

Senate Bill 304

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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**.

Requires mortgagor taking possession of real property to provide minimum care for domestic animal or livestock abandoned at property. Requires mortgagor to arrange for law enforcement agency, animal control agency or animal shelter to take custody of abandoned domestic animal or livestock.

Makes mortgagor that fails to provide abandoned domestic animal or livestock with minimum care subject to animal neglect statutes having maximum penalty of six months' imprisonment, \$2,500 fine, or both, or if failure results in serious physical injury or death of domestic animal or livestock, to maximum penalty of one year's imprisonment, \$6,250 fine, or both. Makes failure of mortgagor to timely arrange for placing domestic animal or livestock in custody of law enforcement agency, animal control agency or animal shelter subject to maximum \$90 fine.

Authorizes animal shelter taking custody of abandoned domestic animal or livestock from mortgagor to petition for legal ownership of abandoned domestic animal or livestock.

A BILL FOR AN ACT

1
2 Relating to abandoned animals.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Abandoned" means left without provision for continued care.**

6 (b) **"Domestic animal" means a nonhuman mammal, bird, reptile, amphibian or fish that**
7 **has been or that reasonably appears to have been owned or possessed by a human and that**
8 **is not livestock.**

9 (c) **"Livestock" has the meaning given that term in ORS 609.125.**

10 (d) **"Minimum care" has the meaning given that term in ORS 167.310.**

11 (e) **"Mortgagor" means a person, or the agent or employee of a person, taking possession**
12 **of real property as a direct result of a foreclosure, forfeiture or default on a mortgage, trust**
13 **deed or land sales contract or as a direct result of property abandonment following a bank-**
14 **ruptcy.**

15 (f) **"Possession" means a legal right to physically possess a property that is superior to**
16 **the legal right of any other person to physically possess the property.**

17 (2) **If a mortgagor takes possession of real property and learns that a domestic animal**
18 **or livestock has been abandoned at the property, the mortgagor shall:**

19 (a) **Provide or arrange for the provision of minimum care for the domestic animal or**
20 **livestock; and**

21 (b) **No later than the next business day after learning that the domestic animal or live-**
22 **stock has been abandoned at the property, notify or otherwise arrange for a law enforcement**
23 **agency, animal control agency or animal shelter to take custody of the domestic animal or**
24 **livestock.**

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 **(3) A peace officer who takes custody of a domestic animal or livestock from a mortgagor**
2 **is not required to comply with the notice and mailing requirements of ORS 167.345.**

3 **(4) An animal shelter that takes custody of an abandoned domestic animal or livestock**
4 **directly or indirectly from a mortgagor may file a petition with a circuit court requesting**
5 **that the court issue an order forfeiting the domestic animal or livestock to the shelter. The**
6 **animal shelter shall serve a true copy of the petition on the district attorney and on the**
7 **abandoning owner. For purposes of this subsection, service on the abandoning owner is suf-**
8 **ficient if the animal shelter mails a copy of the petition by first class mail to the last known**
9 **address of the abandoning owner.**

10 **(5) For purposes of ORS 167.325 and 167.330, a mortgagor has custody and control of a**
11 **domestic animal or livestock commencing at the time the mortgagor learns that the do-**
12 **mestic animal or livestock has been abandoned at a real property that is in the possession**
13 **of the mortgagor. Failure to timely notify or otherwise provide for a law enforcement**
14 **agency, animal control agency or animal shelter to take custody of the abandoned domestic**
15 **animal or livestock is a Class D violation.**

16 **SECTION 2.** **Section 1 of this 2009 Act applies to real property for which the mortgagor**
17 **takes possession on or after the effective date of this 2009 Act.**

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