

# Senate Bill 659

Sponsored by 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 **as introduced**.

Modifies crime of research and animal interference to include publishing certain information with intent that information be used to commit a crime involving violence. Defines "researcher." Authorizes civil action to obtain restraining order, damages or both.

## A BILL FOR AN ACT

1  
2 Relating to animal researchers; creating new provisions; and amending ORS 167.312.

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

4 **SECTION 1.** ORS 167.312 is amended to read:

5 167.312. (1) A person commits the crime of research and animal interference if the person:

6 (a) With the intent to interfere with research, releases, steals or otherwise causes the death,  
7 injury or loss of any animal at or from an animal research facility.

8 (b) With the intent to interfere with research, damages, vandalizes or steals any property in or  
9 on an animal research facility.

10 (c) With the intent to interfere with research, obtains access to an animal research facility to  
11 perform acts not authorized by that facility.

12 (d) Obtains or exerts unauthorized control over records, data, materials, equipment or animals  
13 of any animal research facility with the intent to interfere with research by concealing, abandoning  
14 or destroying such records, data, materials, equipment or animals.

15 (e) With the intent to interfere with research, possesses or uses equipment or animals that the  
16 person reasonably believes have been obtained by theft or deception from an animal research facility  
17 or without the authorization of an animal research facility.

18 **(f) Publishes information describing or depicting a researcher, the researcher's household**  
19 **member or the location where a researcher or household member may be found, with the**  
20 **intent that a person imminently use the information to commit a crime involving violence**  
21 **or a threat of violence against the researcher or household member and the information is**  
22 **likely to aid in the imminent commission of the crime.**

23 *[(2) For the purposes of this section, "animal research facility" means any facility engaging in legal*  
24 *scientific research or teaching involving the use of animals.]*

25 [(3)] **(2)** Research and animal interference is a:

26 (a) Class C felony if damage to the animal research facility is \$2,500 or more; or

27 (b) Class A misdemeanor if there is no damage to the facility or if damage to the animal re-  
28 search facility is less than \$2,500.

29 [(4)] **(3)** Determination of damages to an animal research facility shall be made by the court. In  
30 making its determination, the court shall consider the reasonable costs of:

31 (a) Replacing lost, injured or destroyed animals;

**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 (b) Restoring the animal research facility to the approximate condition of the facility before the  
2 damage occurred; and

3 (c) Replacing damaged or missing records, data, material or equipment.

4 [(5)] (4) In addition to any other penalty imposed for violation of this section, a person convicted  
5 of such violation is liable:

6 (a) To the owner of the animal for damages, including the costs of restoring the animal to con-  
7 finement and to its health condition prior to commission of the acts constituting the violation;

8 (b) For damages to real and personal property caused by acts constituting the violation; and

9 (c) For the costs of repeating an experiment, including the replacement of the animals, labor and  
10 materials, if acts constituting the violation cause the failure of an experiment.

11 (5) **As used in this section:**

12 (a) **“Animal research facility” means any facility engaging in legal scientific research or**  
13 **teaching involving the use of animals.**

14 (b) **“Researcher” means a licensed veterinarian, animal care worker or other person en-**  
15 **gaged in, or providing support services for a person engaged in, legal scientific research or**  
16 **teaching involving the use of animals.**

17 **SECTION 2. (1) Irrespective of any criminal prosecution or the result of a criminal**  
18 **prosecution, a person may bring a civil action for a restraining order or for damages, or**  
19 **both, against another person if the other person publishes information describing or depict-**  
20 **ing a researcher as defined in ORS 167.312 or the researcher’s household member, or the**  
21 **location where the researcher or the household member may be found, with the intent that**  
22 **a person imminently use the information to commit a crime involving violence or a threat**  
23 **of violence against the researcher or the household member and the information is likely to**  
24 **aid in the imminent commission of the crime.**

25 (2) **An action under this section must be commenced within two years of the conduct**  
26 **giving rise to the claim.**

27 (3) **Proof of the claim shall be by a preponderance of the evidence.**

28 (4) **The plaintiff may recover:**

29 (a) **Both special and general damages, including damages for emotional distress;**

30 (b) **Punitive damages; and**

31 (c) **Reasonable attorney fees and costs.**

32 **SECTION 3. Section 2 of this 2009 Act and the amendments to ORS 167.312 by section 1**  
33 **of this 2009 Act apply to conduct occurring on or after the effective date of this 2009 Act.**

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