



**HUMANE | OREGON**

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8508 SE 11TH AVE.  
PORTLAND, OR 97202  
503.946.1534  
INFO@HUMANEOREGON.ORG  
WWW.HUMANEOREGON.ORG

Testimony of Humane Oregon on House Bill 4030 (2018)  
House Committee on Agriculture and Natural Resources

February 5, 2018

Chair Clem, Vice Chair McLain, Vice Chair Sprenger, and members of the Committee:

Humane Oregon was formed in 2014 to help advocate for humane treatment of animals in Oregon's political process and elections. We are a moderate but progressive animal welfare organization, with board members from many different parts of Oregon's animal welfare community. We are not affiliated with any other state or national organization.

Humane Oregon supports passage of House Bill 4030. This bill would simply allow the courts, in criminal misdemeanor cases involving violations of Oregon's wildlife laws, to order restitution up to the amounts allowed as damages in a civil case by the Oregon Department of Fish and Wildlife for unlawful taking or killing of wildlife.

The civil damage amounts were modified in 2016 by House Bill 4046. HB 4046 grew out of discussions and proposed legislation in 2015 (HB 2537). Having participated in those discussions, and supported the legislation, our understanding was that, while ODFW rarely brings civil actions for damages for unlawful taking of wildlife, the civil damage amounts would be used, as they had in the past, to set restitution in criminal cases involving illegal taking or killing of wildlife. However, some courts have since questioned their authority to impose restitution based on these amounts. Our understanding is that HB 4030 is intended to make clear that the courts do have this authority.

Humane Oregon supports tough penalties for poaching because humane treatment of animals includes respecting the laws designed to preserve and protect Oregon's wildlife.

We do have one suggestion for improvement of HB 4030. Our understanding is that the intent of the bill is to allow a court to impose fines up to the amounts in ORS 496.705(2) *without further evidence of the value of the wildlife taken or killed*. If so, we suggest making that explicit by inserting this italicized language after "compensatory fine" in Section 12(a)(B).

Thank you for considering our comments.

***Brian Posewitz***

Board Member and Administrator