

A-Engrossed
Senate Bill 289

Ordered by the Senate April 19
Including Senate Amendments dated April 19

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Office of the Governor)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Directs office of Governor, in consultation with Racial Justice Council's Environmental Equity Committee, to study laws related to environment and provide results to interim committees of Legislative Assembly no later than September 15, 2022.]

[Sunsets January 2, 2023.]

[Takes effect on 91st day following adjournment sine die.]

Prohibits person convicted of bias crime committed while on state waters or publicly owned outdoor recreation land from entering area under jurisdiction of State Parks and Recreation Department.

Directs State Marine Board to revoke certain privileges from person convicted of bias crime committed while on state waters or publicly owned outdoor recreation land.

Adds bias crime conviction to circumstances in which court may order State Fish and Wildlife Commission to revoke licenses, tags and permits.

A BILL FOR AN ACT

1
2 Relating to environmental equity; creating new provisions; and amending ORS 497.415.

3 Whereas environmental equity means that all people are protected from environmental hazards
4 and have access to the benefits of a healthy environment; and

5 Whereas the benefits of a healthy environment include opportunities for recreation in Oregon's
6 natural areas; and

7 Whereas the risk or fear of being subjected to a bias crime affects the ability of Oregonians and
8 visitors to this state to access opportunities for outdoor recreation; and

9 Whereas it is necessary to hold offenders accountable and deter bias crimes that occur in
10 Oregon's natural areas; now, therefore,

11 **Be It Enacted by the People of the State of Oregon:**

12 **SECTION 1. (1) In addition to any other penalty imposed by law, for a period of at least**
13 **six months, but not longer than five years from the date of entry of judgment of conviction,**
14 **a person convicted of a violation of ORS 166.155 or 166.165 committed on the waters of this**
15 **state or on publicly owned land used for outdoor recreation may not enter or remain in or**
16 **on any building or land or water area under the jurisdiction of the State Parks and Recre-**
17 **ation Department.**

18 **(2) The court shall notify the department of the entry of a judgment of conviction de-**
19 **scribed in subsection (1) of this section.**

20 **(3) Notwithstanding subsection (1) of this section, a person convicted of a violation of**
21 **ORS 166.155 or 166.165 may not be prohibited from entering or remaining in or on:**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (a) Any building or land or water area under the jurisdiction of the department while the
2 person is performing community service under section 3 of this 2021 Act; or

3 (b) The grounds included within the State Capitol State Park under ORS 276.053.

4 **SECTION 2.** (1) In addition to any other penalty imposed by law, if a person is convicted
5 of a violation of ORS 166.155 or 166.165 committed while the person was on the waters of this
6 state or on publicly owned land used for outdoor recreation, the State Marine Board:

7 (a) Shall suspend the person's boating safety education card issued under ORS 830.086 for
8 a period of at least six months, but not longer than five years from the date of conviction.

9 (b) Shall revoke the person's waterway access permit described in ORS 830.627 (1)(a) to
10 (c).

11 (c) May not issue a boating safety education card under ORS 830.086 to the person for a
12 period of at least six months, but not longer than five years from the date of conviction.

13 (d) May not issue a waterway access permit described in ORS 830.627 (1)(a) to (c) to the
14 person for a period of at least six months, but not longer than five years from the date of
15 entry of judgment of conviction.

16 (2) The court shall notify the board of the entry of a judgment of conviction described in
17 subsection (1) of this section.

18 **SECTION 3.** If a court sentences a person to community service for a violation of ORS
19 166.155 or 166.165 and the conduct that was the subject of the violation occurred while on the
20 waters of this state or on publicly owned land used for outdoor recreation, the community
21 service may include:

22 (1) Habitat restoration or restoration or maintenance of outdoor recreation facilities
23 under the supervision of the State Parks and Recreation Department, the State Department
24 of Fish and Wildlife or the State Marine Board; and

25 (2) Anti-bias training.

26 **SECTION 4.** ORS 497.415 is amended to read:

27 497.415. (1) When any person is convicted of a violation of law or any rule adopted pursuant
28 thereto or otherwise fails to comply with the requirements of a citation in connection with such
29 violation as provided in subsection (2) of this section, the court may order the State Fish and
30 Wildlife Commission to revoke all licenses, tags and permits issued to that person pursuant to the
31 wildlife laws. Revocation of licenses, tags and permits is in addition to and not in lieu of other
32 penalties provided by law.

