

Enrolled
Senate Bill 398

Sponsored by Senator PROZANSKI, Representative BARKER; Senators VERGER, WALKER, Representatives BERGER, COWAN, GILLIAM, ROBLAN, THATCHER, VANORMAN (at the request of Duchess Sanctuary)

CHAPTER

AN ACT

Relating to equines; creating new provisions; and amending ORS 167.310 and 167.340.

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

SECTION 1. ORS 167.340 is amended to read:

167.340. (1) A person commits the crime of animal abandonment if the person intentionally, knowingly, recklessly or with criminal negligence leaves a domestic animal **or an equine** at a location without providing [*for the animal's continued care.*] **minimum care.**

(2) It is no defense to the crime defined in subsection (1) of this section that the defendant abandoned the animal at or near an animal shelter, veterinary clinic or other place of shelter if the defendant did not make reasonable arrangements for the care of the animal.

(3) Animal abandonment is a Class B misdemeanor.

SECTION 2. ORS 167.310 is amended to read:

167.310. As used in ORS 167.310 to 167.351:

(1) "Animal" means any nonhuman mammal, bird, reptile, amphibian or fish.

(2) "Domestic animal" means an animal, other than livestock **or equines**, that is owned or possessed by a person.

(3) **"Equine" means a horse, pony, donkey, mule, hinny, zebra or a hybrid of any of these animals.**

[(3)] (4) "Good animal husbandry" includes, but is not limited to, the dehorning of cattle, the docking of horses, sheep or swine, and the castration or neutering of livestock, according to accepted practices of veterinary medicine or animal husbandry.

[(4)] (5) "Law enforcement animal" means a dog or horse used in law enforcement work under the control of a corrections officer, parole and probation officer, police officer or youth correction officer, as those terms are defined in ORS 181.610, who has successfully completed at least 360 hours of training in the care and use of a law enforcement animal, or who has passed the demonstration of minimum standards established by the Oregon Police Canine Association or other accredited and recognized animal handling organization.

[(5)] (6) "Livestock" has the meaning provided in ORS 609.125.

[(6)] (7) "Minimum care" means care sufficient to preserve the health and well-being of an animal and, except for emergencies or circumstances beyond the reasonable control of the owner, includes, but is not limited to, the following requirements:

(a) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.

(b) Open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Access to snow or ice is not adequate access to potable water.

(c) For a domestic animal other than a dog engaged in herding or protecting livestock, access to a barn, dog house or other enclosed structure sufficient to protect the animal from wind, rain, snow or sun and that has adequate bedding to protect against cold and dampness.

(d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.

(e) For a domestic animal, continuous access to an area:

(A) With adequate space for exercise necessary for the health of the animal;

(B) With air temperature suitable for the animal; and

(C) Kept reasonably clean and free from excess waste or other contaminants that could affect the animal's health.

(f) For a livestock animal that cannot walk or stand without assistance:

(A) Humane euthanasia; or

(B) The provision of immediate and ongoing care to restore the animal to an ambulatory state.

[(7)] (8) "Physical injury" means physical trauma, impairment of physical condition or substantial pain.

[(8)] (9) "Physical trauma" means fractures, cuts, punctures, bruises, burns or other wounds.

[(9)] (10) "Possess" has the meaning provided in ORS 161.015.

[(10)] (11) "Serious physical injury" means physical injury that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of a limb or bodily organ.

SECTION 3. The amendments to ORS 167.340 by section 1 of this 2009 Act apply to conduct occurring on or after the effective date of this 2009 Act.

Passed by Senate March 12, 2009

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Secretary of Senate

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President of Senate

Passed by House May 20, 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