

HOUSE AMENDMENTS TO HOUSE BILL 4030

By COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

February 19

1 On page 2 of the printed bill, delete lines 22 through 31 and insert:

2 “(12)(a) If a court imposes a fine as penalty for an offense under the wildlife laws that involves
3 the unlawful taking or killing of wildlife listed under ORS 496.705 (2), the court shall order that the
4 defendant pay all or a portion of the fine separately to the clerk of the court for paying over to the
5 State Fish and Wildlife Commission. The clerk shall pay over to the commission the amount that the
6 court ordered the defendant to pay separately for that purpose. The amount that the court orders
7 to be paid separately to the clerk for paying over to the commission shall be the lesser of:

8 “(A) The amount of the fine imposed; or

9 “(B) The amount that the commission could recover under ORS 496.705 (2) as damages for the
10 unlawful taking or killing.

11 “(b) If the amount that the commission could recover under ORS 496.705 (2) as damages for the
12 unlawful taking or killing of wildlife is more than the maximum fine established for the offense un-
13 der ORS 153.018, 161.625 or 161.635 or a specific fine statute, notwithstanding ORS 153.018, 161.625
14 or 161.635 or any specific fine statute, the maximum fine for the offense is the amount that the
15 commission could recover under ORS 496.705 (2) as damages for the unlawful taking or killing.

16 “(c) If an amount paid over to the commission under this subsection is less than the amount that
17 the commission could recover under ORS 496.705 (2) as damages for the unlawful taking or killing
18 of wildlife, payment of the amount does not prevent the commission from bringing an action under
19 ORS 496.705 (2) to recover damages for the unlawful taking or killing. However, notwithstanding
20 ORS 496.705, the amount recoverable under ORS 496.705 (2) by the commission as damages for the
21 unlawful taking or killing shall be reduced by the amount paid to the commission under this sub-
22 section from a fine imposed for the unlawful taking or killing.”.

23 On page 3, line 24, delete “from” and insert “under”.

24 In line 25, delete “a compensatory fine described in”.

25 In line 27, delete “misdemeanors” and insert “offenses”.

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