



Senate Bill 887

Recovery of Damages for Unlawful Take of Food Fish

ORS 506.720: The State Fish and Wildlife Commission may institute suit for recovery of damages for the unlawful taking, possession or killing of food fish...

Contemplates pursuit of civil damages beyond fines assessed by a court as part of a violation issued by Oregon State Police or other enforcement agency



Current statute requires the Department to calculate “Average Market Value”

- For each food fish
- Based on prior year’s average prices
- Using data from fish tickets reported from commercial fish dealers
- Published through a rulemaking procedure and presented for Commission approval

Current Statute

Average Market Value

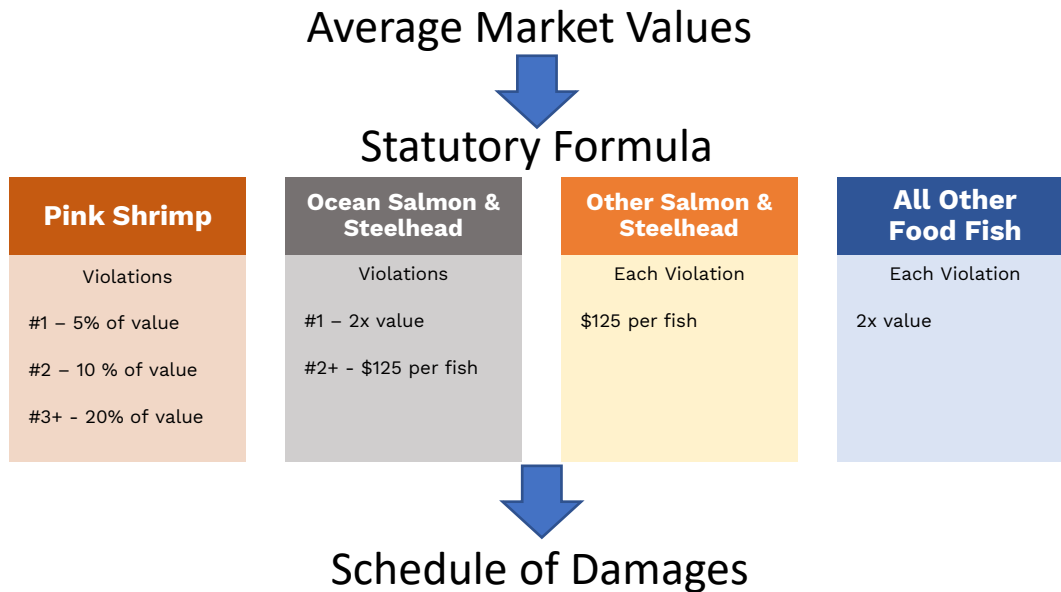
Oregon Administrative Rules Oregon Department of Fish and Wildlife		Oregon Administrative Rules Oregon Department of Fish and Wildlife		Oregon Administrative Rules Oregon Department of Fish and Wildlife	
65	(0)00 Marine and Bay 50.31	33	(1)00 Bones, 50.31(2)		
66	(F)F Marine, emp. 50.31(4)(2)	34	(1)01 Chum, 50.31(4)(2)		
67	(F)F Marine, Fish and Game (Columbia River), 50.31(4)(2)(2) and other species 50.31	35	(1)01 Copper, 50.31(4)(2)(2)		
68	(0)00 Fish, water 50.31, certified (includes 50.31, Ocean 50.31(2)(2), English 50.31(2)(2), Redfish	36	(1)01 Crab, 50.31(4)(2)(2)		
69	50.31(2)(2), penaeid 51.1(4)(2)(2), sea 50.31(2)(2), and sand 50.31(2)(2)	37	(1)01 Crab, 50.31(4)(2)(2)		
70	(0)00 Mechanical cover 50.31(4)(2)	38	(1)01 Clam, 50.31(4)(2)(2)		
71	(0)00 Marine, open 50.31 and water 50.31(4)(2)	39	(1)01 Clam, 50.31(4)(2)(2)		
72	(0)00 Marine 50.31(4)(2)(2)	40	(1)01 Clam, 50.31(4)(2)(2)		
73	(0)00 Seafood 50.31(4)(2)(2)	41	(1)01 Clam, 50.31(4)(2)(2)		
74	(1)01 (Therapeutic) Schistosoma, Impetigo 50.31(2)(2), and dermatitis 50.31(2)(2)	42	(1)01 Clam, 50.31(4)(2)(2)		
75	(0)00 Seafood 50.31(4)(2)(2)	43	(1)01 Clam, 50.31(4)(2)(2)		
76	(0)00 Seafood 50.31(4)(2)(2)	44	(1)01 Clam, 50.31(4)(2)(2)		
77	(0)00 Seafood 50.31(4)(2)(2)	45	(1)01 Clam, 50.31(4)(2)(2)		
