

SENATE AMENDMENTS TO SENATE BILL 289

By COMMITTEE ON ENERGY AND ENVIRONMENT

April 19

1 In line 2 of the printed bill, delete “and prescribing an effective date” and insert “creating new
2 provisions; and amending ORS 497.415”.

3 After line 2, insert:

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

6 “Whereas the benefits of a healthy environment include opportunities for recreation in Oregon’s
7 natural areas; and

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

10 “Whereas it is necessary to hold offenders accountable and deter bias crimes that occur in
11 Oregon’s natural areas; now, therefore,”.

12 Delete lines 4 through 12 and insert:

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

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

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

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

25 **“(b) The grounds included within the State Capitol State Park under ORS 276.053.**

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

29 **“(a) Shall suspend the person’s boating safety education card issued under ORS 830.086
30 for a period of at least six months, but not longer than five years from the date of con-
31 viction.**

32 **“(b) Shall revoke the person’s waterway access permit described in ORS 830.627 (1)(a) to
33 (c).**

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

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

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

6 “**SECTION 3.** If a court sentences a person to community service for a violation of ORS
7 166.155 or 166.165 and the conduct that was the subject of the violation occurred while on the
8 waters of this state or on publicly owned land used for outdoor recreation, the community
9 service may include:

10 “(1) Habitat restoration or restoration or maintenance of outdoor recreation facilities
11 under the supervision of the State Parks and Recreation Department, the State Department
12 of Fish and Wildlife or the State Marine Board; and

13 “(2) Anti-bias training.

14 “**SECTION 4.** ORS 497.415 is amended to read:

15 “497.415. (1) When any person is convicted of a violation of law or any rule adopted pursuant
16 thereto or otherwise fails to comply with the requirements of a citation in connection with such
17 violation as provided in subsection (2) of this section, the court may order the State Fish and
18 Wildlife Commission to revoke all licenses, tags and permits issued to that person pursuant to the
19 wildlife laws. Revocation of licenses, tags and permits is in addition to and not in lieu of other
20 penalties provided by law.

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

23 “(a) Any person who is convicted of a violation of the wildlife laws, or any rule adopted pursu-
24 ant thereto, or who otherwise fails to comply with the requirements of a citation in connection with
25 any such offense.

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

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

32 “(d) Any person who is convicted of a violation of ORS 166.155 or 166.165 committed while
33 the person was angling, taking shellfish, hunting or trapping or while the person was on the
34 waters of this state or on publicly owned land used for outdoor recreation.

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

39 “(4) For purposes of the Wildlife Violator Compact:

40 “(a) The commission shall suspend a violator’s license as defined in ORS 496.750 for failure to
41 comply with the terms of a citation from a party state. A copy of a report of failure to comply from
42 the licensing authority of the issuing state shall be conclusive evidence. Suspension under this par-
43 agraph commences on the date the commission issues a final order pursuant to the provisions of
44 ORS chapter 183 to suspend the license in this state. The period of suspension under this paragraph
45 is the period provided by Oregon law or such longer period as provided by commission rule based

1 on the period of suspension imposed by the party state.

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

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

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

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

15 “(6)(a) If a person convicted of conduct described in subsection (2) of this section does not pos-
16 sess at the time of conviction those licenses, tags and permits issued pursuant to the wildlife laws
17 that the court would have revoked pursuant to this section, the court shall specify by order those
18 licenses, tags and permits that would have been revoked and shall forward a copy of the order to
19 the commission. No person who is the subject of such a court order shall apply for, possess or obtain
20 another such license, tag or permit for the period of 36 months from the date of the order.

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

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

25 “**SECTION 5. Sections 1 to 3 of this 2021 Act and the amendments to ORS 497.415 by**
26 **section 4 of this 2021 Act apply to convictions for conduct that occurs on or after the effec-**
27 **tive date of this 2021 Act.”.**

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