

Oregon Hunters Association

30490 SW Rogue Lane Unit 3112

Wilsonville, Oregon 97070

Al Elkins phone: 503.780.6824 email: alvinelkins@yahoo.com

Oregon Hunters Association Testimony in Support of HB 2537

For the record I am Al Elkins representing the Oregon Hunters Association. The Oregon Hunters Association is here today to speak in support of HB 2537, the bill that Increases damages for unlawful taking or killing of wildlife. Rep. Witt we applaud you for bringing forth this vital piece of legislation to help increase the penalties for the unlawful taking of Oregon's precious resource its wildlife.

Over the years OHA has introduced, supported and passed similar legislation. In doing so we have worked with other organizations like Oregon Anglers, Native Fish Society, the NW Steelheaders, Trout Unlimited, the Rocky Mountain Elk Foundation, the Traditional Archers of Oregon, the Audubon Society of Portland, the Humane Society of the United States and many other partners in hunting and fishing organizations around Oregon. They, like us, have taken a strong position against the unlawful taking of wildlife and as you can see today all these groups maintain that position.

There are two things that OHA would like to share with the House Agriculture and Natural Resource Committee today. Two things that OHA and others have learned throughout the process of raising the fines and fees for the unlawful talking of wildlife.

The first is, in the course of discussions of raising the fees in the past we also have continued discussions about our observations that many times the unlawful taking of wildlife cases are not prosecuted but when they are the maximum fines are not levied. These are observations that are brought forth by many OHA members and by many of those that we have worked with to increase these fines and penalties in other bills over the years.

The second point I would like to share with you today has to do with a section of the bill that is on page 3 and starts on line 29 as section 11 of the bill:

(11) If a person is convicted of a Class A misdemeanor under subsection (1) of this section, a Class C felony under subsection (9) of this section or a Class B felony under subsection (10) of this section, in addition to any other penalty authorized by law, the court shall impose a fine that is:

(a) Equal to the maximum fine described in ORS 161.635 (1)(a) if the person has had two or more previous convictions for a Class A misdemeanor under subsection (1) of this section or if the offense involves taking three or more times the daily bag limit of any wildlife.

(b) Not less than one-half of the maximum fine described in ORS 161.635 (1)(a), if the offense involves:

(A) Failing to release a sturgeon more than six feet in length; or

(B) Taking a raptor and the person has a previous conviction for taking a raptor.

At the end of line thirty-one of the bill the language reads: “the court shall impose a fine that is:” In 2011 OHA sponsored and passed a similar fine bill with “the court shall” language. Shortly after the bill became law, OHA received phone calls from prosecutors and a judge wanting to know how OHA could have let such a bill pass. They told us that “the court shall” language in any fine or fee bill “ties the hands” of the court. In the next legislative session OHA had the language changed back to “may” in the statutes.

In closing OHA would like to urge that before this bill moves forward that those that support the bill have a roundtable discussion with those that represent Oregon’s prosecutors and Judges and try to craft some language in this bill that achieves what we are trying to do without tying the hands of the courts. OHA also suggests that we continue our dialogue at this roundtable discussion about the need for more cases tried and more convictions levied with increased fines and how we who support this bill can help achieve that.

That concludes my testimony. I would be glad to answer any questions.

Ae