78	(0)00 Seafood 50.31(4)(2)(2)	46	(1)01 Clam, 50.31(4)(2)(2)		
79	(0)00 Seafood 50.31(4)(2)(2)	47	(1)01 Clam, 50.31(4)(2)(2)		
80	(0)00 Seafood 50.31(4)(2)(2)	48	(1)01 Clam, 50.31(4)(2)(2)		
81	(0)00 Seafood 50.31(4)(2)(2)	49	(1)01 Clam, 50.31(4)(2)(2)		
82	(0)00 Seafood 50.31(4)(2)(2)	50	(1)01 Clam, 50.31(4)(2)(2)		
83	(0)00 Seafood 50.31(4)(2)(2)	51	(1)01 Clam, 50.31(4)(2)(2)		
84	(0)00 Seafood 50.31(4)(2)(2)	52	(1)01 Clam, 50.31(4)(2)(2)		
85	(0)00 Seafood 50.31(4)(2)(2)	53	(1)01 Clam, 50.31(4)(2)(2)		
86	(0)00 Seafood 50.31(4)(2)(2)	54	(1)01 Clam, 50.31(4)(2)(2)		
87	(0)00 Seafood 50.31(4)(2)(2)	55	(1)01 Clam, 50.31(4)(2)(2)		
88	(0)00 Seafood 50.31(4)(2)(2)	56	(1)01 Clam, 50.31(4)(2)(2)		
89	(0)00 Seafood 50.31(4)(2)(2)	57	(1)01 Clam, 50.31(4)(2)(2)		
90	(0)00 Seafood 50.31(4)(2)(2)	58	(1)01 Clam, 50.31(4)(2)(2)		
91	(0)00 Seafood 50.31(4)(2)(2)	59	(1)01 Clam, 50.31(4)(2)(2)		
92	(0)00 Seafood 50.31(4)(2)(2)	60	(1)01 Clam, 50.31(4)(2)(2)		
93	(0)00 Seafood 50.31(4)(2)(2)	61	(1)01 Clam, 50.31(4)(2)(2)		
94	(0)00 Seafood 50.31(4)(2)(2)	62	(1)01 Clam, 50.31(4)(2)(2)		
95	(0)00 Seafood 50.31(4)(2)(2)	63	(1)01 Clam, 50.31(4)(2)(2)		
96	(0)00 Seafood 50.31(4)(2)(2)	64	(1)01 Clam, 50.31(4)(2)(2)		

Must be calculated every year for more than 70 different commercially landed species



Current Statute

Schedule of Damages



- Time consuming to create
- Time lag with values that do not represent current market
- Requires annual creation of a schedule of damages for food fish for which the Department rarely, if ever, seeks civil damages

SB 887

Schedule of Damages

- Eliminates annual rulemaking and calculation of average market value for each food fish based on prior year
- Sets damages at 2x fair market value
- Fair market value defined in rule by Commission
 - Currently defined as “market price at the same time and place that the fish are landed”

- More efficient process
- More accurate and equitable value based on current market
- Only calculate damages for the specific instance in which the Department sues for civil damages

