

**Enrolled**  
**Senate Bill 289**

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CHAPTER .....

AN ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) **Anti-bias training.**

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

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

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

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

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

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

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

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

(4) For purposes of the Wildlife Violator Compact:

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

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

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

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

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

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

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

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

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

**Passed by Senate April 28, 2021**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House June 9, 2021**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M.,....., 2021

**Approved:**

.....M.,....., 2021

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2021

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Shemia Fagan, Secretary of State