

Senate Bill 175

Sponsored by Senator BOQUIST (at the request of Sue Marshall) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies certain penalties for wildlife law violations.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to wildlife penalties; creating new provisions; amending ORS 496.992; and declaring an
3 emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 496.992, as amended by section 3, chapter 517, Oregon Laws 2011, is amended
6 to read:

7 496.992. (1) Except as otherwise provided by this section or other law, a violation of any pro-
8 vision of the wildlife laws, or any rule adopted pursuant to the wildlife laws, is a Class A
9 misdemeanor if the offense is committed with a culpable mental state.

10 (2) Except as otherwise provided by this section or other law, a violation of a provision of the
11 wildlife laws, or a rule adopted pursuant to the wildlife laws, that does not involve the taking of
12 wildlife is a Class D violation if the offense is committed without a culpable mental state.

13 (3) A violation of a provision of the wildlife laws, or a rule adopted pursuant to the wildlife laws,
14 that involves the taking of wildlife, other than nongame mammals and game birds, is a Class A vi-
15 olation if the offense is committed without a culpable mental state.

16 (4) A violation of a provision of the wildlife laws, or a rule adopted pursuant to the wildlife laws,
17 that involves the taking of nongame mammals or game birds is a Class C violation if the offense is
18 committed without a culpable mental state.

19 (5) A violation of a provision of the wildlife laws, or a rule adopted pursuant to the wildlife laws,
20 that involves the size or quantity limits for salmon, steelhead trout and sturgeon is a Class A vi-
21 olation if the offense is committed without a culpable mental state.

22 (6) A violation of a provision of the wildlife laws, or a rule adopted pursuant to the wildlife laws,
23 relating to the size or quantity limits for fish or shellfish, other than size and quantity limits for
24 salmon, steelhead trout and sturgeon, is a Class C violation if the offense is committed without a
25 culpable mental state.

26 (7) A violation of the nonresident licensing provisions of ORS 497.102 or 497.121 is a Class A
27 violation if the offense is committed without a culpable mental state.

28 (8) A violation of ORS 496.994 is a Class A violation if the offense is committed without a cul-
29 pable mental state.

30 (9) The second and each subsequent conviction within a 10-year period for the taking of a raptor
31 or the taking of game fish with a total value of \$200 or more or the taking of antelope, black bear,

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 cougar, deer, elk, moose, mountain goat or mountain sheep in violation of any provision of the
 2 wildlife laws, or any rule adopted pursuant thereto, which occurs more than one hour prior to or
 3 more than one hour subsequent to a season established for the lawful taking of such game mammals
 4 or game fish is a Class C felony if the offense is committed with a culpable mental state.

5 **(10) If a person is convicted of a Class A misdemeanor under subsection (1) of this sec-**
 6 **tion, in addition to any other penalty authorized by law, the court shall impose a fine that**
 7 **is:**

8 **(a) Equal to the maximum fine described in ORS 161.635 (1)(a), if the person has two or**
 9 **more previous convictions for a Class A misdemeanor under subsection (1) of this section**
 10 **or if the offense involves taking three or more times the daily bag limit of any wildlife.**

11 **(b) Not less than one-half of the maximum fine described in ORS 161.635 (1)(a), if the of-**
 12 **fense involves:**

13 **(A) Failing to release a sturgeon more than six feet in length;**

14 **(B) Unlawfully taking wildlife with the intent to sell, barter, trade, import or export the**
 15 **wildlife, or parts thereof, or selling, bartering, trading, importing or exporting unlawfully**
 16 **taken wildlife, or parts thereof; or**

17 **(C) Taking a raptor and the person has a previous conviction for taking a raptor.**

18 **(c) Not less than one-fourth of the maximum fine described in ORS 161.635 (1)(a), if the**
 19 **offense involves taking a raptor and the person does not have a previous conviction for**
 20 **taking a raptor.**

21 **(11) If more than one minimum fine described in subsection (10) of this section applies,**
 22 **the court shall impose a fine in an amount that is not less than the highest of the applicable**
 23 **minimum fines.**

24 ~~[(10)]~~ **(12) As used in this section[,]:**

25 **(a) “Culpable mental state” has the meaning given that term in ORS 161.085.**

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

28 **(c) “Raptor” means a member of the order Falconiformes or Strigiformes and includes**
 29 **owls, hawks, falcons, eagles, osprey and harriers.**

30 **SECTION 2. The amendments to ORS 496.992 by section 1 of this 2015 Act apply to:**

31 **(1) Persons sentenced for a crime committed on or after the effective date of this 2015**
 32 **Act.**

33 **(2) Previous convictions entered before, on or after the effective date of this 2015 Act.**

34 **SECTION 3. This 2015 Act being necessary for the immediate preservation of the public**
 35 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
 36 **on its passage.**