snare with  
37 a special permit granted by ~~([the])~~ the director under (a) through

1 (d) of this subsection. Issuance of the special permits shall be  
2 governed by rules adopted by the department and in accordance with the  
3 requirements of this section. Every person granted a special permit to  
4 use a trap or device listed in this subsection shall check the trap or  
5 device at least every twenty- four hours.

6 (a) Nothing in this section prohibits the director, in consultation  
7 with the department of social and health services or the United States  
8 department of health and human services from granting a permit to use  
9 traps listed in this subsection for the purpose of protecting people  
10 from threats to their health and safety.

11 (b) Nothing in this section prohibits the director from granting a  
12 special permit to use traps listed in this subsection to a person who  
13 applies for such a permit in writing, and who establishes that there  
14 exists on a property an animal problem that has not been and cannot be  
15 reasonably abated by the use of nonlethal control tools, including but  
16 not limited to guard animals, electric fencing, or box and cage traps,  
17 or if such nonlethal means cannot be reasonably applied. Upon making  
18 a finding in writing that the animal problem has not been and cannot be  
19 reasonably abated by nonlethal control tools or if the tools cannot be  
20 reasonably applied, the director may authorize the use, setting,  
21 placing, or maintenance of the traps for a period not to exceed thirty  
22 days.

23 (c) Nothing in this section prohibits the director from granting a  
24 special permit to department employees or agents to use traps listed in  
25 this subsection where the use of the traps is the only practical means  
26 of protecting threatened or endangered species as designated under RCW  
27 77.08.010.

28 (d) Nothing in this section prohibits the director from issuing a  
29 permit to use traps listed in this subsection, excluding Conibear  
30 traps, for the conduct of legitimate wildlife research.

31 ~~((+5+))~~ (6) Nothing in this section prohibits the United States  
32 fish and wildlife service, its employees or agents, from using a trap  
33 listed in subsection ~~((+4+))~~ (5) of this section where the fish and  
34 wildlife service determines, in consultation with the director, that  
35 the use of such traps is necessary to protect species listed as  
36 threatened or endangered under the federal endangered species act (16  
37 U.S.C. Sec. 1531 et seq.).

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