

SENATE AMENDMENTS TO SENATE BILL 198

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

February 28

1 On page 1 of the printed bill, line 2, after “ORS” insert “506.991,”.

2 On page 2, after line 18, insert:

3 “(d) Nothing in this subsection requires a court to take additional action, after the conclusion
4 of the sentencing hearing, to secure the licenses or permits if the defendant does not have the li-
5 cense or permit in the defendant’s possession at the time of sentencing.”.

6 On page 3, after line 2, insert:

7 “**SECTION 7.** ORS 506.991 is amended to read:

8 “506.991. (1) Except as **otherwise** provided [*in*] **by** this section[, *and subject to ORS 153.022,*]
9 **or other law**, violation of any provision of the commercial fishing laws, or of any rule
10 [*promulgated*] **adopted** by the State Fish and Wildlife Commission in carrying out the commercial
11 fishing laws, is a Class A misdemeanor **if the offense is committed with a culpable mental**
12 **state.**

13 “**(2) Except as otherwise provided by this section or other law, violation of any provision**
14 **of the commercial fishing laws, or of any rule adopted by the State Fish and Wildlife Com-**
15 **mission in carrying out the commercial fishing laws, is a Class A violation if the offense is**
16 **committed without a culpable mental state.**

17 “[*(2)*] **(3)** In lieu of the fine provided in ORS 161.635, and in addition to the imprisonment pro-
18 vided in ORS 161.615, any violation of [*this section*] **subsection (1) of this section** is punishable as
19 follows:

20 “(a) For the first conviction, a fine not to exceed \$2,500.

21 “(b) For the second conviction within a 10-year period, a fine not to exceed \$4,000.

22 “(c) For the third conviction within a 10-year period, a fine not to exceed \$10,000.

23 “(d) For the fourth and subsequent convictions within a 10-year period, a fine not to exceed
24 \$25,000.

25 “[*(3)*] **(4)** Violation of any provision of ORS 509.011 [*which*] **that** occurs more than 12 hours prior
26 to or more than 12 hours subsequent to a season established under ORS 506.129 by the commission
27 for the lawful taking of food fish when the total value of the food fish is \$200 or more is a Class C
28 felony.

29 “[*(4)*] **(5)** In addition to the penalties of this section and notwithstanding the provisions of ORS
30 506.690, all fish or sexual products therefrom taken by or in the possession of any person sentenced
31 under this section shall be seized and confiscated, condemned, and sold.

32 “**(6) As used in this section, ‘culpable mental state’ has the meaning given that term in**
33 **ORS 161.085.”.**

34 In line 3, delete “7” and insert “8” and before “The” insert “(1)”.

35 After line 4, insert:

1 “(2) The amendments to ORS 506.991 by section 7 of this 2013 Act apply to offenses committed
2 on or after the effective date of this 2013 Act.”.

3 In line 5, delete “8” and insert “9”.

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