

# House Bill 3068

Sponsored by COMMITTEE ON AGRICULTURE, NATURAL RESOURCES AND RURAL COMMUNITIES

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes damages for unlawful taking or killing of certain wildlife.

### A BILL FOR AN ACT

Relating to wildlife; creating new provisions; and amending ORS 496.705.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 496.705 is amended to read:

496.705. (1) The State Fish and Wildlife Commission may institute suit for the recovery of damages for the unlawful taking or killing of any of the wildlife referred to in subsection (2) of this section that are the property of the state.

(2)(a) The damages referred to in subsection (1) of this section [*shall be*] **are** as follows:

[(a)] **(A)** Each game mammal other than **moose**, mountain sheep, mountain goat, elk or silver gray squirrel **or deer or antelope described in subparagraphs (D) and (E) of this paragraph**, \$800.

[(b)] **(B)** Each **moose**, mountain sheep or mountain goat, **other than those described in subparagraphs (F), (G) and (H) of this paragraph**, \$6,800.

[(c)] **(C)** Each elk, **other than those described in subparagraph (I) of this paragraph**, \$1,500.

**(D)** Each deer with at least four points on one antler, \$7,500.

**(E)** Each antelope with at least one horn equal to or greater than 14 inches, \$7,500.

**(F)** Each moose with antlers, \$25,000.

**(G)** Each mountain sheep that has at least one horn equal to or greater than one half curl, \$25,000.

**(H)** Each mountain goat that has at least one horn equal to or greater than six inches, \$25,000.

**(I)** Each elk with at least six points on one antler, \$15,000.

[(d)] **(J)** Each silver gray squirrel, \$20.

[(e)] **(K)** Each game bird other than wild turkey, \$20.

[(f)] **(L)** Each wild turkey, \$100.

[(g)] **(M)** Each game fish other than salmon, steelhead trout, halibut or sturgeon, \$10.

[(h)] **(N)** Each salmon, steelhead trout, halibut or sturgeon, \$250.

[(i)] **(O)** Each fur-bearing mammal other than bobcat or fisher, \$100.

[(j)] **(P)** Each bobcat or fisher, \$700.

[(k)] **(Q)** Each specimen of any wildlife species whose survival is specified by the wildlife laws or the laws of the United States as threatened or endangered, \$1,000.

[(L)] **(R)** Each specimen of any wildlife species otherwise protected by the wildlife laws or the

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 laws of the United States, but not otherwise referred to in this subsection, \$50.

2 **(b) For purposes of this subsection:**

3 **(A) A point must be at least one inch, measured from the main beam of the antler to the**  
4 **tip of the point.**

5 **(B) Horn length must be measured from the base of the hairline to the tip of the horn.**

6 (3) In any such action, the court shall award to the prevailing party, in addition to costs and  
7 disbursements, reasonable attorney fees.

8 (4) Such civil damages shall be in addition to other penalties prescribed by the wildlife laws for  
9 the unlawful taking or killing of wildlife.

10 (5) Any circuit or justice court has jurisdiction to try any case for the recovery of damages for  
11 the unlawful taking or killing of any of the wildlife as provided by this section.

12 **SECTION 2. The amendments to ORS 496.705 by section 1 of this 2009 Act apply to the**  
13 **unlawful taking or killing of wildlife occurring on or after the effective date of this 2009 Act.**

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