
SENATE BILL 6278

State of Washington

63rd Legislature

2014 Regular Session

By Senators Ericksen and Braun

Read first time 01/20/14. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to killing of big game by mistake; and amending RCW
2 77.15.410.

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

4 **Sec. 1.** RCW 77.15.410 and 2012 c 176 s 26 are each amended to read
5 as follows:

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

8 (a) Hunts for, takes, or possesses big game and the person does not
9 have and possess all licenses, tags, or permits required under this
10 title; or

11 (b) Violates any department rule regarding seasons, bag or
12 possession limits, closed areas including game reserves, closed times,
13 or any other rule governing the hunting, taking, or possession of big
14 game.

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

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

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

4 (3)(a) Unlawful hunting of big game in the second degree is a gross
5 misdemeanor. Upon conviction of an offense involving killing or
6 possession of big game taken during a closed season, closed area,
7 without the proper license, tag, or permit using an unlawful method, or
8 in excess of the bag or possession limit, the department shall revoke
9 all of the person's hunting licenses and tags and order a suspension of
10 the person's hunting privileges for two years.

11 (b) Unlawful hunting of big game in the first degree is a class C
12 felony. Upon conviction, the department shall revoke all of the
13 person's hunting licenses or tags and order the person's hunting
14 privileges suspended for ten years.

15 (4) For the purposes of this section, "same course of events" means
16 within one twenty-four hour period, or a pattern of conduct composed of
17 a series of acts that are unlawful under subsection (1) of this
18 section, over a period of time evidencing a continuity of purpose.

19 (5)(a) It is an affirmative defense to a violation of subsection
20 (1)(b) of this section if the hunter kills big game due to a mistaken
21 belief about the sex of the animal and:

22 (i) The killing occurred during an open season for the species;

23 (ii) The hunter had all licenses, tags, or permits necessary to
24 lawfully hunt the species; and

25 (iii) The hunter follows the procedural requirements defined in (b)
26 of this subsection.

27 (b) Any hunter claiming the affirmative defense provided by this
28 subsection (5) must:

29 (i) Immediately remove all of the entrails of any edible big game
30 and tag the animal in the manner prescribed by the department;

31 (ii) Within twenty-four hours after the killing, report the kill to
32 the department by telephone or electronic communication;

33 (iii) Within twenty-four hours after the killing, deliver the
34 entire carcass, less entrails, to any fish and wildlife officer within
35 the county the kill occurred for disposition and provide a written,
36 sworn statement to the officer explaining when, where, and how the
37 mistake occurred; and

1 (iv) Within ten days of the killing, provide the department full
2 payment of restitution. Restitution is the same as the fee for the
3 license proscribed for the species killed pursuant to RCW 77.32.450.

4 (c) The affirmative defense provided by this subsection (5) does
5 not apply to the killing of a bear, elk, or threatened or endangered
6 species as designated by the commission.

--- END ---