

HOUSE AMENDMENTS TO A-ENGROSSED SENATE BILL 406

By COMMITTEE ON JUDICIARY

June 8

1 On page 1 of the printed A-engrossed bill, delete lines 4 through 25 and delete page 2 and insert:

2 **“SECTION 1. (1) As used in this section and sections 2 and 3 of this 2007 Act:**

3 **“(a) ‘Animal welfare laws’ includes ORS 164.055 (1)(e), 167.310 to 167.351, 167.334, 167.352,**
4 **167.355, 167.360 to 167.375, 167.385, 167.387, 167.388, 167.390 and 167.426 to 167.439.**

5 **“(b) ‘Humane investigation agency’ means a private, nonprofit animal care agency that**
6 **has maintained an animal welfare investigation department for at least five years and has**
7 **had officers commissioned as special agents by the Governor.**

8 **“(c) ‘Humane special agent’ means a person who has been commissioned under this sec-**
9 **tion.**

10 **“(d) ‘Law enforcement agency’ includes county sheriffs, municipal police departments,**
11 **the Department of State Police, other police departments of this state and any district at-**
12 **torney.**

13 **“(2) Upon the request of a humane investigation agency, the Governor may commission**
14 **persons designated by the humane investigation agency who shall have the powers of peace**
15 **officers and, after being commissioned, may act as peace officers to enforce animal welfare**
16 **laws.**

17 **“(3) Humane special agents serve at the pleasure of the Governor. The Governor may,**
18 **for any reason and at any time, refuse to commission a person as a humane special agent**
19 **or revoke a previously granted commission.**

20 **“(4) A humane special agent serves at the expense of the humane investigation agency.**

21 **“(5) A humane investigation agency employing a humane special agent is civilly respon-**
22 **sible for any abuse of the humane special agent’s authority.**

23 **“(6) Before a commission described in subsection (2) of this section becomes effective:**

24 **“(a) The humane investigation agency must enter into a contract with the State of**
25 **Oregon. The contract shall provide:**

26 **“(A) For guidelines and policies to be followed by the humane investigation agency and**
27 **humane special agents;**

28 **“(B) That the humane investigation agency will assume liability for the actions of a hu-**
29 **mane special agent and will indemnify and hold harmless the State of Oregon and its agents**
30 **and employees from any claims that arise from the activities of the humane special agent;**

31 **“(C) That the humane investigation agency will obtain insurance coverage to cover**
32 **claims that arise from the actions of a humane special agent; and**

33 **“(D) That the humane investigation agency will provide to the State of Oregon sufficient**
34 **supporting documentation regarding the insurance coverage; and**

35 **“(b) The person who seeks to be commissioned as a humane special agent must:**

1 “(A) Consent to a background investigation; and

2 “(B) Sign an oath of office, provided by the Governor, that requires the person to support
3 the Constitution of the United States, the Constitution of Oregon and the laws thereof and
4 to faithfully discharge the duties of a humane special agent.

5 “SECTION 2. (1) Humane investigation agencies shall work cooperatively with law
6 enforcement agencies. If a law enforcement agency requests assistance with the investi-
7 gation of a violation of animal welfare laws, the humane investigation agency shall provide
8 assistance to the maximum extent the humane investigation agency determines is possible
9 given the resources available.

10 “(2)(a) A humane special agent shall defer to the direction of a law enforcement agency
11 if the law enforcement agency is investigating a violation of animal welfare laws in the law
12 enforcement agency’s geographic jurisdiction.

13 “(b) A humane investigation agency may execute a search warrant only with the over-
14 sight and prior consent of the law enforcement agency having primary jurisdiction over the
15 geographic area within which the search warrant is to be executed.

16 “(3) An allegation that a humane special agent has abused the agent’s authority:

17 “(a) May be investigated by a law enforcement agency or the Governor; and

18 “(b) Shall be forwarded to the Governor if the allegation is received by a humane inves-
19 tigation agency or a law enforcement agency.

20 “SECTION 3. (1) Except for a person who has requested and obtained an extension from
21 the Department of Public Safety Standards and Training pursuant to subsection (2) of this
22 section, a person may not be employed as a humane special agent by any humane investi-
23 gation agency for more than 12 months unless:

24 “(a) The person is a citizen of the United States; and

25 “(b) The person meets the standards for certification as a police officer or certified re-
26 serve officer under the provisions of ORS 181.610 to 181.712.

27 “(2) The department, upon the facts contained in an affidavit accompanying the request
28 for an extension, may find good cause for failure to meet the standards described in sub-
29 section (1) of this section within 12 months of employment. If the department finds that
30 there is good cause for such failure, the department may extend for up to one year the period
31 that a person may serve as a humane special agent without meeting those standards. The
32 grant or denial of such an extension is within the sole discretion of the department.

33 “(3) Except as provided in subsection (4) of this section, a person employed as a humane
34 special agent by any humane investigation agency shall commence the training necessary to
35 meet the standards described in subsection (1) of this section at an academy operated or
36 authorized by the department not later than the 90th day after the date of the agent’s em-
37 ployment by the humane investigation agency.

38 “(4) A humane investigation agency may delay the commencement of training of a hu-
39 mane special agent for up to 120 days from the date of the agent’s employment when it
40 considers the delay necessary. When a humane investigation agency delays commencement
41 of a humane special agent’s training under this subsection, it shall file a written statement
42 with the department.

43 “(5) When a delay in the commencement of training necessary at an academy operated
44 or authorized by the department is caused by the inability of the department, for any reason,
45 to provide that training, the period of such delay shall not be counted as part of the periods

1 set forth in subsections (3) and (4) of this section within which the training must be com-
2 menced.

3 “(6) A person employed as a humane special agent by a humane investigation agency
4 must complete the necessary training at an academy operated or authorized by the depart-
5 ment.

6 “(7) The humane investigation agency shall bear the expense of training humane special
7 agents.

8 “(8) The department may provide the humane special agent or humane investigation
9 agency with documentation that the humane special agent meets the standards described in
10 subsection (1) of this section.”.

11
