

## SENATE AMENDMENTS TO SENATE BILL 1017

By COMMITTEE ON JUDICIARY

May 8

- 1 On page 1 of the printed bill, delete line 3 and insert "40.252 and 686.460."  
2 Delete lines 5 through 31 and delete pages 2 and 3 and insert:  
3 **"SECTION 1. As used in section 2 of this 2007 Act:**  
4 **"(1)(a) 'Aggravated animal abuse' means any animal abuse as described in ORS 167.322.**  
5 **"(b) 'Aggravated animal abuse' does not include:**  
6 **"(A) Good animal husbandry, as defined in ORS 167.310; or**  
7 **"(B) Any exemption listed in ORS 167.335.**  
8 **"(2) 'Law enforcement agency' means:**  
9 **"(a) Any city or municipal police department.**  
10 **"(b) Any county sheriff's office.**  
11 **"(c) The Oregon State Police.**  
12 **"(d) A law enforcement division of a humane society in Oregon that employs special**  
13 **agents authorized under ORS 131.805.**  
14 **"(e) A law enforcement division of a county or municipal animal control agency that**  
15 **employs sworn officers.**  
16 **"(3) 'Public or private official' means:**  
17 **"(a) A physician, including any intern or resident.**  
18 **"(b) A dentist.**  
19 **"(c) A school employee.**  
20 **"(d) A licensed practical nurse or registered nurse.**  
21 **"(e) An employee of the Department of Human Services, State Commission on Children**  
22 **and Families, Child Care Division of the Employment Department, the Oregon Youth Au-**  
23 **thority, a county health department, a community mental health and developmental disabil-**  
24 **ities program, a county juvenile department, a licensed child-caring agency or an alcohol and**  
25 **drug treatment program.**  
26 **"(f) A peace officer.**  
27 **"(g) A psychologist.**  
28 **"(h) A member of the clergy.**  
29 **"(i) A licensed clinical social worker.**  
30 **"(j) An optometrist.**  
31 **"(k) A chiropractor.**  
32 **"(L) A certified provider of foster care, or an employee thereof.**  
33 **"(m) An attorney.**  
34 **"(n) A naturopathic physician.**  
35 **"(o) A licensed professional counselor.**

1       “(p) A licensed marriage and family therapist.

2       “(q) A firefighter or emergency medical technician.

3       “(r) A court appointed special advocate, as defined in ORS 419A.004.

4       “(s) A child care provider registered or certified under ORS 657A.030 and 657A.250 to  
5       657A.450.

6       “(t) A member of the Legislative Assembly.

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

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

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

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

18      “(c) The nature and extent of the suspected abuse;

19      “(d) Any evidence of previous aggravated animal abuse;

20      “(e) Any explanation given for the suspected abuse; and

21      “(f) Any other information that the person making the report believes may be helpful in  
22      establishing the cause of the suspected abuse or the identity of the person causing the abuse.

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

26      “**SECTION 3.** ORS 40.252 is amended to read:

27      “40.252. (1) In addition to any other limitations on privilege that may be imposed by law, there  
28      is no privilege under ORS 40.225, 40.230 or 40.250 for communications if:

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

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

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

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

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

42      “**SECTION 4.** ORS 686.460 is amended to read:

43      “686.460. (1) A law enforcement agency receiving a report of suspected aggravated animal abuse  
44      pursuant to ORS 686.455 **or section 2 of this 2007 Act** shall investigate the nature and cause of the  
45      suspected aggravated animal abuse.

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

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