



Oregon

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To: The Honorable Brad Witt, Chair, House Agriculture and
Natural Resources Committee



Senate Bill 198A
Curt Melcher, Deputy Director
Oregon Department of Fish and Wildlife

Good morning Chair Witt and members of the committee. For the record, my name is Curt Melcher, Deputy Director with the Oregon Department of Fish and Wildlife. I appreciate the opportunity to discuss Senate Bill 198A with you today.

Senate Bill 198A amends Oregon Revised Statute 508.485 to give courts the statutory authority to revoke commercial fishing licenses issued under the commercial fishing laws and amends ORS 506.991 to provide the flexibility for law enforcement officers to issue citations for commercial fishing offenses as a Class A violation if the offense is committed without a culpable mental state.

Currently, ORS 508.485 grants only the Oregon Fish and Wildlife Commission the ability to revoke any license or permit issued to a person pursuant to the commercial fishing laws. Some Oregon courts that routinely hear commercial fishing offenses have revoked a person's commercial fishing licenses. The courts then forward these revocation orders to the Department and we have honored the suspension. Oregon courts from three coastal counties suspended 33 commercial fishing licenses over the last two years.

Although infrequent, the Oregon State Police Fish and Wildlife Division have encountered individuals that were engaged in commercial fishing while under a court ordered revocation of their commercial fishing license. Normally, this would be a simple charge of Commercial Fishing While Privileges Suspended; however, since the suspension was court ordered and may not have gone through the Fish and Wildlife Commission process, it could be argued that the suspension was not valid since no statutory authority exists allowing the courts to make such a revocation.

SB 198A would give the courts clear statutory authority to order such revocations and provide the guidance necessary when making such an order.



In addition, ORS 506.991 provides that all violations of the commercial fishing laws or rules are Class A misdemeanors. As a result, all such violations require a court appearance and all the associated expenses for both the county and the individual violator. SB 198A will provide law enforcement officers the ability to treat commercial fishing offenses as either a Class A misdemeanor (violation committed with a culpable mental state) or a Class A violation (violation committed without a culpable mental state) when the offense is committed in the officers presence.

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