

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 3 - 2 - 0

Yeas: Prozanski, Walker, Burdick

Nays: Beyer, Kruse

Exc.: 0

Prepared By: Darian Stanford, Counsel

Meeting Dates: 3/16, 4/26

WHAT THE MEASURE DOES: Provides civil and criminal immunity for public and private officials who elect (the reporting is not mandatory) to report aggravated animal abuse.

ISSUES DISCUSSED:

- Several studies suggest strong link between animal abuse and child abuse
- Bill does not impose any new obligations on anyone; reporting is optional

EFFECT OF COMMITTEE AMENDMENT: Makes reporting obligation discretionary, not mandatory.

BACKGROUND: SB 1017 A relates to the reporting of the crime of aggravated animal abuse and the link between animal abuse and child abuse, *i.e.* studies suggest that persons who abuse animals are highly likely to also abuse children.

ORS 167.322 details the Class C felony of aggravated animal abuse. This offense involves either the malicious killing or intentional torture of an animal. Under ORS 686.455, a veterinarian is required to report suspected aggravated animal abuse to a law enforcement agency anytime the veterinarian has either (1) come into contact with the animal or (2) come into contact with the person suspected of committing the abuse. ORS 686.465 provides civil and criminal immunity for any veterinarian who in good faith makes such a report.

SB 1017 A expands the class of persons who can report such suspected abuse without fear of lawsuits or prosecution from merely veterinarians to also include any “public or private official.” However, this is one significant distinction—veterinarian reporting of aggravated animal abuse is mandatory, but public or private officials reporting is discretionary. If the official chooses to report, then the official does not face litigation. Nothing happens to the official for declining to report.

The term “public or private official” in SB 1017 A mirrors the definition of “public or private official” in existing ORS 419B.005(3) (the child abuse reporting statute). It includes, in part, physicians, dentists, school employees, peace officers, clergy, optometrists, social workers, attorneys, firefighters and members of the legislature. This class of persons presently has the mandatory child abuse reporting obligation under ORS 419B.010. An official’s failure to report child abuse is a Class A violation. Again, there is no penalty under SB 1017 A for officials who choose not to report aggravated animal abuse.

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This summary has not been adopted or officially endorsed by action of the committee.