

House Bill 2627

Sponsored by Representative WITT; Representatives BARKER, BEYER, BOONE, DEMBROW, GARRETT, KAHL, ROBLAN, SCHAUFLE, STIEGLER

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**.

Increases standard penalty for animal abuse in first degree to maximum of five years' imprisonment, \$125,000 fine, or both. Increases enhanced penalty to maximum of 10 years' imprisonment, \$250,000 fine, or both. Expands list of predicate offenses permitting imposition of enhanced penalty. Decreases number of predicate convictions required before enhanced penalty may be imposed.

Increases penalty for aggravated animal abuse to maximum of 10 years' imprisonment, \$250,000 fine, or both.

Increases standard penalty for animal neglect in second degree to maximum of one year's imprisonment, \$6,250 fine, or both. Creates enhanced penalty of maximum of five years' imprisonment, \$125,000 fine, or both.

Increases standard penalty for animal neglect in first degree to five years' imprisonment, \$125,000 fine, or both. Creates enhanced penalty of maximum of 10 years' imprisonment, \$250,000 fine, or both.

A BILL FOR AN ACT

1
2 Relating to crimes involving animals; creating new provisions; and amending ORS 156.705, 167.320,
3 167.322, 167.325, 167.330 and 167.332.

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

5 **SECTION 1.** ORS 167.320 is amended to read:

6 167.320. (1) A person commits the crime of animal abuse in the first degree if, except as other-
7 wise authorized by law, the person intentionally, knowingly or recklessly:

8 (a) Causes serious physical injury to an animal; or

9 (b) Cruelly causes the death of an animal.

10 (2) Any practice of good animal husbandry is not a violation of this section.

11 (3) Animal abuse in the first degree is a Class [A *misdemeanor*] **C felony**.

12 (4) Notwithstanding subsection (3) of this section, animal abuse in the first degree is a Class
13 [C] **B felony** if:

14 (a) The person [*committing the*] **commits the crime of** animal abuse **in the first degree and**
15 **the person** has previously been convicted of [*two*] **one** or more of the following offenses:

16 (A) Any offense under ORS 163.160, 163.165, 163.175, 163.185 or 163.187 or the equivalent laws
17 of another jurisdiction, if the offense involved domestic violence as defined in ORS 135.230 or the
18 offense was committed against a minor child; or

19 (B) Any offense under this section or ORS **167.315, 167.322, 167.325, 167.330, 167.333, 167.337,**
20 **167.339, 167.340, 167.355, 167.365, 167.370, 167.372, 167.428, 167.431 or 167.439,** or the equivalent
21 laws of another jurisdiction; or

22 (b) The person knowingly commits the animal abuse in the immediate presence of a minor child.

23 For purposes of this paragraph, a minor child is in the immediate presence of animal abuse if the
24 abuse is seen or directly perceived in any other manner by the minor child.

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.

SECTION 2. ORS 167.322 is amended to read:

167.322. (1) A person commits the crime of aggravated animal abuse in the first degree if the person:

- (a) Maliciously kills an animal; or
 - (b) Intentionally or knowingly tortures an animal.
- (2) Aggravated animal abuse in the first degree is a Class [C] B felony.
- (3) As used in this section:

- (a) “Maliciously” means intentionally acting with a depravity of mind and reckless and wanton disregard of life.
- (b) “Torture” means an action taken for the primary purpose of inflicting pain.

SECTION 3. ORS 167.325 is amended to read:

167.325. (1) A person commits the crime of animal neglect in the second degree if, except as otherwise authorized by law, the person intentionally, knowingly, recklessly or with criminal negligence fails to provide minimum care for an animal in such person’s custody or control.

(2) Animal neglect in the second degree is a Class [B] A misdemeanor.

(3) Notwithstanding subsection (2) of this section, animal neglect in the second degree is a Class C felony if the person commits the crime of animal neglect in the second degree and the person has previously been convicted of an offense under this section or ORS 167.315, 167.320, 167.322, 167.330, 167.333, 167.337, 167.339, 167.340, 167.355, 167.365, 167.370, 167.372, 167.428, 167.431 or 167.439, or the equivalent laws of another jurisdiction.

SECTION 4. ORS 167.330 is amended to read:

167.330. (1) A person commits the crime of animal neglect in the first degree if, except as otherwise authorized by law, the person intentionally, knowingly, recklessly or with criminal negligence fails to provide minimum care for an animal in the person’s custody or control and the failure to provide care results in serious physical injury or death to the animal.

(2) Animal neglect in the first degree is a Class [A misdemeanor] C felony.

(3) Notwithstanding subsection (2) of this section, animal neglect in the first degree is a Class B felony if the person commits the crime of animal neglect in the first degree and the person has previously been convicted of an offense under this section or ORS 167.315, 167.320, 167.322, 167.325, 167.333, 167.337, 167.339, 167.340, 167.355, 167.365, 167.370, 167.372, 167.428, 167.431 or 167.439, or the equivalent laws of another jurisdiction.

SECTION 5. ORS 167.332 is amended to read:

167.332. (1) In addition to any other penalty imposed by law, a person convicted of violating ORS 167.315, 167.325, 167.330 or 167.340 or of a [misdemeanor] Class C felony under ORS 167.320, may not possess a domestic animal for a period of five years following entry of the conviction. [An offense under this subsection is an] **A person who violates this subsection commits an** unclassified misdemeanor punishable by a fine not exceeding \$1,000 and forfeiture of the animal as provided in ORS 167.350.

(2) In addition to any other penalty imposed by law, a person convicted of violating ORS 167.322 or of a **Class B** felony under ORS 167.320, may not possess a domestic animal for a period of 15 years following entry of the conviction. [An offense under this subsection is an] **A person who violates this subsection commits an** unclassified misdemeanor punishable by a fine not exceeding \$5,000 and forfeiture of the animal as provided under ORS 167.350.

SECTION 6. ORS 156.705 is amended to read:

156.705. Justices of the peace shall have concurrent jurisdiction over all **misdemeanors** [of-

1 *fenses*] committed under ORS 167.315 to 167.333 and 167.340.

2 **SECTION 7. The amendments to ORS 156.705, 167.320, 167.322, 167.325, 167.330 and 167.332**
3 **by sections 1 to 6 of this 2009 Act apply only to conduct occurring on or after the effective**
4 **date of this 2009 Act. Persons convicted under ORS 137.320 for an act committed before the**
5 **effective date of this 2009 Act remain subject to the prohibition on the possession of domestic**
6 **animals established in ORS 167.332 as set forth in the 2007 Edition of the Oregon Revised**
7 **Statutes.**

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