

Senate Bill 887

Sponsored by COMMITTEE ON NATURAL RESOURCES

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 **as introduced**.

Provides that, in suit for recovery of damages for unlawful taking or possession of food fish, damages shall be twice fair market value of food fish, as established by State Fish and Wildlife Commission by rule.

A BILL FOR AN ACT

1
2 Relating to establishing the value of food fish; amending ORS 506.690 and 506.720.

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

4 **SECTION 1.** ORS 506.690 is amended to read:

5 506.690. (1) All fish taken by or in the possession of any person in violation of the commercial
6 fishing laws or the rules of the State Fish and Wildlife Commission shall be seized by any member
7 of the commission or any officer described in ORS 506.521.

8 (2) Any fish seized under the provisions of subsection (1) of this section may be disposed of, sold,
9 preserved or used for food purposes, under the rules of the commission, to prevent loss or spoilage.
10 At the time the court passes sentence in the criminal prosecution for violation of the commercial
11 fishing laws, the court may order that any fish seized under subsection (1) of this section or the
12 proceeds from the sale of such fish shall be forfeited. Any moneys derived from the sale of any for-
13 feited fish shall be deposited in the Commercial Fisheries Fund.

14 (3) If the fish seized under subsection (1) of this section are not subsequently forfeited, the
15 commission shall pay to the person from whom the fish were seized an amount equal to the **fair**
16 market value, **as established by rule pursuant to ORS 506.720**, of the fish at the time of seizure.

17 (4) The commission shall approve the amount to be paid under subsection (3) of this section, and
18 the claim shall be paid from the Commercial Fisheries Fund in the manner provided by law for the
19 payment of claims against the state. There is appropriated continuously from the Commercial
20 Fisheries Fund an amount equal to the amounts approved by the commission under this subsection.

21 **SECTION 2.** ORS 506.720 is amended to read:

22 506.720. (1) The State Fish and Wildlife Commission may institute suit for the recovery of dam-
23 ages for the unlawful taking, possession or killing of food fish [*referred to in this section*] that are
24 the property of the state.

25 [(2) *The damages referred to in subsection (1) of this section shall be as follows:*]

26 [(a) *For food fish other than pink shrimp, salmon or steelhead, twice the average market value of*
27 *the food fish.*]

28 [(b) *For salmon or steelhead taken in waters other than the waters of the Pacific Ocean, \$125 per*
29 *fish.*]

30 [(c) *For salmon or steelhead taken in the waters of the Pacific Ocean:*]

31 [(A) *For the first violation, twice the average market value of the food fish.*]

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 *[(B) For the second and each subsequent violation within a five-year period, \$125 per fish.]*

2 *[(d) For pink shrimp:]*

3 *[(A) For the first violation, five percent of the average market value of the food fish.]*

4 *[(B) For the second violation within a five-year period, 10 percent of the average market value of*
5 *the food fish.]*

6 *[(C) For the third and each subsequent violation within a five-year period, 20 percent of the average*
7 *market value of the food fish.]*

8 *[(3) The commission shall by rule in January of each year establish the average market value for*
9 *each species of food fish for the year.]*

10 **(2) The damages shall be twice the fair market value of the food fish.**

11 **(3) The commission shall establish by rule the fair market value of food fish.**

12 (4) No person shall apply for or obtain any license, tag or permit issued by the commission when
13 civil damages due pursuant to this section, or when moneys due the State Department of Fish and
14 Wildlife from court-ordered *[restitutions]* **restitution** for *[violations]* **a violation** of the commercial
15 fishing laws, have not been paid.

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