

Senate Bill 924

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 **as introduced**.

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

A BILL FOR AN ACT

Relating to wildlife; creating new provisions; and amending ORS 496.992 and 497.415.

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

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

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

(b) Notwithstanding paragraph (a) of this subsection, when any person is convicted of a felony or a Class A misdemeanor, or of a violation of any rule related to the taking or sale of threatened or endangered species, the court shall order the State Fish and Wildlife Commission to revoke all licenses, tags and permits issued to that person pursuant to the wildlife laws. Revocation of licenses, tags and permits is in addition to and not in lieu of other penalties provided by law.

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

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

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

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

(3) When a court orders the revocation of a license, tag or permit pursuant to this section, the court shall take up any such licenses, tags and permits and forward them, together with a copy of

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 the revocation order, to the commission. Upon receipt thereof, the commission shall cause revoca-
2 tion of the appropriate licenses, tags and permits in accordance with the court order.

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

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

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

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

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

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

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

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

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

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

35 496.992. (1)(a) Except as otherwise provided by ORS 153.022 and other law, violation of any
36 provision of the wildlife laws, or any rule promulgated pursuant thereto, is a Class A misdemeanor
37 when the offense is committed with a culpable mental state as defined in ORS 161.085. [*If the de-*
38 *fendant is sentenced to pay a fine, failure to pay the fine, or any portion thereof, shall be treated as*
39 *provided in ORS 161.685.*]

40 (b) **Notwithstanding ORS 161.635, when a person is convicted of a Class A misdemeanor**
41 **under the provisions of paragraph (a) of this subsection, the court, in addition to any other**
42 **penalties provided by law, shall impose a fine of not less than \$5,000 and not more than**
43 **\$40,000 if the person, with a culpable mental state as defined in ORS 161.085:**

44 (A) Takes more than three times the daily bag limit of any wildlife.

45 (B) Takes a threatened or endangered species, a mountain goat, a mountain sheep or a

1 **raptor.**

2 **(C) Fails to release a sturgeon greater than seven feet in length.**

3 **(D) Takes, imports, exports, sells, purchases, barter, trades or exchanges any wildlife,**
4 **or parts thereof, for profit or personal gain.**

5 **(e) If the defendant is sentenced to pay a fine, failure to pay the fine, or any portion**
6 **thereof, shall be treated as provided in ORS 161.685.**

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

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

18 **SECTION 3. The amendments to ORS 496.992 and 497.415 by sections 1 and 2 of this 2011**
19 **Act apply to conduct occurring on or after the effective date of this 2011 Act.**

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