

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2537**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating  
2 new provisions; and”.

3 Delete lines 4 through 27 and insert:

4 **“SECTION 1.** ORS 496.705 is amended to read:

5 **“496.705. (1)(a) Except as provided in paragraph (b) of this sub-**  
6 **section,** the State Fish and Wildlife Commission may institute suit for the  
7 recovery of damages for the unlawful taking or killing of any of the wildlife  
8 referred to in subsection (2) of this section that are the property of the state.

9 **“(b) When any person is convicted of a violation of the wildlife laws**  
10 **that subjects the person to a penalty under ORS 496.992 (9) or (10), the**  
11 **commission shall institute suit for the recovery of damages for the**  
12 **unlawful taking or killing of any of the wildlife referred to in sub-**  
13 **section (2) of this section that are the property of the state.**

14 **“(2)(a)** The damages referred to in subsection (1) of this section are as  
15 follows:

16 **“(A)** Each game mammal other than moose, mountain sheep, mountain  
17 goat, elk, **black bear, cougar** or silver gray squirrel, or deer or antelope  
18 described in subparagraphs [(D) and (E)] **(F) and (G)** of this paragraph,  
19 **[\$1,000] \$5,000.**

20 **“(B)** Each moose, mountain sheep or mountain goat, other than those de-  
21 scribed in subparagraphs [(F), (G) and] **(H), (I) and (J)** of this paragraph,  
22 **[\$10,000] \$15,000.**

1 “(C) Each elk, other than those described in subparagraph [(I)] **(K)** of this  
2 paragraph, [~~\$1,500~~] **\$5,000**.

3 “**(D) Each black bear, \$15,000.**

4 “**(E) Each cougar, \$15,000.**

5 “[~~(D)~~] **(F)** Each deer with at least four points on one antler, \$7,500.

6 “[~~(E)~~] **(G)** Each antelope with at least one horn equal to or greater than  
7 14 inches, \$7,500.

8 “[~~(F)~~] **(H)** Each moose with antlers, \$25,000.

9 “[~~(G)~~] **(I)** Each mountain sheep that has at least one horn equal to or  
10 greater than one half curl, \$25,000.

11 “[~~(H)~~] **(J)** Each mountain goat that has at least one horn equal to or  
12 greater than six inches, \$25,000.

13 “[~~(I)~~] **(K)** Each elk with at least six points on one antler, \$15,000.

14 “[~~(J)~~] **(L)** Each silver gray squirrel, [~~\$20~~] **\$500**.

15 “[~~(K)~~] **(M)** Each game bird other than wild turkey[, \$20] **and sage**  
16 **grouse, \$500.**

17 “[~~(L)~~] **(N)** Each wild turkey[, \$100] **or sage grouse, \$1,000.**

18 “[~~(M)~~] **(O)** Each game fish other than salmon, steelhead trout, halibut or  
19 sturgeon, [~~\$10~~] **\$1,500.**

20 “[~~(N)~~] **(P)** Each sturgeon other than those specified in subparagraph  
21 [(~~O~~)] **(Q)** of this paragraph, salmon, steelhead trout or halibut, [~~\$250~~]  
22 **\$1,500.**

23 “[~~(O)~~] **(Q)** Each oversized sturgeon, as specified by the commission by  
24 rule, **and each salmon or steelhead that is not fin clipped or otherwise**  
25 **marked returning, [~~\$1,000~~] \$5,000.**

26 “[~~(P)~~] **(R)** Each fur-bearing mammal other than bobcat or fisher, [~~\$100~~]  
27 **\$2,000.**

28 “[~~(Q)~~] **(S)** Each bobcat or fisher, [~~\$700~~] **\$3,000.**

29 “[~~(R)~~] **(T)** Each specimen of any wildlife species whose survival is speci-  
30 fied by the wildlife laws or the laws of the United States as threatened or

1 endangered, [*\$1,000*] **\$10,000**.

