

HB 3035 A STAFF MEASURE SUMMARY**Carrier:** Sen. Roblan**Senate Committee On Environment and Natural Resources**

Action Date: 05/21/19
Action: Do pass the A-Eng bill.
Vote: 4-0-1-0
Yeas: 4 - Bentz, Dembrow, Prozanski, Roblan
Exc: 1 - Olsen
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
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Meeting Dates: 5/14, 5/21

WHAT THE MEASURE DOES:

Increases penalty for a violation of wildlife law that involves hunting from motor-propelled vehicle; hunting with artificial light; or shining artificial light on game mammal, predatory animal, or livestock while in or near motor vehicle and while in possession of weapon to a Class A violation, punishable by a maximum fine of \$2,000, if offense is committed without a culpable mental state. Establishes that a violation of specified wildlife laws, or rule adopted pursuant to wildlife laws, is a Class C felony, punishable by up to five years incarceration, \$125,000 fine, or both, if offense is committed intentionally, knowingly, or recklessly, and involves: unlawful taking of wildlife with intent to sell or barter, trade, import, export, or otherwise exchange wildlife or part of wildlife; second and subsequent unlawful taking of game mammal during 12-month period, except silver gray squirrel; unlawful taking of moose, mountain sheep, Rocky Mountain goat, or wolf; third and each subsequent unlawful taking of game fish in excess of bag limit during 12-month period; second and each subsequent unlawful taking of nonadipose clipped steelhead during 12-month period; unlawful taking of members of Acipenseridae family (sturgeon); or unlawful taking of threatened or endangered species. Requires Oregon Fish and Wildlife Commission to include take while in violation of criminal trespass laws to a program which encourages person to report violations of wildlife laws. Applies to offenses committed on or after effective date of Act.

ISSUES DISCUSSED:

- Examples of egregious poaching incidents
- Definition of "reckless"
- Poaching penalties in Washington vs Oregon

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Oregon State Police Fish and Wildlife Division is charged with enforcing fish, wildlife, environmental, and other criminal laws and protecting people, property, and natural resources. The Division's "Turn-in-Poachers" or "TIP" program offers preference points or cash rewards for information leading to an arrest or issuance of a citation for the illegal killing or taking of wildlife, illegally obtaining Oregon hunting or angling licenses or tags, or for information about the illegal taking, netting, snagging, dynamiting of salmon, steelhead, sturgeon, or fish listed in Oregon law as a game fish. According to the Oregon Department of Fish and Wildlife, poachers killed more mule deer than legal hunters during a six-year study of radio-collared deer in south-central Oregon.

House Bill 3035A would increase the maximum penalty for certain wildlife law offenses committed without a culpable mental state to a Class A violation (\$2,000 fine) and increase the maximum penalty for certain wildlife law offenses committed intentionally, knowingly, or recklessly to a Class C felony (up to five years' imprisonment,

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\$125,000 maximum fine, or both).