

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 5 - 0 - 0

Yeas: Bates, Hansell, Hass, Olsen, Dingfelder

Nays: 0

Exc.: 0

Prepared By: Beth Reiley, Administrator

Meeting Dates: 2/18, 2/25

WHAT THE MEASURE DOES: Authorizes Court to order Fish and Wildlife Commission (Commission) to revoke commercial fishing licenses or permits issued for period not exceeding two years if person is convicted of violating commercial fishing laws, or fails to comply with requirements of citation; convicted of violating wildlife laws involving game fish; or convicted of theft of commercial crab rings, pots or crabs from pots and rings. Stipulates any person whose license revocation involves buying, selling or dealing of food fish is prohibited from engaging in such activity during period court orders revocation. Provides that violation of commercial fishing laws is Class A violation when offense is committed without culpable mental state and Class A misdemeanor when offense is committed with culpable mental state.

ISSUES DISCUSSED:

- Under current law courts have to forward revocation orders to Commission to revoke license
- Over last two years courts have suspended 33 commercial fishing licenses through Commission
- Allowing violation of commercial fishing law to be cited as Class A violation will save court time and money

EFFECT OF COMMITTEE AMENDMENT: Stipulates Act does not require court to take additional action after conclusion of sentencing to secure license or permits if it is not in defendant's possession. Provides that violation of commercial fishing laws is Class A violation when offense is committed without culpable mental state and Class A misdemeanor when offense is committed with culpable mental state.

BACKGROUND: The mission of the Oregon Department of Fish and Wildlife is to protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations. Under current law the Fish and Wildlife Commission (Commission) has the sole authority to revoke a commercial fishing license or permit. Senate Bill 198A would give the courts clear statutory authority to order the revocation of commercial fishing licenses and permits. The Act also provides additional flexibility when citing violations of commercial fishing laws.

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This summary has not been adopted or officially endorsed by action of the committee.