2 “[*(S)*] (**U**) Each specimen of any wildlife species otherwise protected by  
3 the wildlife laws or the laws of the United States, but not otherwise referred  
4 to in this subsection, [*\$50*] **\$5,000**.

5 “[*(T)*] (**V**) Each bald eagle, golden eagle, goshawk, osprey, peregrine  
6 falcon or any other raptor listed as a threatened species or an endangered  
7 species by the commission by rule, [*\$5,000*] **\$10,000**.

8 “[*(U)*] (**W**) Each raptor except those specified in subparagraph [*(T)*] (**V**)  
9 of this paragraph, [*\$2,000*] **\$5,000**.

10 “(b) For purposes of this subsection:

11 “(A) A point must be at least one inch, measured from the main beam of  
12 the antler to the tip of the point.

13 “(B) Horn length must be measured from the base of the hairline to the  
14 tip of the horn.

15 “**(3) In addition to the damages referred to in subsection (2) of this**  
16 **section, a suit for the recovery of damages under this section may**  
17 **include a claim for damages of \$5,000 for each unlawfully taken or**  
18 **killed specimen of any wildlife species referred to in subsection (2) of**  
19 **this section fitted with a tracking device by a state or federal agency.**

20 “[*(3)*] (**4**) In any such action, the court shall award to the prevailing  
21 party, in addition to costs and disbursements, reasonable attorney fees.

22 “[*(4)*] (**5**) Such civil damages shall be in addition to other penalties pre-  
23 scribed by the wildlife laws for the unlawful taking or killing of wildlife.

24 “[*(5)*] (**6**) Any circuit or justice court has jurisdiction to try any case for  
25 the recovery of damages for the unlawful taking or killing of any of the  
26 wildlife as provided by this section.

27 “**(7) Each taking or killing of a specimen of any wildlife species re-**  
28 **ferred to in subsection (2) of this section constitutes a separate un-**  
29 **lawful taking or killing for purposes of this section.**

30 “**(8) Subject to ORS 496.690, this section does not apply to the un-**

1 **intentional taking or killing of wildlife incident to an otherwise lawful**  
2 **activity.”.**

3 On page 2, delete lines 1 through 28.

4 In line 31, delete “is prima facie evidence” and insert “creates a  
5 rebuttable presumption”.

6 On page 3, line 18, delete “Class C felony” and insert “Class A  
7 misdemeanor”.

8 In line 21, after “(10)” insert “(a)”.

9 In line 27, delete “Class B felony” and insert “Class C felony”.

10 Delete lines 29 through 39 and insert:

11 “(11) If a person is convicted of a Class A misdemeanor under subsection  
12 (9) of this section or a Class C felony under subsection (10) of this section,  
13 in addition to any other penalty authorized by law, the court shall order the  
14 State Fish and Wildlife Commission to revoke all licenses, tags and permits  
15 issued to that person in the manner provided for in ORS 497.415 (3) and (6).  
16 Notwithstanding any contrary provision of ORS 497.415, upon being subject  
17 of a court order pursuant to this subsection for the first time, a person is  
18 prohibited from applying for or obtaining another such license, tag or permit.

19 “(12) Upon the third conviction within a 10-year period for violation of  
20 a provision of the wildlife laws, or a rule adopted pursuant to the wildlife  
21 laws, the court shall order any and all guns, boats, traps, fishing apparatus  
22 and implements used in angling, hunting or trapping or taking any wildlife  
23 in committing the third or subsequent conviction to be seized and forfeited  
24 to the State of Oregon, to be turned over to the State Fish and Wildlife  
25 Commission for disposal in the manner provided for in ORS 496.680.”.

26 In line 40, delete “(12)” and insert “(13)” and restore the comma and de-  
27 lete the colon.

28 In line 41, delete “(a)”.

29 Delete lines 42 through 45.

30 On page 4, line 4, delete “no person shall” and insert “a person may

1 not”.

