

House Bill 2439

Sponsored by Representative BARKER (Pre-session filed.)

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**.

Increases damages for unlawful taking or killing of certain game mammals.
Specifies value of wildlife for purposes of certain crimes.

A BILL FOR AN ACT

Relating to wildlife; creating new provisions; and amending ORS 164.115 and 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 are as follows:

(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*] **\$1,000**.

(B) Each moose, mountain sheep or mountain goat, other than those described in subparagraphs (F), (G) and (H) of this paragraph, \$10,000.

(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.

(J) Each silver gray squirrel, \$20.

(K) Each game bird other than wild turkey, \$20.

(L) Each wild turkey, \$100.

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

(N) Each sturgeon other than those specified in subparagraph (O) of this paragraph, salmon, steelhead trout or halibut, \$250.

(O) Each oversized sturgeon, as specified by the commission by rule, \$1,000.

(P) Each fur-bearing mammal other than bobcat or fisher, \$100.

(Q) Each bobcat or fisher, \$700.

(R) Each specimen of any wildlife species whose survival is specified 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 as threatened or endangered, \$1,000.

2 (S) Each specimen of any wildlife species otherwise protected by the wildlife laws or the laws
3 of the United States, but not otherwise referred to in this subsection, \$50.

4 (T) Each bald eagle, golden eagle, goshawk, osprey, peregrine falcon or any other raptor listed
5 as a threatened species or an endangered species by the commission by rule, \$5,000.

6 (U) Each raptor except those specified in subparagraph (T) of this paragraph, \$2,000.

7 (b) For purposes of this subsection:

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

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

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

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

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

17 **SECTION 2.** ORS 164.115 is amended to read:

18 164.115. For the purposes of chapter 743, Oregon Laws 1971, the value of property shall be as-
19 certained as follows:

20 (1) Except as otherwise specified in this section, value means the market value of the property
21 at the time and place of the crime, or if such cannot reasonably be ascertained, the cost of re-
22 placement of the property within a reasonable time after the crime.

23 (2) Whether or not they have been issued or delivered, certain written instruments, not including
24 those having a readily ascertainable market value, shall be evaluated as follows:

25 (a) The value of an instrument constituting an evidence of debt, including, but not limited to, a
26 check, draft or promissory note, shall be considered the amount due or collectible thereon or
27 thereby.

28 (b) The value of any other instrument which creates, releases, discharges or otherwise affects
29 any valuable legal right, privilege or obligation shall be considered the greatest amount of economic
30 loss which the owner might reasonably suffer because of the loss of the instrument.

31 (3) The value of a gambling chip, token, imitation currency or similar device is its face value.

32 (4) **The value of the wildlife listed in ORS 496.705 is the amount of damages as specified**
33 **in ORS 496.705.**

34 [(4)] (5) When the value of property cannot reasonably be ascertained, it shall be presumed to
35 be an amount less than \$50 in a case of theft, and less than \$500 in any other case.

36 [(5)] (6) The value of single theft transactions may be added together if the thefts were com-
37 mitted:

38 (a) Against multiple victims by similar means within a 30-day period; or

39 (b) Against the same victim, or two or more persons who are joint owners, within a 180-day
40 period.

41 **SECTION 3. (1) The amendments to ORS 496.705 by section 1 of this 2011 Act apply to the**
42 **unlawful taking or killing of wildlife occurring on or after the effective date of this 2011 Act.**

43 **(2) The amendments to ORS 164.115 by section 2 of this 2011 Act apply to conduct oc-**
44 **curring on or after the effective date of this 2011 Act.**