

RCW 77.15.100 Seized fish, shellfish, wildlife, and covered animal species part or product—Forfeiture—Sale—Disposition of sale.

(1) Fish, shellfish, and wildlife are property of the state under RCW 77.04.012. Fish and wildlife officers may sell seized, commercially taken or possessed fish and shellfish to a wholesale buyer and deposit the proceeds into the fish and wildlife enforcement reward account under RCW 77.15.425. Seized, recreationally taken or possessed fish, shellfish, and wildlife may be donated to nonprofit charitable organizations. The charitable organization must qualify for tax-exempt status under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code. Seized fish, shellfish, and wildlife may be returned to the environment or otherwise safely disposed of if storage is not practical under the circumstances, after the evidentiary value of the seized fish, shellfish, or wildlife has been preserved through photographs, measurements, biological samples, or other reasonable means. If an exculpatory value is clearly apparent in the seized fish, shellfish, or wildlife, and the exculpatory value is not otherwise reasonably obtainable, the fish, shellfish, or wildlife should be retained.

(2) Fish and wildlife officers may dispose of any covered animal species part or product seized through the enforcement of RCW 77.15.135 through a donation to a bona fide educational or scientific institution, solely for the purposes of raising awareness of the trafficking and threatened nature of endangered animals, as allowed under state, federal, and international law.

(3) Unless otherwise provided in this title, fish, shellfish, wildlife, or any covered animal species part or product taken or possessed in violation of this title or department rule shall be forfeited to the state upon:

(a) Conviction as defined in RCW 77.15.050;

(b) A finding of guilt or plea of guilty pursuant to an amended information for any violation that was originally charged as a violation of this title or department rule regardless of whether the imposition of sentence is deferred or the penalty is suspended;

(c) Any infraction adjudicated under this title, department rule, or chapter 7.84 RCW with a final disposition of committed, paid, or uncontested, regardless of whether the violation was originally charged as a criminal offense and regardless of whether the penalty is suspended or deferred; or

(d) Any disposition of a case arising from an act originally charged as a violation of this title or department rule, or an infraction cited or referred as a violation of this title, department rule, or chapter 7.84 RCW, whereby the offender enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms or conditions. For cases resulting in other types of dispositions that are not defined in RCW 77.15.050, including findings of not guilty, not committed, or dismissal with prejudice due to a failure of proof or violation of law, the fish, shellfish, wildlife, or covered animal species part or product may be returned, or its equivalent value paid, if the fish, shellfish, wildlife, or covered animal species part or product have already been donated or sold. If a case is dismissed without prejudice and is subject to being refiled, the seized fish, shellfish, wildlife, or covered animal species part or product need not be returned until the statute of limitations for the violation has expired. Nothing in this section prevents the seizing authority from pursuing forfeiture

under RCW 77.15.070 or any other statute or rule. [2020 c 38 s 2; 2016 c 2 s 5 (Initiative Measure No. 1401, approved November 3, 2015); 2014 c 48 s 4; 2012 c 176 s 10; 2009 c 333 s 39; 2000 c 107 s 235; 1998 c 190 s 63.]

Finding—2016 c 2 (Initiative Measure No. 1401): See note following RCW 77.15.135.