HB 2537-5 (LC 1370) 4/9/15 (MAM/emm/ps)

PROPOSED AMENDMENTS TO HOUSE BILL 2537

1 On <u>page 1</u> of the printed bill, line 2, after "laws;" insert "creating new 2 provisions; and".

3 In line 5, after "(1)" insert "(a)".

4 After line 7, insert:

5 "(b) The commission shall institute suit for the recovery of damages for 6 the unlawful taking or killing of any of the wildlife referred to in subsection 7 (2) of this section against a person who is convicted of a Class A 8 misdemeanor pursuant to ORS 496.992 (1) or (9) or a Class C felony pursuant 9 to ORS 496.992 (10).".

- 10 In line 9, after "elk," insert "mule deer,".
- In line 13, delete "\$15,000" and insert "\$50,000".
- 12 In line 14, delete "\$1,500" and insert "\$5,000".
- ¹³ In line 15, delete "\$15,000" and insert "\$5,000".
- 14 In line 16, delete "\$15,000" and insert "\$5,000".
- 15 In line 25, delete "\$20" and insert "\$200".

In line 26, delete "wild turkey, \$20" and insert "sage grouse, \$200".

- 17 Delete line 27 and insert:
- ¹⁸ "(N) Each sage grouse, \$1,000.".
- 19 On page 2, line 3, delete "\$1,500" and insert "\$300".
- In line 5, restore the bracketed material and delete "\$10,000".
- In line 6, delete "\$1,500" and insert "\$750".
- In line 7, delete "\$2,500" and insert "\$750".

1 In line 11, delete "\$5,000" and insert "\$1,000".

2 In line 14, delete "\$10,000" and insert "\$2,500".

3 In line 16, delete "\$5,000" and insert "\$2,500".

4 On page 3, line 18, delete "C felony" and insert "A misdemeanor".

5 In line 27, restore "is a Class C felony" and delete the boldfaced material.

6 Delete lines 29 through 45 and insert:

"(11) If a person is convicted of a Class A misdemeanor under subsection 7 (9) of this section or a Class C felony under subsection (10) of this section, 8 in addition to any other penalty authorized by law, the court shall order the 9 State Fish and Wildlife Commission to revoke all licenses, tags and permits 10 issued to that person in the manner provided for in ORS 497.415 (3) and (6). 11 Notwithstanding any contrary provision of ORS 497.415, upon being the 12 subject of a court order pursuant to this subsection, a person is prohibited 13 from applying for or obtaining another such license, tag or permit.". 14

15 On page 4, after line 17, insert:

"<u>SECTION 5.</u> (1) The Task Force on Creating a Wildlife Laws
 Prosecutor is established, consisting of nine members appointed as
 follows:

"(a) The President of the Senate shall appoint one member from
 among members of the Senate.

"(b) The Speaker of the House of Representatives shall appoint one
 member from among members of the House of Representatives.

23 "(c) The Governor shall appoint three members as follows:

"(A) One member representing the State Department of Fish and
 Wildlife;

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

²⁸ "(C) One member representing the general public.

29 "(d) The Chief Justice of the Supreme Court shall appoint one 30 member representing the Judicial Department who is a circuit court judge with expertise in proceedings in the courts related to enforcement of the wildlife laws.

"(e) The Attorney General shall appoint two members as follows:
"(A) One member representing the Department of Justice, with expertise related to the wildlife laws; and

6 "(B) One member representing the Oregon District Attorneys As-7 sociation with expertise in wildlife law prosecutions.

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

11 **"(2) The task force shall:**

"(a) Study the feasibility of creating, within the Criminal Justice
Division of the Department of Justice, the position of a wildlife laws
prosecutor;

"(b) Identify the potential duties of a wildlife laws prosecutor; and
 "(c) Identify potential sources of funding for the creation of a
 wildlife laws prosecutor position.

"(3) A majority of the voting members of the task force constitutes
a quorum for the transaction of business.

"(4) Official action by the task force requires the approval of a
majority of the voting members of the task force.

"(5) The task force shall elect one of its members to serve as
 chairperson.

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

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

"(8) The task force may adopt rules necessary for the operation of
 the task force.

HB 2537-5 4/9/15 Proposed Amendments to HB 2537 "(9) The task force shall make a report in the manner provided by ORS 192.245, and may include recommendations for legislation, to the interim committees of the Legislative Assembly related to environment and natural resources or the judiciary, as appropriate, no later than September 15, 2016.

6 "(10) The Legislative Administrator shall provide staff support to 7 the task force.

"(11) Members of the task force who are not members of the Leg-8 islative Assembly are not entitled to compensation, but may be reim-9 bursed for actual and necessary travel and other expenses incurred by 10 them in the performance of their official duties in the manner and 11 amounts provided for in ORS 292.495. Claims for expenses incurred in 12 performing functions of the task force shall be paid out of funds ap-13 propriated to Legislative Administrator for purposes of the task force. 14 "(12) All agencies of state government, as defined in ORS 174.111, 15 are directed to assist the task force in the performance of its duties 16 and, to the extent permitted by laws relating to confidentiality, to 17 furnish such information and advice as the members of the task force 18 consider necessary to perform their duties. 19

"<u>SECTION 6.</u> Section 5 of this 2015 Act is repealed on December 31,
2016.".

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