

Senate Bill 1017

Sponsored by COMMITTEE ON JUDICIARY

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**.

Requires that certain public or private officials report suspected animal abuse. Requires that veterinarians and certain public or private officials report suspected animal neglect in first degree.

A BILL FOR AN ACT

1
2 Relating to reporting of crimes involving animals; creating new provisions; and amending ORS
3 686.450, 686.455, 686.460, 686.465 and 686.990.

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

5 **SECTION 1.** ORS 686.450 is amended to read:

6 686.450. As used in ORS 686.450 to 686.465 and 686.990 (3):

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

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

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

10 (B) Any exemption listed in ORS 167.335.

11 **(2) "Animal neglect in the first degree" has the meaning given that term in ORS 167.330.**

12 [(2)] **(3) "Law enforcement agency" means:**

13 (a) Any city or municipal police department.

14 (b) Any county sheriff's office.

15 (c) The Oregon State Police.

16 (d) A law enforcement division of a humane society in Oregon that employs special agents au-
17 thorized under ORS 131.805.

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

20 **(4) "Public or private official" means:**

21 **(a) An employee of the Department of Human Services, the State Commission on Chil-**
22 **dren and Families, the Child Care Division of the Employment Department, the Oregon**
23 **Youth Authority, a county health department, a community mental health and develop-**
24 **mental disabilities program, a county juvenile department, a licensed child-caring agency or**
25 **an alcohol and drug treatment program.**

26 **(b) A psychologist.**

27 **(c) A licensed clinical social worker.**

28 **(d) A certified provider of foster care, or the employee of a certified provider of foster**
29 **care.**

30 **(e) A licensed professional counselor.**

31 **(f) A licensed marriage and family therapist.**

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 [(3)] (5) "Veterinarian" means a person licensed to practice veterinary medicine under ORS
2 chapter 686.

3 **SECTION 2.** ORS 686.455 is amended to read:

4 686.455. (1) **Except as provided in subsection (3) of this section,** a veterinarian **or public or**
5 **private official** who has reasonable cause to believe that an animal with which the veterinarian
6 **or public or private official** has come in contact has suffered aggravated animal abuse **or animal**
7 **neglect in the first degree,** or that any person with whom the veterinarian has come in contact
8 has committed aggravated animal abuse **or animal neglect in the first degree,** shall immediately
9 report the suspected [*aggravated animal*] abuse **or neglect** in the manner prescribed in subsection
10 (2) of this section.

11 (2) A report of suspected aggravated animal abuse **or suspected animal neglect in the first**
12 **degree** required under subsection (1) of this section shall be made to a law enforcement agency,
13 either orally or in writing, and shall include, if known:

14 (a) The name and description of each animal involved;

15 (b) The address and telephone number of the owner or other person responsible for the care of
16 the animal;

17 (c) The nature and extent of the suspected [*aggravated animal*] abuse **or neglect;**

18 (d) Any evidence of previous aggravated animal abuse **or animal neglect in the first degree;**

19 (e) Any explanation given for the suspected [*aggravated animal*] abuse **or neglect;** and

20 (f) Any other information that the person making the report believes may be helpful in estab-
21 lishing the cause of the suspected [*aggravated animal*] abuse **or neglect** or the identity of the person
22 causing the [*aggravated animal*] abuse **or neglect.**

23 **(3) Subsection (1) of this section does not require a public or private official to report any**
24 **information communicated by a person if the communication is privileged under ORS 40.225**
25 **to 40.295.**

26 **SECTION 3.** ORS 686.460 is amended to read:

27 686.460. (1) A law enforcement agency receiving a report of suspected aggravated animal abuse
28 **or suspected animal neglect in the first degree** pursuant to ORS 686.455 shall investigate the
29 nature and cause of the suspected [*aggravated animal*] abuse **or neglect.**

30 (2) If the law enforcement agency finds reasonable cause to believe that aggravated animal
31 abuse **or animal neglect in the first degree** has occurred, the law enforcement agency shall pro-
32 cess the case in the same manner as any other criminal investigation.

33 **SECTION 4.** ORS 686.465 is amended to read:

34 686.465. A veterinarian **or public or private official** who acts in good faith and has reasonable
35 grounds for making a report of suspected aggravated animal abuse **or suspected animal neglect**
36 **in the first degree** under ORS 686.455 is not liable in any civil or criminal proceeding brought as
37 a result of making the report.

38 **SECTION 5.** ORS 686.990 is amended to read:

39 686.990. (1) Violation of ORS 686.020 (1)(a) is a Class A misdemeanor.

40 (2) In addition to any other sanction imposed by law, the Oregon State Veterinary Medical Ex-
41 amining Board may impose a civil penalty not to exceed \$5,000 for each violation of ORS 686.020 (1).

42 (3) Failure to file a report of suspected aggravated animal abuse **or suspected animal neglect**
43 **in the first degree** as required by ORS 686.455 is punishable by a fine of not more than \$1,000.

44 **SECTION 6. The amendments to ORS 686.450, 686.455, 686.460, 686.465 and 686.990 by**
45 **sections 1 to 5 of this 2007 Act apply for animals with which a veterinarian or public or pri-**

1 **vate official comes in contact on or after the effective date of this 2007 Act.**

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