

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	7 - 2 - 0
Yeas:	Barker, Bonamici, Flores, Komp, Read, Whisnant, Macpherson
Nays:	Cameron, Krieger
Exc.:	0
Prepared By:	Matt Kalmanson, Counsel
Meeting Dates:	5/24, 5/30

WHAT THE MEASURE DOES: Clarifies that the Governor may commission special agents with the powers of peace officers to enforce the animal welfare laws (Humane Agents) upon request by a “Humane Investigation Agency.” Permits the Governor to decommission or refuse to commission a Humane Agent for any reason. Defines “Humane Investigation Agency” (Humane Agency) to mean a private, nonprofit animal care agency that has maintained an animal welfare department for at least five years and has had employees commissioned as Humane Agents by the Governor. Provides that Humane Agencies must pay the expenses of, and be civilly responsible for, Humane Agents. Requires Humane Agencies to contract with the state, and that the contract must contain provisions relating to standards of conduct, indemnification, and insurance. Requires Humane Agencies to work cooperatively with law enforcement agencies. Requires Humane Agents to defer to direction of local law enforcement, and allows Humane Agents to execute a search warrant only with oversight and consent of local law enforcement.

ISSUES DISCUSSED:

- The history, work, powers and training of Humane Agents
- Animal welfare laws
- Governor’s power to commission special agents
- Responsibilities of Humane Agencies
- Cooperation with local law enforcement

EFFECT OF COMMITTEE AMENDMENT: Replaces the bill.

BACKGROUND: Some animal assistance organizations employ investigators who assist authorities in investigating and prosecuting animal welfare crimes. ORS 131.805 gives the Governor the authority to employ “special agents to affect the apprehension and conviction of criminals . . . [and] the investigation of cases in which the Governor believes the laws of the state are being violated. . . .” The Governor has commissioned Humane Agents to investigate animal welfare crimes for many years under this statute, and has contracted with organizations like the Oregon Human Society to pay for their services and indemnify the government for any potential misconduct. According to the Oregon Human Society, these agents investigate almost 1,000 cases of criminal animal neglect, abuse and abandonment a year.

SB 406 B would create a specific statute relating to the Governor’s authority to commission Humane Agents. The agents would have police powers to enforce animal welfare laws. It would require the humane agencies to cover the cost of the agents and be civilly liable for any abuse of the agent’s authority, and cooperate with local law enforcement. Finally, it would require the state to contract with these organizations before any commission becomes effective.