

SENATE AMENDMENTS TO SENATE BILL 406

By COMMITTEE ON JUDICIARY

May 9

1 On page 1 of the printed bill, delete lines 4 through 30 and delete page 2 and insert:

2 **“SECTION 1. (1) As used in this section, ‘humane investigation agency’ means a private,**
3 **nonprofit animal care agency that has maintained an animal welfare investigation depart-**
4 **ment for at least five years and has had officers commissioned as special agents by the**
5 **Governor.**

6 **“(2) Upon the request of a humane investigation agency, the Governor may commission**
7 **persons designated by the humane investigation agency who shall have the powers of peace**
8 **officers and, after being commissioned, may act as peace officers to enforce ORS 167.310 to**
9 **167.351, 167.334, 167.352, 167.355, 167.360 to 167.375, 167.385, 167.387, 167.388 and 167.390.**

10 **“(3) Special agents commissioned under this section serve at the pleasure of the Gover-**
11 **nor. The Governor may, for any reason and at any time, refuse to commission a person as**
12 **a special agent or revoke a previously granted commission.**

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

14 **“(5) A humane investigation agency employing a special agent is civilly responsible for**
15 **any abuse of the special agent’s authority.**

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

17 **“(a) The humane investigation agency must enter into a contract with the State of**
18 **Oregon. The contract may provide:**

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

21 **“(B) That the humane investigation agency will assume liability for the actions of the**
22 **special agent and will indemnify and hold harmless the State of Oregon and its agents and**
23 **employees from any claims that arise from the activities of the special agent;**

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

26 **“(D) That the humane investigation agency will provide to the State of Oregon sufficient**
27 **supporting documentation regarding the insurance coverage.**

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

29 **“(A) Consent to a background investigation; and**

30 **“(B) Sign an oath of office, provided by the Governor, that requires the person to support**
31 **the Constitution of the United States, the Constitution of Oregon and the laws thereof, and**
32 **to faithfully discharge the duties of a special agent.”.**

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