2 After line 17, insert:

3 **“SECTION 5. (1) The Task Force on Creating a Wildlife Laws**  
4 **Prosecutor is established, consisting of nine members appointed as**  
5 **follows:**

6 **“(a) The President of the Senate shall appoint one member from**  
7 **among members of the Senate.**

8 **“(b) The Speaker of the House of Representatives shall appoint one**  
9 **member from among members of the House of Representatives.**

10 **“(c) The Governor shall appoint three members as follows:**

11 **“(A) One member representing the State Department of Fish and**  
12 **Wildlife;**

13 **“(B) One member representing the division of the Oregon State**  
14 **Police that is charged with the enforcement of the wildlife laws; and**

15 **“(C) One member representing the general public.**

16 **“(d) The Chief Justice of the Supreme Court shall appoint one**  
17 **member representing the Judicial Department who is a circuit court**  
18 **judge with expertise in proceedings in the courts related to enforce-**  
19 **ment of the wildlife laws.**

20 **“(e) The Attorney General shall appoint two members as follows:**

21 **“(A) One member, representing the Department of Justice, with**  
22 **expertise related to the wildlife laws; and**

23 **“(B) One member representing the Oregon District Attorneys As-**  
24 **sociation with expertise in wildlife law prosecutions.**

25 **“(f) The Board of Governors of the Oregon State Bar shall appoint**  
26 **one member who is a member of the Oregon State Bar with expertise**  
27 **in the wildlife laws.**

28 **“(2) The task force shall:**

29 **“(a) Study the feasibility of creating, within the Criminal Justice**  
30 **Division of the Department of Justice, the position of a wildlife laws**

1 **prosecutor;**

2 **“(b) Identify the potential duties of a wildlife laws prosecutor; and**

3 **“(c) Identify potential sources of funding for the creation of a**  
4 **wildlife laws prosecutor position.**

5 **“(3) A majority of the voting members of the task force constitutes**  
6 **a quorum for the transaction of business.**

7 **“(4) Official action by the task force requires the approval of a**  
8 **majority of the voting members of the task force.**

9 **“(5) The task force shall elect one of its members to serve as**  
10 **chairperson.**

11 **“(6) If there is a vacancy for any cause, the appointing authority**  
12 **shall make an appointment to become immediately effective.**

13 **“(7) The task force shall meet at times and places specified by the**  
14 **call of the chairperson or of a majority of the voting members of the**  
15 **task force.**

16 **“(8) The task force may adopt rules necessary for the operation of**  
17 **the task force.**

18 **“(9) The task force shall make a report in the manner provided by**  
19 **ORS 192.245, and may include recommendations for legislation, to the**  
20 **interim committees of the Legislative Assembly related to environ-**  
21 **ment and natural resources or the judiciary, as appropriate, no later**  
22 **than September 15, 2015.**

23 **“(10) The Legislative Administrator shall provide staff support to**  
24 **the task force.**

25 **“(11) Members of the task force who are not members of the Leg-**  
26 **islative Assembly are not entitled to compensation, but may be reim-**  
27 **bursed for actual and necessary travel and other expenses incurred by**  
28 **them in the performance of their official duties in the manner and**  
29 **amounts provided for in ORS 292.495. Claims for expenses incurred in**  
30 **performing functions of the task force shall be paid out of funds ap-**

1 **propriated to Legislative Administrator for purposes of the task force.**

2 **“(12) All agencies of state government, as defined in ORS 174.111,**  
3 **are directed to assist the task force in the performance of its duties**  
4 **and, to the extent permitted by laws relating to confidentiality, to**  
5 **furnish such information and advice as the members of the task force**  
6 **consider necessary to perform their duties.**

7 **“SECTION 6. Section 5 of this 2015 Act is repealed on December 31,**  
8 **2016.**

9 **“SECTION 7. The amendments to ORS 496.690, 496.705, 496.992 and**  
10 **498.042 by sections 1 to 4 of this 2015 Act become operative January 1,**  
11 **2016.**

12 **“SECTION 8. This 2015 Act being necessary for the immediate**  
13 **preservation of the public peace, health and safety, an emergency is**  
14 **declared to exist, and this 2015 Act takes effect on its passage.”.**

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