

House Bill 2128

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor John A. Kitzhaber for State Department of Fish and Wildlife)

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**.

Modifies conditions under which person who has had license, tag or permit revoked pursuant to wildlife laws may apply for or obtain another license, tag or permit.

A BILL FOR AN ACT

1
2 Relating to wildlife; creating new provisions; and amending ORS 497.415.

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

4 **SECTION 1.** ORS 497.415, as amended by section 1, chapter 58, Oregon Laws 2010, is amended
5 to read:

6 497.415. (1) When any person is convicted of a violation of law or any rule adopted pursuant
7 thereto or otherwise fails to comply with the requirements of a citation in connection with such
8 violation as provided in subsection (2) of this section, the court may order the State Fish and
9 Wildlife Commission to revoke all licenses, tags and permits issued to that person pursuant to the
10 wildlife laws. Revocation of licenses, tags and permits is in addition to and not in lieu of other
11 penalties provided by law.

12 (2) The license, tag and permit revocation provisions of subsection (1) of this section apply to
13 the following persons:

14 (a) Any person who is convicted of a violation of the wildlife laws, or any rule adopted pursuant
15 thereto, or who otherwise fails to comply with the requirements of a citation in connection with any
16 such offense when the base fine amount for the offense is \$50 or more.

17 (b) Any person who is convicted of a violation of ORS 164.245, 164.255, 164.265, 164.345, 164.354
18 or 164.365 committed while the person was angling, taking shellfish, hunting or trapping or who
19 otherwise fails to comply with the requirements of a citation in connection with any such offense
20 when the base fine amount for the offense is \$50 or more.

21 (c) Any person who is convicted of a violation of ORS 166.630 or 166.638 committed while
22 hunting or who otherwise fails to comply with the requirements of a citation in connection with any
23 such offense when the base fine amount for the offense is \$50 or more.

24 (3) When a court orders the revocation of a license, tag or permit pursuant to this section, the
25 court shall take up any such licenses, tags and permits and forward them, together with a copy of
26 the revocation order, to the commission. Upon receipt thereof, the commission shall cause revoca-
27 tion of the appropriate licenses, tags and permits in accordance with the court order.

28 (4) For purposes of the Wildlife Violator Compact:

29 (a) The commission shall suspend a violator's license as defined in ORS 496.750 for failure to
30 comply with the terms of a citation from a party state. A copy of a report of failure to comply from
31 the licensing authority of the issuing state shall be conclusive evidence. Suspension under this par-

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 agraph commences on the date the commission issues a final order pursuant to the provisions of
 2 ORS chapter 183 to suspend the license in this state. The period of suspension under this paragraph
 3 is the period provided by Oregon law or such longer period as provided by commission rule based
 4 on the period of suspension imposed by the party state.

5 (b) The commission shall revoke a violator's license as defined in ORS 496.750 for a conviction
 6 in a party state. A report of conviction from the licensing authority of the issuing state shall be
 7 conclusive evidence. Revocation under this paragraph commences on the date the commission issues
 8 a final order pursuant to the provisions of ORS chapter 183 to revoke the license in this state. The
 9 period of revocation under this paragraph is the period provided by Oregon law or such longer pe-
 10 riod as provided by commission rule based on the period of revocation imposed by the party state.

11 (5)(a) [No] A person who has had a license, tag or permit revoked pursuant to this section for
 12 the first time [shall] **may not** apply for or obtain another such license, tag or permit for the period
 13 of 36 months from the date the court or commission ordered the revocation **and until the person**
 14 **has complied with all terms of the judgment of conviction, including payment of restitution**
 15 **and fines.**

16 (b) Upon having a license, tag or permit revoked for a second time pursuant to this section,
 17 [no] a person [shall] **may not** apply for or obtain another such license, tag or permit for the period
 18 of five years **from the date the court or commission ordered the revocation and until the**
 19 **person has complied with all terms of the judgment of conviction, including payment of**
 20 **restitution and fines.**

21 (c) Upon having a license, tag or permit revoked for a third or subsequent time pursuant to this
 22 section, a person is prohibited from applying for or obtaining another such license, tag or permit.

23 **(d) For purposes of this subsection, judgment of conviction includes judgments that are**
 24 **the basis for revocation under subsection (4) of this section.**

25 (6)(a) If a person convicted of conduct described in subsection (2) of this section does not possess
 26 at the time of conviction those licenses, tags and permits issued pursuant to the wildlife laws that
 27 the court would have revoked pursuant to this section, the court shall specify by order those li-
 28 censes, tags and permits that would have been revoked and shall forward a copy of the order to the
 29 commission. [No] A person who is the subject of such a court order [shall] **may not** apply for, pos-
 30 sess or obtain another such license, tag or permit for the period of 36 months from the date of the
 31 **court order and until the person has complied with all terms of the judgment of conviction,**
 32 **including payment of restitution and fines.**

33 (b) Upon being the subject of a court order under this subsection for a second time, [no] a per-
 34 son [shall] **may not** apply for or obtain another such license, tag or permit for the period of five
 35 years **from the date of the court order and until the person has complied with all terms of**
 36 **the judgment of conviction, including payment of restitution and fines.**

37 (c) Upon being the subject of a court order under this subsection for a third time, a person is
 38 prohibited from applying for or obtaining another such license, tag or permit.

39 **SECTION 2. The amendments to ORS 497.415 by section 1 of this 2011 Act apply to judg-**
 40 **ments of conviction entered on or after the effective date of this 2011 Act.**