

A-Engrossed
House Bill 2051

Ordered by the House March 30
Including House Amendments dated March 30

Sponsored by Representative KRIEGER (Presession filed.)

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.

Reduces penalty for crime of criminal trespass in the second degree in certain circumstances. Punishes by maximum of \$2,000 fine **and two-year suspension of privilege to apply for hunting or fishing license.**

A BILL FOR AN ACT

1
2 Relating to criminal trespass; amending ORS 164.245 and 496.680.

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

4 **SECTION 1.** ORS 164.245 is amended to read:

5 164.245. (1) A person commits the crime of criminal trespass in the second degree if the person
6 enters or remains unlawfully:

7 (a) In a motor vehicle or in or upon premises; or

8 (b) **In or upon real property other than a building, for the purpose of angling for, taking,**
9 **hunting or trapping wildlife, gathering special forest products as defined in ORS 164.813,**
10 **dumping garbage, target shooting, camping, operating an off-road vehicle or altering or re-**
11 **moving natural resources.**

12 (2) Criminal trespass in the second degree **as described in subsection (1)(a) of this section**
13 is a Class C misdemeanor.

14 (3)(a) **Except as provided in paragraph (b) of this subsection, criminal trespass in the**
15 **second degree as described in subsection (1)(b) of this section is a Class A violation.**

16 (b) **Criminal trespass in the second degree as described in subsection (1)(b) of this section**
17 **is a Class C misdemeanor if the person has two or more convictions for criminal trespass in**
18 **the second degree as described in subsection (1)(b) of this section at the time of the offense.**

19 (c) **A person convicted of criminal trespass in the second degree as described in sub-**
20 **section (1)(b) of this section shall, in addition to any other penalty, have the person's privi-**
21 **lege to apply for any hunting or fishing license suspended for a period of two years.**

22 (4) **As used in this section, "natural resources" includes, but is not limited to, water, soil,**
23 **minerals or vegetation.**

24 **SECTION 2.** ORS 496.680 is amended to read:

25 496.680. (1) All wildlife taken by, or in the possession of any person in violation of the wildlife
26 laws, and all guns, boats, traps, fishing apparatus and implements used in angling, hunting or trap-
27 ping or taking any wildlife in violation of the wildlife laws may be seized by any person authorized
28 to enforce the wildlife laws, and may be forfeited.

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 (2) All wildlife shot **or taken** by any person while violating any provision of ORS 164.245 to
2 164.270 or 498.120 shall be seized by any person authorized to enforce the wildlife laws and shall
3 be forfeited.

4 (3) If forfeited, such property shall be turned over to the State Fish and Wildlife Commission
5 by order of the court at the time of passing sentence for the violation.

6 (4) The commission may dispose of such property in any manner it considers proper, but the
7 clear proceeds derived from the sale of any seized guns, boats, traps, fishing apparatus or imple-
8 ments shall be deposited in the Common School Fund. Any wildlife taken in violation of the wildlife
9 laws may be disposed of forthwith or used for food purposes, under rules of the commission, to
10 prevent spoilage.

11 (5) Upon conviction of a person for taking wildlife while violating any provision of ORS 164.245
12 to 164.270 or 498.120, the court shall include in the sentence a requirement that the convicted per-
13 son pay to the seizing agency an amount equal to the cost incurred in seizing, storing and disposing
14 of the seized and forfeited wildlife.

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