

**PROPOSED AMENDMENTS TO
SENATE BILL 175**

1 On page 1 of the printed bill, line 2, after “ORS” insert “496.690, 496.705
2 and”.

3 On page 2, line 1, after “sheep” insert “, or the taking of wildlife or any
4 part thereof with the intent to sell or exchange the wildlife or parts
5 thereof.”.

6 After line 33, insert:

7 **“SECTION 3.** ORS 496.705 is amended to read:

8 “496.705. (1) The State Fish and Wildlife Commission may institute suit
9 for the recovery of damages for the unlawful taking or killing of any of the
10 wildlife referred to in subsection (2) of this section that are the property of
11 the state.

12 “(2)(a) The damages referred to in subsection (1) of this section are as
13 follows:

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

17 “(B) Each moose, mountain sheep or mountain goat, other than those de-
18 scribed in subparagraphs [(F), (G) and (H)] **(G), (H) and (I)** of this para-
19 graph, \$10,000.

20 “(C) Each elk, other than those described in subparagraph [(I)] **(J)** of this
21 paragraph, \$1,500.

22 **“(D) Each black bear, \$5,000.**

1 “~~[(D)]~~ **(E)** Each deer with at least four points on one antler, \$7,500.
2 “~~[(E)]~~ **(F)** Each antelope with at least one horn equal to or greater than
3 14 inches, \$7,500.
4 “~~[(F)]~~ **(G)** Each moose with antlers, \$25,000.
5 “~~[(G)]~~ **(H)** Each mountain sheep that has at least one horn equal to or
6 greater than one half curl, \$25,000.
7 “~~[(H)]~~ **(I)** Each mountain goat that has at least one horn equal to or
8 greater than six inches, \$25,000.
9 “~~[(I)]~~ **(J)** Each elk with at least six points on one antler, \$15,000.
10 “~~[(J)]~~ **(K)** Each silver gray squirrel, \$20.
11 “~~[(K)]~~ **(L)** Each game bird other than wild turkey, \$20.
12 “~~[(L)]~~ **(M)** Each wild turkey, \$100.
13 “~~[(M)]~~ **(N)** Each game fish other than salmon, steelhead trout, halibut or
14 sturgeon, \$10.
15 “~~[(N)]~~ **(O)** Each sturgeon other than those specified in subparagraph
16 ~~[(O)]~~ **(P)** of this paragraph, salmon, steelhead trout or halibut, \$250.
17 “~~[(O)]~~ **(P)** Each oversized sturgeon, as specified by the commission by
18 rule, \$1,000.
19 “~~[(P)]~~ **(Q)** Each fur-bearing mammal other than bobcat or fisher, \$100.
20 “~~[(Q)]~~ **(R)** Each bobcat or fisher, \$700.
21 “~~[(R)]~~ **(S)** Each specimen of any wildlife species whose survival is speci-
22 fied by the wildlife laws or the laws of the United States as threatened or
23 endangered, \$1,000.
24 “~~[(S)]~~ **(T)** Each specimen of any wildlife species otherwise protected by
25 the wildlife laws or the laws of the United States, but not otherwise referred
26 to in this subsection, \$50.
27 “~~[(T)]~~ **(U)** Each bald eagle, golden eagle, goshawk, osprey, peregrine
28 falcon or any other raptor listed as a threatened species or an endangered
29 species by the commission by rule, \$5,000.
30 “~~[(U)]~~ **(V)** Each raptor except those specified in subparagraph ~~[(T)]~~ **(U)**

1 of this paragraph, \$2,000.

2 “(b) For purposes of this subsection:

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

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

7 **“(C) Each part that has been removed from the carcass of a black
8 bear when it is illegal to remove the part shall constitute a separate
9 unlawful taking or killing of a black bear.**

10 “(3) In any such action, the court shall award to the prevailing party, in
11 addition to costs and disbursements, reasonable attorney fees.

12 “(4) Such civil damages shall be in addition to other penalties prescribed
13 by the wildlife laws for the unlawful taking or killing of wildlife.

14 “(5) Any circuit or justice court has jurisdiction to try any case for the
15 recovery of damages for the unlawful taking or killing of any of the wildlife
16 as provided by this section.

17 **“(6) Subject to ORS 496.690, this section does not apply to the un-
18 intentional taking or killing of wildlife incident to an otherwise lawful
19 activity.”.**

20 **“SECTION 4.** ORS 496.690 is amended to read:

21 “496.690. (1) The fact that any person has any wildlife, or any part
22 thereof, in possession when it is illegal to take or have same is prima facie
23 evidence that such person killed such wildlife illegally.

24 **“(2) The fact that any person has in possession a part that has been
25 removed from the carcass of a black bear when it is illegal to remove
26 the part creates a rebuttable presumption of an intent to sell, barter,
27 trade, import or export the black bear part so removed.”.**

28 In line 34, delete “3” and insert “5”.

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