33 (2) The license, tag and permit revocation provisions of subsection (1) of this section apply to
34 the following persons:

35 (a) Any person who is convicted of a violation of the wildlife laws, or any rule adopted pursuant
36 thereto, or who otherwise fails to comply with the requirements of a citation in connection with any
37 such offense.

38 (b) Any person who is convicted of a violation of ORS 164.245, 164.255, 164.265, 164.345, 164.354
39 or 164.365 committed while the person was angling, taking shellfish, hunting or trapping or who
40 otherwise fails to comply with the requirements of a citation in connection with any such offense.

41 (c) Any person who is convicted of a violation of ORS 166.630 or 166.638 committed while
42 hunting or who otherwise fails to comply with the requirements of a citation in connection with any
43 such offense.

44 (d) Any person who is convicted of a violation of ORS 166.155 or 166.165 committed while
45 the person was angling, taking shellfish, hunting or trapping or while the person was on the

1 **waters of this state or on publicly owned land used for outdoor recreation.**

2 (3) When a court orders the revocation of a license, tag or permit pursuant to this section, the
3 court shall take up any such licenses, tags and permits and forward them, together with a copy of
4 the revocation order, to the commission. Upon receipt thereof, the commission shall cause revoca-
5 tion of the appropriate licenses, tags and permits in accordance with the court order.

6 (4) For purposes of the Wildlife Violator Compact:

7 (a) The commission shall suspend a violator's license as defined in ORS 496.750 for failure to
8 comply with the terms of a citation from a party state. A copy of a report of failure to comply from
9 the licensing authority of the issuing state shall be conclusive evidence. Suspension under this par-
10 agraph commences on the date the commission issues a final order pursuant to the provisions of
11 ORS chapter 183 to suspend the license in this state. The period of suspension under this paragraph
12 is the period provided by Oregon law or such longer period as provided by commission rule based
13 on the period of suspension imposed by the party state.

14 (b) The commission shall revoke a violator's license as defined in ORS 496.750 for a conviction
15 in a party state. A report of conviction from the licensing authority of the issuing state shall be
16 conclusive evidence. Revocation under this paragraph commences on the date the commission issues
17 a final order pursuant to the provisions of ORS chapter 183 to revoke the license in this state. The
18 period of revocation under this paragraph is the period provided by Oregon law or such longer pe-
19 riod as provided by commission rule based on the period of revocation imposed by the party state.

20 (5)(a) No person who has had a license, tag or permit revoked pursuant to this section for the
21 first time shall apply for or obtain another such license, tag or permit for the period of 36 months
22 from the date the court or commission ordered the revocation.

23 (b) Upon having a license, tag or permit revoked for a second time pursuant to this section, no
24 person shall apply for or obtain another such license, tag or permit for the period of five years.

25 (c) Upon having a license, tag or permit revoked for a third or subsequent time pursuant to this
26 section, a person is prohibited from applying for or obtaining another such license, tag or permit.

27 (6)(a) If a person convicted of conduct described in subsection (2) of this section does not possess
28 at the time of conviction those licenses, tags and permits issued pursuant to the wildlife laws that
29 the court would have revoked pursuant to this section, the court shall specify by order those li-
30 censes, tags and permits that would have been revoked and shall forward a copy of the order to the
31 commission. No person who is the subject of such a court order shall apply for, possess or obtain
32 another such license, tag or permit for the period of 36 months from the date of the order.

33 (b) Upon being the subject of a court order under this subsection for a second time, no person
34 shall apply for or obtain another such license, tag or permit for the period of five years.

35 (c) Upon being the subject of a court order under this subsection for a third time, a person is
36 prohibited from applying for or obtaining another such license, tag or permit.

37 **SECTION 5. Sections 1 to 3 of this 2021 Act and the amendments to ORS 497.415 by sec-**
38 **tion 4 of this 2021 Act apply to convictions for conduct that occurs on or after the effective**
39 **date of this 2021 Act.**

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