

A-Engrossed
Senate Bill 924

Ordered by the Senate April 18
Including Senate Amendments dated April 18

Sponsored by Senators BOQUIST, DINGFELDER; Senator DEVLIN, Representatives HOLVEY, KENNEMER

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.

Changes provisions related to revocation and denial of licenses, tags and permits. Modifies penalty provisions related to wildlife laws.

A BILL FOR AN ACT

1
2 Relating to wildlife; creating new provisions; and amending ORS 496.992 and 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)(a) 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 **(b) Notwithstanding paragraph (a) of this subsection, when any person is convicted of a**
13 **felony or a Class A misdemeanor and the offense relates to the taking or sale of threatened**
14 **or endangered species under ORS 496.171 to 496.182, the court shall order the State Fish and**
15 **Wildlife Commission to revoke all licenses, tags and permits issued to that person pursuant**
16 **to the wildlife laws for a period of time determined by the court. Revocation of licenses, tags**
17 **and permits is in addition to and not in lieu of other penalties provided by law.**

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

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

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

27 (c) Any person who is convicted of a violation of ORS 166.630 or 166.638 committed while
28 hunting or who otherwise fails to comply with the requirements of a citation in connection with any

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 such offense when the base fine amount for the offense is \$50 or more.

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

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

7 (a) The commission shall suspend a violator's license as defined in ORS 496.750 for failure to
8 comply with the terms of a citation from a party state. A copy of a report of failure to comply from
9 the licensing authority of the issuing state shall be conclusive evidence. Suspension under this par-
10 agraph commences on the date the commission issues a final order pursuant to the provisions of
11 ORS chapter 183 to suspend the license in this state. The period of suspension under this paragraph
12 is the period provided by Oregon law or such longer period as provided by commission rule based
13 on the period of suspension imposed by the party state.

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

20 (5)(a) No person who has had a license, tag or permit revoked pursuant to this section for the
21 first time shall apply for or obtain another such license, tag or permit for the period of 36 months
22 from the date the court or commission ordered the revocation.

23 (b) Upon having a license, tag or permit revoked for a second time pursuant to this section, no
24 person shall apply for or obtain another such license, tag or permit for the period of five years.

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

27 (6)(a) If a person convicted of conduct described in subsection (2) of this section does not possess
28 at the time of conviction those licenses, tags and permits issued pursuant to the wildlife laws that
29 the court would have revoked pursuant to this section, the court shall specify by order those li-
30 censes, tags and permits that would have been revoked and shall forward a copy of the order to the
31 commission. No person who is the subject of such a court order shall apply for, possess or obtain
32 another such license, tag or permit for the period of 36 months from the date of the order.

33 (b) Upon being the subject of a court order under this subsection for a second time, no person
34 shall apply for or obtain another such license, tag or permit for the period of five years.

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

37 **SECTION 2.** ORS 496.992 is amended to read:

38 496.992. (1)(a) Except as otherwise provided by ORS 153.022 and other law, violation of any
39 provision of the wildlife laws, or any rule promulgated pursuant thereto, is a Class A misdemeanor
40 when the offense is committed with a culpable mental state [*as defined in ORS 161.085. If the de-*
41 *fendant is sentenced to pay a fine, failure to pay the fine, or any portion thereof, shall be treated as*
42 *provided in ORS 161.685*].

43 **(b) When a person is convicted of a Class A misdemeanor described in paragraph (a) of**
44 **this subsection, in addition to any other penalty authorized by law, the court shall impose a**
45 **fine in an amount that is:**

1 **(A) Equal to the maximum fine described in ORS 161.635 (1)(a), if the person has two or**
2 **more previous convictions for a Class A misdemeanor described in paragraph (a) of this**
3 **subsection or if the offense involves taking three or more times the daily bag limit of any**
4 **wildlife.**

5 **(B) Not less than one-half of the maximum fine described in ORS 161.635 (1)(a), if the**
6 **offense involves:**

7 **(i) Taking a raptor species defined as a member of the order Falconiformes or**
8 **Strigiformes, including owls, hawks, falcons, eagles, osprey and harriers;**

9 **(ii) Failing to release a sturgeon greater than six feet in length; or**

10 **(iii) Unlawfully taking, importing, exporting, selling, purchasing, bartering, trading or**
11 **exchanging any wildlife, or parts thereof, for profit or personal gain.**

12 (2) Except as otherwise provided by ORS 153.022 and other law, violation of any provision of the
13 wildlife laws or any rule promulgated pursuant thereto is punishable as a Class A violation in the
14 manner prescribed in ORS chapter 153 when the offense is committed with no culpable mental state
15 [*as defined in ORS 161.085*].

16 (3) The second and each subsequent conviction within a 10-year period for the taking of a raptor
17 or the taking of game fish with a total value of \$200 or more or the taking of antelope, black bear,
18 cougar, deer, elk, moose, mountain goat or mountain sheep in violation of the wildlife laws, or any
19 rule promulgated pursuant thereto which occurs more than one hour prior to or more than one hour
20 subsequent to a season established for the lawful taking of such game mammals or game fish, is a
21 Class C felony when the offense is committed with a culpable mental state [*as defined in ORS*
22 *161.085*].

23 **(4) As used in this section:**

24 **(a) “Culpable mental state” has the meaning given that term in ORS 161.085.**

25 **(b) “Previous conviction” includes a conviction entered in the same sentencing proceed-**
26 **ing if the conviction is for a separate criminal episode as defined in ORS 131.505.**

27 **SECTION 3. The amendments to ORS 496.992 and 497.415 by sections 1 and 2 of this 2011**
28 **Act apply to crimes committed on or after the effective date of this 2011 Act.**

29