

Requested by Representative HELM

**PROPOSED AMENDMENTS TO
HOUSE BILL 4030**

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

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

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

13 “(b) If the amount that the commission could recover under ORS 496.705
14 (2) as damages for the unlawful taking or killing of wildlife is more than the
15 maximum fine established for the offense under ORS 153.018, 161.625 or
16 161.635 or a specific fine statute, notwithstanding ORS 153.018, 161.625 or
17 161.635 or any specific fine statute, the maximum fine for the offense is the
18 amount that the commission could recover under ORS 496.705 (2) as damages
19 for the unlawful taking or killing.

20 “(c) If an amount paid over to the commission under this subsection is
21 less than the amount that the commission could recover under ORS 496.705

1 (2) as damages for the unlawful taking or killing of wildlife, payment of the
2 amount does not prevent the commission from bringing an action under ORS
3 496.705 (2) to recover damages for the unlawful taking or killing. However,
4 notwithstanding ORS 496.705, the amount recoverable under ORS 496.705 (2)
5 by the commission as damages for the unlawful taking or killing shall be
6 reduced by the amount paid to the commission under this subsection from a
7 fine imposed for the unlawful taking or killing.”.

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

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

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

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