

A-Engrossed
Senate Bill 571

Ordered by the Senate April 20
Including Senate Amendments dated April 20

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

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.

Increases penalty for **intentionally or knowingly** releasing or attempting to release live fish into body of water without permit to maximum of five years' imprisonment, \$125,000 fine, or both.

Requires State Fish and Wildlife Commission to revoke all angling licenses and tags of person convicted of releasing or attempting to release live fish into body of water without permit. Allows commission to institute suit for recovery of damages for control or eradication of live fish released into body of water without permit.

A BILL FOR AN ACT

1
2 Relating to fish; creating new provisions; and amending ORS 498.222.

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

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

5 498.222. (1) No person shall:

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

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

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

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

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

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

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

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

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

26 (6)(a) **The commission may institute suit for the recovery of damages for the control or**

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 eradication of live fish released into a body of water in violation of subsection (1)(b) of this
2 section. The damages awarded under this subsection shall be the amount necessary to re-
3 turn the body of water to its condition prior to the violation.

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

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

8 (d) Any circuit or justice court has jurisdiction to try any case for the recovery of dam-
9 ages as provided by this subsection.

10 SECTION 2. The amendments to ORS 498.222 by section 1 of this 2009 Act apply to vio-
11 lations first occurring on or after the effective date of this 2009 Act.

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