

SB 289-3
(LC 576)
4/7/21 (STN/ps)

Requested by SENATE COMMITTEE ON ENERGY AND ENVIRONMENT

**PROPOSED AMENDMENTS TO
SENATE BILL 289**

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

3 After line 2, insert:

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

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

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

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

14 Delete lines 4 through 12 and insert:

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

1 “(2) The court shall notify the department of the entry of a judg-
2 ment of conviction described in subsection (1) of this section.

3 “(3) The prohibition in subsection (1) of this section does not apply
4 to a person performing community service under section 3 of this 2021
5 Act.

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

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

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

15 “(c) May not issue a boating safety education card under ORS
16 830.086 to the person for a period of at least six months, but not longer
17 than five years from the date of conviction.

18 “(d) May not issue a waterway access permit described in ORS
19 830.627 (1)(a) to (c) to the person for a period of at least six months
20 but not longer than five years from the date of entry of judgment of
21 conviction.

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

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

29 “(1) Habitat restoration or restoration or maintenance of outdoor
30 recreation facilities under the supervision of the State Parks and Re-

1 **creation Department, the State Department of Fish and Wildlife or the**
2 **State Marine Board; and**

3 **“(2) Anti-bias training.**

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

5 “497.415. (1) When any person is convicted of a violation of law or any
6 rule adopted pursuant thereto or otherwise fails to comply with the re-
7 quirements of a citation in connection with such violation as provided in
8 subsection (2) of this section, the court may order the State Fish and Wildlife
9 Commission to revoke all licenses, tags and permits issued to that person
10 pursuant to the wildlife laws. Revocation of licenses, tags and permits is in
11 addition to and not in lieu of other penalties provided by law.

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

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

17 “(b) Any person who is convicted of a violation of ORS 164.245, 164.255,
18 164.265, 164.345, 164.354 or 164.365 committed while the person was angling,
19 taking shellfish, hunting or trapping or who otherwise fails to comply with
20 the requirements of a citation in connection with any such offense.

21 “(c) Any person who is convicted of a violation of ORS 166.630 or 166.638
22 committed while hunting or who otherwise fails to comply with the require-
23 ments of a citation in connection with any such offense.

24 **“(d) Any person who is convicted of a violation of ORS 166.155 or**
25 **166.165 committed while the person was angling, taking shellfish,**
26 **hunting or trapping or while the person was on the waters of this state**
27 **or on publicly owned land used for outdoor recreation.**

28 “(3) When a court orders the revocation of a license, tag or permit pur-
29 suant to this section, the court shall take up any such licenses, tags and
30 permits and forward them, together with a copy of the revocation order, to

1 the commission. Upon receipt thereof, the commission shall cause revocation
2 of the appropriate licenses, tags and permits in accordance with the court
3 order.

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

5 “(a) The commission shall suspend a violator’s license as defined in ORS
6 496.750 for failure to comply with the terms of a citation from a party state.
7 A copy of a report of failure to comply from the licensing authority of the
8 issuing state shall be conclusive evidence. Suspension under this paragraph
9 commences on the date the commission issues a final order pursuant to the
10 provisions of ORS chapter 183 to suspend the license in this state. The period
11 of suspension under this paragraph is the period provided by Oregon law or
12 such longer period as provided by commission rule based on the period of
13 suspension imposed by the party state.

14 “(b) The commission shall revoke a violator’s license as defined in ORS
15 496.750 for a conviction in a party state. A report of conviction from the li-
16 censing authority of the issuing state shall be conclusive evidence. Revoca-
17 tion under this paragraph commences on the date the commission issues a
18 final order pursuant to the provisions of ORS chapter 183 to revoke the li-
19 cense in this state. The period of revocation under this paragraph is the pe-
20 riod provided by Oregon law or such longer period as provided by
21 commission rule based on the period of revocation imposed by the party
22 state.

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

27 “(b) Upon having a license, tag or permit revoked for a second time pur-
28 suant to this section, no person shall apply for or obtain another such li-
29 cense, tag or permit for the period of five years.

30 “(c) Upon having a license, tag or permit revoked for a third or subse-

1 quent time pursuant to this section, a person is prohibited from applying for
2 or obtaining another such license, tag or permit.

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

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

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

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

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