

Enrolled
Senate Bill 1017

Sponsored by COMMITTEE ON JUDICIARY

CHAPTER

AN ACT

Relating to reporting of crimes involving animals; creating new provisions; and amending ORS 40.252 and 686.460.

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

SECTION 1. The Legislative Assembly finds that:

(1) There is a clear link between animal cruelty and crimes of domestic violence, including child abuse; and

(2) It is in the public interest to enact legislation to encourage the permissive reporting of animal cruelty.

SECTION 2. As used in section 3 of this 2007 Act:

(1)(a) "Aggravated animal abuse" means any animal abuse as described in ORS 167.322.

(b) "Aggravated animal abuse" does not include:

(A) Good animal husbandry, as defined in ORS 167.310; or

(B) Any exemption listed in ORS 167.335.

(2) "Law enforcement agency" means:

(a) Any city or municipal police department.

(b) Any county sheriff's office.

(c) The Oregon State Police.

(d) A law enforcement division of a county or municipal animal control agency that employs sworn officers.

(3) "Public or private official" means:

(a) A physician, including any intern or resident.

(b) A dentist.

(c) A school employee.

(d) A licensed practical nurse or registered nurse.

(e) An employee of the Department of Human Services, State Commission on Children and Families, Child Care Division of the Employment Department, the Oregon Youth Authority, a county health department, a community mental health and developmental disabilities program, a county juvenile department, a licensed child-caring agency or an alcohol and drug treatment program.

(f) A peace officer.

(g) A psychologist.

(h) A member of the clergy.

(i) A licensed clinical social worker.

(j) An optometrist.

- (k) A chiropractor.
- (L) A certified provider of foster care, or an employee thereof.
- (m) An attorney.
- (n) A naturopathic physician.
- (o) A licensed professional counselor.
- (p) A licensed marriage and family therapist.
- (q) A firefighter or emergency medical technician.
- (r) A court appointed special advocate, as defined in ORS 419A.004.
- (s) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.
- (t) A member of the Legislative Assembly.

SECTION 3. (1) Notwithstanding ORS 40.225 to 40.295, a public or private official who has reasonable cause to believe that an animal with which the official has come in contact has suffered aggravated animal abuse, or that any person with whom the official has come in contact has committed aggravated animal abuse, may immediately report the suspected aggravated animal abuse in the manner prescribed in subsection (2) of this section.

(2) A report of suspected aggravated animal abuse authorized under subsection (1) of this section may be made to a law enforcement agency, either orally or in writing, and may include, if known:

- (a) The name and description of each animal involved;
- (b) The address and telephone number of the owner or other person responsible for the care of the animal;
- (c) The nature and extent of the suspected abuse;
- (d) Any evidence of previous aggravated animal abuse;
- (e) Any explanation given for the suspected abuse; and
- (f) Any other information that the person making the report believes may be helpful in establishing the cause of the suspected abuse or the identity of the person causing the abuse.

(3) A public or private official who acts in good faith and has reasonable grounds for making a report of suspected aggravated animal abuse under this section is not liable in any civil or criminal proceeding brought as a result of making the report.

SECTION 4. ORS 40.252 is amended to read:

40.252. (1) In addition to any other limitations on privilege that may be imposed by law, there is no privilege under ORS 40.225, 40.230 or 40.250 for communications if:

(a) In the professional judgment of the person receiving the communications, the communications reveal that the declarant has a clear and serious intent at the time the communications are made to subsequently commit a crime involving physical injury, a threat to the physical safety of any person, sexual abuse or death **or involving an act described in ORS 167.322;**

(b) In the professional judgment of the person receiving the communications, the declarant poses a danger of committing the crime; and

(c) The person receiving the communications makes a report to another person based on the communications.

(2) The provisions of this section do not create a duty to report any communication to any person.

(3) A person who discloses a communication described in subsection (1) of this section, or fails to disclose a communication described in subsection (1) of this section, is not liable to any other person in a civil action for any damage or injury arising out of the disclosure or failure to disclose.

SECTION 5. ORS 686.460 is amended to read:

686.460. (1) A law enforcement agency receiving a report of suspected aggravated animal abuse pursuant to ORS 686.455 **or section 3 of this 2007 Act** shall investigate the nature and cause of the suspected aggravated animal abuse.

(2) If the law enforcement agency finds reasonable cause to believe that aggravated animal abuse has occurred, the law enforcement agency shall process the case in the same manner as any other criminal investigation.

Passed by Senate May 10, 2007

Repassed by Senate June 14, 2007

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Secretary of Senate

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President of Senate

Passed by House June 11, 2007

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Speaker of House

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State