

**PROPOSED AMENDMENTS TO  
SENATE BILL 198**

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,  
4 after the conclusion of the sentencing hearing, to secure the licenses or  
5 permits if the defendant does not have the license or permit in the  
6 defendant’s possession at the time of sentencing.”.

7 On page 3, after line 2, insert:

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

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

15 “**(2) Except as otherwise provided by this section or other law, vio-**  
16 **lation of any provision of the commercial fishing laws, or of any rule**  
17 **adopted by the State Fish and Wildlife Commission in carrying out the**  
18 **commercial fishing laws, is a Class A violation if the offense is com-**  
19 **mitted without a culpable mental state.**

20 “[~~(2)~~] **(3)** In lieu of the fine provided in ORS 161.635, and in addition to  
21 the imprisonment provided in ORS 161.615, any violation of [*this section*]  
22 **subsection (1) of this section** is punishable as follows:

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

2       “(b) For the second conviction within a 10-year period, a fine not to ex-  
3       ceed \$4,000.

4       “(c) For the third conviction within a 10-year period, a fine not to exceed  
5       \$10,000.

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

8       “[(3)] (4) Violation of any provision of ORS 509.011 [*which*] **that** occurs  
9       more than 12 hours prior to or more than 12 hours subsequent to a season  
10       established under ORS 506.129 by the commission for the lawful taking of  
11       food fish when the total value of the food fish is \$200 or more is a Class C  
12       felony.

13       “[(4)] (5) In addition to the penalties of this section and notwithstanding  
14       the provisions of ORS 506.690, all fish or sexual products therefrom taken  
15       by or in the possession of any person sentenced under this section shall be  
16       seized and confiscated, condemned, and sold.

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

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

20       After line 4, insert:

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

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

24

---