

Requested by Representative HELM

**PROPOSED AMENDMENTS TO
HOUSE BILL 2883**

1 On page 1 of the printed bill, delete lines 4 through 29 and delete pages
2 2 and 3 and insert:

3 **“SECTION 1. Section 2 of this 2017 Act is added to and made a part
4 of the wildlife laws.**

5 **“SECTION 2. (1) In addition to any other penalty authorized by law,
6 the court may order the State Fish and Wildlife Commission to revoke
7 all licenses, tags and permits issued to a person in the manner pro-
8 vided for in ORS 497.415 if the person:**

9 **“(a) Is, as provided for in ORS 496.992, convicted of a violation of
10 the wildlife laws, or any rule adopted pursuant to the wildlife laws,
11 that involves the taking or killing of wildlife with a culpable mental
12 state; and**

13 **“(b) Was, at the time the violation occurred, acting or offering to
14 act as an outfitter and guide subject to registration with the State
15 Marine Board pursuant to ORS 704.020.**

16 **“(2) Notwithstanding ORS 497.415 (5), upon having a license, tag or
17 permit revoked under subsection (1) of this section, a person is pro-
18 hibited from applying for or obtaining another such license, tag or
19 permit.**

20 **“SECTION 3. ORS 704.040 is amended to read:**

21 **“704.040. (1) The Legislative Assembly finds that violation of fire pre-**

1 vention, wildlife, hunting, angling, trapping, commercial fishing, recreational
2 boating or public safety laws is directly related to the fitness required for
3 registration as an outfitter and guide.

4 “(2) When a person is convicted of a felony or misdemeanor related to the
5 provision of services regulated by this chapter, a violation of ORS 704.020
6 or 704.030 or ORS chapter 477, 496, 497, 498, 501, 506, 508, 509, 511 or 830,
7 or any rule promulgated pursuant to ORS 704.500 or ORS chapter 477, 496,
8 497, 498, 501, 506, 508, 509, 511 or 830, the court having jurisdiction of the
9 offense may order the State Marine Board to revoke the certificate of regis-
10 tration issued to that person pursuant to ORS 704.020.

11 “(3) When a court orders revocation of a certificate of registration pur-
12 suant to this section, the court shall take up the certificate of registration
13 and forward it with a copy of the revocation order to the board. Upon receipt
14 thereof, the board shall cause revocation of the certificate of registration in
15 accordance with the court order.

16 “[4) *A person who has had a certificate of registration revoked pursuant*
17 *to a court order under this section is ineligible to register under ORS 704.020*
18 *for a period of 24 months from the date the court ordered the revocation.*]

19 “[5)] **(4) Except as provided in subsection (6) of this section,** the
20 board, in its discretion, may reprimand an outfitter and guide or suspend for
21 up to [24] **60** months, revoke or deny the registration of an outfitter and
22 guide for any of the following:

23 “(a) Conviction of a felony or misdemeanor related to the provision of
24 services regulated by this chapter.

25 “(b) Any serious or repeated violation of this chapter or ORS chapter 477,
26 496, 497, 498, 501, 506, 508, 509, 511 or 830 or any rule adopted pursuant to
27 ORS chapter 477, 496, 497, 498, 501, 506, 508, 509, 511 or 830.

28 “(c) Any serious or repeated violation of the fish and wildlife laws or
29 regulations of the federal government or of another state for committing or
30 omitting acts that, if committed or omitted in this state, would be a violation

1 of ethical or professional standards established pursuant to this chapter. A
2 certified copy of the record of suspension or revocation of the state making
3 such suspension or revocation is conclusive evidence thereof.

4 “(d) Having an outfitter and guide registration, license, permit or certifi-
5 cate suspended, revoked, canceled or denied by another state or by an
6 agency of the United States for committing or omitting acts that, if com-
7 mitted or omitted in this state, would be a violation of ethical or professional
8 standards established pursuant to this chapter. A certified copy of the record
9 of suspension or revocation of the state making such suspension or revoca-
10 tion is conclusive evidence thereof.

11 “(e) Having a United States Coast Guard vessel operator license revoked,
12 suspended or canceled by the United States Coast Guard for committing or
13 omitting acts that if committed or omitted in this state would be a violation
14 of standards established pursuant to this chapter. A certified copy of the
15 record of revocation, suspension or cancellation from the United States
16 Coast Guard is conclusive evidence thereof.

17 “(f) Engaging in fraudulent, untruthful or seriously misleading advertis-
18 ing in the conduct of the outfitting and guiding services.

19 “(g) Conviction of a crime involving delivery, manufacture or possession
20 of a controlled substance, as defined in ORS 475.005, except marijuana.

21 “(h) Conviction of assault in any degree, criminal homicide as defined in
22 ORS 163.005 or kidnapping in any degree.

23 “[~~(6)~~] **(5)** The board shall revoke the registration of an outfitter and guide
24 for:

25 “(a) Conviction of a crime, the result of which prohibits the person from
26 possessing a firearm; or

27 “(b) Conviction of a crime, the result of which requires the person to be
28 registered as a sex offender under ORS 163A.010, 163A.015, 163A.020 or
29 163A.025.

30 “**(6) The board may deny, for any period, the registration of an**

1 **outfitter and guide if:**

2 **“(a) The outfitter and guide or any person who provides or assists**
3 **the outfitter and guide in directly providing outfitting and guiding**
4 **services has had a certificate of registration revoked pursuant to a**
5 **court order under this section for conviction of a violation of ORS**
6 **chapter 496, 497, 498 or 501, or any rule adopted pursuant to ORS**
7 **chapter 496, 497, 498 or 501; and**

8 **“(b) The violation described in paragraph (a) of this subsection in-**
9 **volved the unlawful taking or killing of wildlife with a culpable mental**
10 **state as provided for in ORS 496.992.**

11 **“(7) The board shall adopt rules to implement subsections [(5) and (6)] (4)**
12 **to (6) of this section, including rules that describe conduct that is a serious**
13 **or repeated violation of a law, rule or regulation.**

14 **“SECTION 4. Section 2 of this 2017 Act and the amendments to ORS**
15 **704.040 by section 3 of this 2017 Act apply to violations of agency re-**
16 **quirements committed on or after the effective date of this 2017**
17 **Act.”.**

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