

# Enrolled Senate Bill 571

Sponsored by Senator PROZANSKI (at the request of former state Representative Susan Morgan)

CHAPTER .....

AN ACT

Relating to fish; creating new provisions; and amending ORS 498.222.

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

**SECTION 1.** ORS 498.222 is amended to read:

498.222. (1) No person shall:

(a) Transport any live fish unless the person has first obtained a permit therefor from the State Fish and Wildlife Commission.

(b) Release or attempt to release into any body of water any live fish that was not taken from that body of water, unless the person has first obtained a permit therefor from the commission.

(2) The commission may refuse to issue the permit referred to in subsection (1)(b) of this section if the commission finds that release of the fish into a body of water would adversely affect existing fish populations.

(3) Subsection (1)(a) of this section does not apply to live fish that are for aquaria use.

**(4) Notwithstanding ORS 496.992, violation of subsection (1)(b) of this section is:**

**(a) A Class C felony if the violation is committed intentionally or knowingly.**

**(b) A Class A misdemeanor if the violation is committed recklessly or with criminal negligence.**

**(5)(a) Notwithstanding ORS 497.415 (1), (2), (3) and (5), when a person is convicted of violating subsection (1)(b) of this section, the court in which the conviction occurs shall notify the commission, which shall revoke all angling licenses and tags issued to that person pursuant to the wildlife laws. Revocation of licenses and tags is in addition to and not in lieu of other penalties provided by law.**

**(b) No person who has been convicted of violating subsection (1)(b) of this section shall apply for, obtain or possess any angling license or tag issued pursuant to the wildlife laws within five years after the conviction.**

**(6)(a) The commission may institute suit for the recovery of damages for the control or eradication of live fish released into a body of water in violation of subsection (1)(b) of this section. The damages awarded under this subsection shall be the amount necessary to return the body of water to its condition prior to the violation.**

**(b) In any action under this subsection, the court shall award to the prevailing party, in addition to costs and disbursements, reasonable attorney fees.**

**(c) Damages awarded under this subsection shall be in addition to other penalties prescribed by the wildlife laws for releasing or attempting to release live fish without a permit.**

**(d) Any circuit or justice court has jurisdiction to try any case for the recovery of damages as provided by this subsection.**

**SECTION 2. The amendments to ORS 498.222 by section 1 of this 2009 Act apply to violations first occurring on or after the effective date of this 2009 Act.**

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**Passed by Senate April 22, 2009**

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Secretary of Senate

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President of Senate

**Passed by House May 20, 2009**

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Speaker of House

**Received by Governor:**

.....M,....., 2009

**Approved:**

.....M,....., 2009

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Governor

**Filed in Office of Secretary of State:**

.....M,....., 2009

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Secretary of State