

D R A F T

SUMMARY

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
3 506.720.

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

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

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

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

18 (3) If the fish seized under subsection (1) of this section are not subse-
19 quently forfeited, the commission shall pay to the person from whom the fish
20 were seized an amount equal to the **fair** market value, **as established by**

1 **rule pursuant to ORS 506.720**, of the fish at the time of seizure.

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

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

9 506.720. (1) The State Fish and Wildlife Commission may institute suit for
10 the recovery of damages for the unlawful taking, possession or killing of food
11 fish [*referred to in this section*] that are the property of the state.

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

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

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

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

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

21 [(B) *For the second and each subsequent violation within a five-year period,*
22 *\$125 per fish.*]

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

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

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

28 [(C) *For the third and each subsequent violation within a five-year period,*
29 *20 percent of the average market value of the food fish.*]

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

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

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

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

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