

## SENATE AMENDMENTS TO SENATE BILL 924

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

April 18

1 On page 1 of the printed bill, delete lines 4 through 31 and delete pages 2 and 3 and insert:

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

4 “497.415. (1)(a) When any person is convicted of a violation of law or any rule adopted pursuant  
5 thereto or otherwise fails to comply with the requirements of a citation in connection with such  
6 violation as provided in subsection (2) of this section, the court may order the State Fish and  
7 Wildlife Commission to revoke all licenses, tags and permits issued to that person pursuant to the  
8 wildlife laws. Revocation of licenses, tags and permits is in addition to and not in lieu of other  
9 penalties provided by law.

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

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

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

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

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

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

32 “(4) For purposes of the Wildlife Violator Compact:

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

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 person who has had a license, tag or permit revoked pursuant to this section for the  
12 first time shall apply for or obtain another such license, tag or permit for the period of 36 months  
13 from the date the court or commission ordered the revocation.

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

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

18 “(6)(a) If a person convicted of conduct described in subsection (2) of this section does not pos-  
19 sess at the time of conviction those licenses, tags and permits issued pursuant to the wildlife laws  
20 that the court would have revoked pursuant to this section, the court shall specify by order those  
21 licenses, tags and permits that would have been revoked and shall forward a copy of the order to  
22 the commission. No person who is the subject of such a court order shall apply for, possess or obtain  
23 another such license, tag or permit for the period of 36 months from the date of the order.

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

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

28 “**SECTION 2.** ORS 496.992 is amended to read:

29 “496.992. (1)(a) Except as otherwise provided by ORS 153.022 and other law, violation of any  
30 provision of the wildlife laws, or any rule promulgated pursuant thereto, is a Class A misdemeanor  
31 when the offense is committed with a culpable mental state *[as defined in ORS 161.085. If the de-*  
32 *fendant is sentenced to pay a fine, failure to pay the fine, or any portion thereof, shall be treated as*  
33 *provided in ORS 161.685].*

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

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

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

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

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

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

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

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

14       “(4) **As used in this section:**

15       “(a) **‘Culpable mental state’ has the meaning given that term in ORS 161.085.**

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

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

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