

# House Bill 2722

Sponsored by Representative WITT; Representatives CLEM, DALLUM, FLORES, HANNA, KRUMMEL, OLSON, G SMITH, THATCHER, Senator JOHNSON

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Increases maximum standard penalty for first degree animal abuse to five years' imprisonment, \$125,000 fine, or both. Increases maximum enhanced penalty for first degree animal abuse to 10 years' imprisonment, \$250,000 fine, or both. Expands list of predicate offenses permitting imposition of enhanced penalty. Decreases number of predicate offenses required before imposition of enhanced penalty.

Increases maximum penalty for aggravated animal abuse to 10 years' imprisonment, \$250,000 fine, or both.

Increases maximum penalty for second degree animal neglect to one year's imprisonment, \$6,250 fine, or both. Allows enhanced penalty for second degree animal neglect for person committing animal neglect after committing certain predicate offenses. Establishes maximum enhanced penalty of five years' imprisonment, \$125,000 fine, or both.

Increases maximum penalty for first degree animal neglect to five years' imprisonment, \$125,000 fine, or both. Allows enhanced penalty for first degree animal neglect for person committing animal neglect after committing certain predicate offenses. Establishes maximum enhanced penalty of 10 years' imprisonment, \$250,000 fine, or both.

## A BILL FOR AN ACT

1  
2 Relating to crimes involving animals; creating new provisions; and amending ORS 167.320, 167.322,  
3 167.325, 167.330 and 167.332.

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

5 **SECTION 1.** ORS 167.320 is amended to read:

6 167.320. (1) A person commits the crime of animal abuse in the first degree if, except as other-  
7 wise authorized by law, the person intentionally, knowingly or recklessly:

8 (a) Causes serious physical injury to an animal; or

9 (b) Cruelly causes the death of an animal.

10 (2) Any practice of good animal husbandry is not a violation of this section.

11 (3) Animal abuse in the first degree is a Class [A *misdemeanor*] **C felony**.

12 (4) Notwithstanding subsection (3) of this section, animal abuse in the first degree is a Class  
13 [C] **B felony** if:

14 (a) The person committing the animal abuse has previously [*been*] **committed an act that re-**  
15 **sulted in the person being** convicted of [*two*] **one** or more of the following offenses:

16 (A) Any offense under ORS 163.160, 163.165, 163.175, 163.185 or 163.187 or the equivalent laws  
17 of another jurisdiction, if the offense involved domestic violence as defined in ORS 135.230 or the  
18 offense was committed against a minor child; or

19 (B) Any offense under this section or ORS **167.315, 167.322, 167.325, 167.330, 167.333, 167.337,**  
20 **167.339, 167.340, 167.355, 167.365, 167.370, 167.372, 167.428, 167.431 or 167.439,** or the equivalent  
21 laws of another jurisdiction; or

22 (b) The person knowingly commits the animal abuse in the immediate presence of a minor child.

23 For purposes of this paragraph, a minor child is in the immediate presence of animal abuse if the

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 abuse is seen or directly perceived in any other manner by the minor child.

2 **SECTION 2.** ORS 167.322 is amended to read:

3 167.322. (1) A person commits the crime of aggravated animal abuse in the first degree if the  
4 person:

5 (a) Maliciously kills an animal; or

6 (b) Intentionally or knowingly tortures an animal.

7 (2) Aggravated animal abuse in the first degree is a Class [C] **B** felony.

8 (3) As used in this section:

9 (a) “Maliciously” means intentionally acting with a depravity of mind and reckless and wanton  
10 disregard of life.

11 (b) “Torture” means an action taken for the primary purpose of inflicting pain.

12 **SECTION 3.** ORS 167.325 is amended to read:

13 167.325. (1) A person commits the crime of animal neglect in the second degree if, except as  
14 otherwise authorized by law, the person intentionally, knowingly, recklessly or with criminal  
15 negligence fails to provide minimum care for an animal in such person’s custody or control.

16 (2) Animal neglect in the second degree is a Class [B] **A** misdemeanor.

17 **(3) Notwithstanding subsection (2) of this section, animal neglect in the second degree is**  
18 **a Class C felony if the person committing the animal neglect has previously committed an**  
19 **act that resulted in the person being convicted of any offense under this section or ORS**  
20 **167.315, 167.320, 167.322, 167.330, 167.333, 167.337, 167.339, 167.340, 167.355, 167.365, 167.370,**  
21 **167.372, 167.428, 167.431 or 167.439, or the equivalent laws of another jurisdiction.**

22 **SECTION 4.** ORS 167.330 is amended to read:

23 167.330. (1) A person commits the crime of animal neglect in the first degree if, except as oth-  
24 erwise authorized by law, the person intentionally, knowingly, recklessly or with criminal negligence  
25 fails to provide minimum care for an animal in the person’s custody or control and the failure to  
26 provide care results in serious physical injury or death to the animal.

27 (2) Animal neglect in the first degree is a Class [A *misdemeanor*] **C** felony.

28 **(3) Notwithstanding subsection (2) of this section, animal neglect in the first degree is a**  
29 **Class B felony if the person committing the animal neglect has previously committed an act**  
30 **that resulted in the person being convicted of any offense under this section or ORS 167.315,**  
31 **167.320, 167.322, 167.325, 167.333, 167.337, 167.339, 167.340, 167.355, 167.365, 167.370, 167.372,**  
32 **167.428, 167.431 or 167.439, or the equivalent laws of another jurisdiction.**

33 **SECTION 5.** ORS 167.332 is amended to read:

34 167.332. (1) In addition to any other penalty imposed by law, a person convicted of violating ORS  
35 167.315, 167.325, 167.330 or 167.340 or of a [*misdemeanor*] **Class C felony** under ORS 167.320[,] may  
36 not possess a domestic animal for a period of five years following entry of the conviction. [*An offense*  
37 *under this subsection is*] **A person who violates this subsection commits** an unclassified  
38 misdemeanor punishable by a fine not exceeding \$1,000 and forfeiture of the animal as provided in  
39 ORS 167.350.

40 (2) In addition to any other penalty imposed (by law, a person convicted of violating ORS 167.322  
41 or of a **Class B** felony under ORS 167.320[,] may not possess a domestic animal for a period of 15  
42 years following entry of the conviction. [*An offense under this subsection is*] **A person who violates**  
43 **this subsection commits** an unclassified misdemeanor punishable by a fine not exceeding \$5,000  
44 and forfeiture of the animal as provided under ORS 167.350.

45 **SECTION 6.** The disqualification periods established by ORS 167.332 as amended by sec-

1 **tion 5 of this 2007 Act for persons convicted under ORS 167.320 apply to persons whose con-**  
2 **viction under ORS 167.320 results from an act committed on or after the effective date of this**  
3 **2007 Act. Persons convicted under ORS 167.320 for an act committed before the effective date**  
4 **of this 2007 Act remain subject to the disqualification periods established by ORS 167.332 as**  
5 **set forth in the 2005 Edition of Oregon Revised Statutes.**

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