

(Damages for Unlawful Taking)

506.720 Suit for damages; amount; application for or obtaining license when money due prohibited.

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

(2) The damages referred to in subsection (1) of this section shall be as follows:

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

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

(c) For salmon or steelhead taken in the waters of the Pacific Ocean:

(A) For the first violation, twice the average market value of the food fish.

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

(d) For pink shrimp:

(A) For the first violation, five percent of the average market value of the food fish.

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

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

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

(4) No person shall apply for or obtain any license, tag or permit issued by the commission when civil damages due pursuant to this section, or when moneys due the State Department of Fish and Wildlife from court ordered restitutions for violations of the commercial fishing laws have not been paid. [1987 c.213 §2]