

SENATE BILL REPORT

SHB 2958

As Reported By Senate Committee On:
Natural Resources, Ocean & Recreation, February 23, 2006

Title: An act relating to violations of rules concerning nontoxic shot.

Brief Description: Penalizing persons who violate rules concerning the use of nontoxic shot.

Sponsors: House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives B. Sullivan, Buck, Kessler, Orcutt, Blake, Kretz, Hunt, Chandler, Upthegrove and Dickerson).

Brief History: Passed House: 2/13/06, 98-0.

Committee Activity: Natural Resources, Ocean & Recreation: 2/22/06, 2/23/06 [DP, DNP].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: Do pass.

Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Oke, Ranking Minority Member; Fraser, Hargrove, Spanel and Swecker.

Minority Report: Do not pass.

Signed by Senators Morton and Stevens.

Staff: Vic Moon (786-7469)

Background: The Legislature has vested the Fish and Wildlife Commission (Commission) with the authority to adopt, amend, and repeal rules that deal with the equipment and methods that may be used in the state for taking wildlife and fish. The Commission has exercised this authority to prohibit the use of toxic shot in many of the state's wildlife areas and when hunting for waterfowl, coot, or snipe.

The crime of unlawful hunting of birds may be charged if an individual violates any Commission rule addressing the manner or method of hunting wild birds. The unlawful hunting of birds is prosecuted as a misdemeanor. Misdemeanors are punishable by up to 90 days in jail and a fine of up to \$1,000.

The Fish and Wildlife Enforcement Reward Account receives the revenues generated from the assessment of criminal wildlife penalties relating to the unlawful hunting of big game. Funds in the account may be used by the Commission for wildlife enforcement, including the investigation and prosecution of fish and wildlife offenses and providing rewards to informants.

Summary of Bill: Individuals age 16 or older who are convicted of the unlawful hunting of birds because of a failure to abide by a Commission rule regarding the use of non-toxic shot are subject to penalties in addition to the standard penalties for a misdemeanor. The additional penalties include:

- a two-year revocation of the person's small game hunting privileges; and
- \$1,000 criminal wildlife penalty assessment.

The convicting court must apply the full criminal wildlife penalty assessment in addition to any other fines or sentences. All assessments collected must be deposited into the Fish and Wildlife Enforcement Reward Account.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Lead shot is being ingested by numerous waterfowl and is killing them. This is a major problem with trumpeter swans in Washington.

Testimony Against: None.

Who Testified: PRO: Heath Packard, Audubon Society; Martha Jordan, The Trumpeter Swan Society; Ed Owens, Hunters Heritage Council; Bruce Bjork, Department of Fish and Wildlife.