

# Enrolled Senate Bill 298

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CHAPTER .....

AN ACT

Relating to forfeited animals; creating new provisions; and amending ORS 167.348 and 167.350.

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

**SECTION 1.** ORS 167.348 is amended to read:

167.348. (1) If an animal is forfeited according to the provisions of ORS 167.347 or 167.350, [*in placing the animal with a new owner,*] the agency to which the animal was forfeited **may place the animal with a new owner. The agency shall give placement preference to any person or persons who had prior contact with the animal, including but not limited to family members and friends of the former owner whom the agency determines are capable of providing necessary, adequate and appropriate levels of care for the animal. As a condition of placement, the agency shall require the new owner to execute an agreement to provide minimum care to the animal. The agreement must indicate that allowing the former owner to possess the animal constitutes a crime.**

**(2) Notwithstanding subsection (1) of this section, the agency may not place the animal with any person who resides with the former owner.**

**SECTION 2.** ORS 167.350 is amended to read:

167.350. (1) In addition to and not in lieu of any other sentence it may impose, a court may require a defendant convicted under ORS 167.315 to 167.333 or 167.340 to forfeit any rights of the defendant in the animal subjected to the violation, and to repay the reasonable costs incurred by any person or agency prior to judgment in caring for each animal subjected to the violation.

[2] **(2)(a)** When the court orders the defendant's rights in the animal to be forfeited, the court may further order that those rights be given over to an appropriate person or agency demonstrating a willingness to accept and care for the animal or to the county or an appropriate animal care agency for further disposition in accordance with accepted practices for humane treatment of animals. **The court may not transfer the defendant's rights in the animal to any person who resides with the defendant.**

**(b)** This subsection does not limit the right of the person or agency to whom rights are granted to resell or otherwise make disposition of the animal. A transfer of rights under this subsection constitutes a transfer of ownership. **The court shall require a person to whom rights are granted to execute an agreement to provide minimum care to the animal. The agreement must indicate that allowing the defendant to possess the animal constitutes a crime.**

(3) In addition to and not in lieu of any other sentence it may impose, a court may order the owner or person having custody of an animal to repay the reasonable costs incurred by any person or agency in providing minimum care to the animal.

(4) A court may order a person convicted under ORS 167.315 to 167.333 or 167.340 to participate in available animal cruelty prevention programs or education programs, or both, or to obtain psychological counseling for treatment of mental health disorders that, in the court's judgment, contributed to the commission of the crime. The person shall bear any costs incurred by the person for participation in counseling or treatment programs under this subsection.

(5) ORS 131.550 to 131.600 do not apply to the forfeiture of an animal subjected to a violation of ORS 167.315 to 167.333 or 167.340. Any such animal is subject to forfeiture as provided in subsections (1) to (3) of this section.

**SECTION 3. (1) A person commits the crime of encouraging animal abuse if the person:**

**(a) Obtains a previously abused, neglected or abandoned animal from an animal care agency under ORS 167.348 or the court under ORS 167.350; and**

**(b) Knowingly allows the person from whom the animal was forfeited to possess the animal.**

**(2) Encouraging animal abuse is a Class C misdemeanor.**

**SECTION 4. Section 3 of this 2009 Act and the amendments to ORS 167.348 and 167.350 by sections 1 and 2 of this 2009 Act apply to animals forfeited on or after the effective date of this 2009 Act.**

Passed by Senate April 2, 2009

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Secretary of Senate

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President of Senate

Passed by House May 28, 2009

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Speaker of House

Received by Governor:

.....M.,....., 2009

Approved:

.....M.,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2009

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Secretary of State