

A-Engrossed
Senate Bill 298

Ordered by the Senate March 31
Including Senate Amendments dated March 31

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

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.

Prohibits court and animal care agency from placing forfeited animal in same household as person from whom animal was forfeited.

Requires animal's new owner to execute [*acknowledgment of ownership*] **agreement to provide minimum care to animal.**

Creates crime of encouraging animal abuse. Punishes by maximum of 30 days' imprisonment, \$1,250 fine, or both.

A BILL FOR AN ACT

1
2 Relating to forfeited animals; creating new provisions; and amending ORS 167.348 and 167.350.

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

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

5 167.348. (1) If an animal is forfeited according to the provisions of ORS 167.347 or 167.350, [*in*
6 *placing the animal with a new owner,*] the agency to which the animal was forfeited **may place the**
7 **animal with a new owner. The agency** shall give placement preference to any person or persons
8 who had prior contact with the animal, including but not limited to family members and friends of
9 the former owner whom the agency determines are capable of providing necessary, adequate and
10 appropriate levels of care for the animal. **As a condition of placement, the agency shall require**
11 **the new owner to execute an agreement to provide minimum care to the animal. The**
12 **agreement must indicate that allowing the former owner to possess the animal constitutes**
13 **a crime.**

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

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

17 167.350. (1) In addition to and not in lieu of any other sentence it may impose, a court may re-
18 quire a defendant convicted under ORS 167.315 to 167.333 or 167.340 to forfeit any rights of the
19 defendant in the animal subjected to the violation, and to repay the reasonable costs incurred by
20 any person or agency prior to judgment in caring for each animal subjected to the violation.

21 [~~2~~] **(2)(a)** When the court orders the defendant's rights in the animal to be forfeited, the court
22 may further order that those rights be given over to an appropriate person or agency demonstrating
23 a willingness to accept and care for the animal or to the county or an appropriate animal care
24 agency for further disposition in accordance with accepted practices for humane treatment of ani-
25 mals. **The court may not transfer the defendant's rights in the animal to any person who**

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.

1 **resides with the defendant.**

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

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

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

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

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

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

21 (b) **Knowingly allows the person from whom the animal was forfeited to possess the ani-**
22 **mal.**

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

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