

# House Bill 2742

Sponsored by Representative BOONE (Pre-session filed.)

## 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 persons who commit certain crimes against animals to register with law enforcement agencies. Authorizes disclosure of registration information via electronic or other means.

Creates crime of failure to report as animal offender. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both.

## A BILL FOR AN ACT

1  
2 Relating to crime; and appropriating money.

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

4 **SECTION 1. As used in sections 1 to 8 of this 2011 Act:**

5 (1) **"Animal crime" means:**

6 (a) **Animal abuse in the first degree as defined in ORS 167.320;**

7 (b) **Aggravated animal abuse in the first degree as defined in ORS 167.322;**

8 (c) **Assaulting a law enforcement animal as defined in ORS 167.339;**

9 (d) **Involvement in animal fighting as defined in ORS 167.355;**

10 (e) **Dogfighting as defined in ORS 167.365;**

11 (f) **Participation in dogfighting as defined in ORS 167.370;**

12 (g) **Possessing dogfighting paraphernalia as defined in ORS 167.372;**

13 (h) **Cockfighting as defined in ORS 167.428;**

14 (i) **Participation in cockfighting as defined in ORS 167.431; or**

15 (j) **An attempt to commit a crime described in paragraphs (a) to (i) of this subsection.**

16 (2) **"Another United States court," "attends," "carries on a vocation," "correctional fa-**  
17 **ility," "institution of higher education" and "works" have the meanings given those terms**  
18 **in ORS 181.594.**

19 **SECTION 2. (1)(a) Except as otherwise provided in paragraph (b) of this subsection, the**  
20 **agency to which a person reports under subsection (3) of this section shall complete an ani-**  
21 **mal offender registration form concerning the person when the person reports under sub-**  
22 **section (3) of this section.**

23 (b) **When a person who is under supervision reports to the agency supervising the person,**  
24 **the supervising agency may require the person to report instead to the Department of State**  
25 **Police, a city police department or a county sheriff's office and provide the supervising**  
26 **agency with proof of the completed registration.**

27 (2) **Subsection (3) of this section applies to a person who:**

28 (a) **Is discharged, paroled or released on any form of supervised or conditional release**  
29 **from a jail, prison or other correctional facility or detention facility in this state at which**  
30 **the person was confined as a result of:**

**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 (A) Conviction of an animal crime;
- 2 (B) Having been found guilty except for insanity of an animal crime; or
- 3 (C) Having been found to be within the jurisdiction of the juvenile court for having
- 4 committed an act that if committed by an adult would constitute an animal crime;
- 5 (b) Is paroled to this state under ORS 144.610 after being convicted in another United
- 6 States court of a crime that would constitute an animal crime if committed in this state;
- 7 (c) Is paroled to or otherwise placed in this state after having been found by another
- 8 United States court to have committed an act while the person was under 18 years of age
- 9 that would constitute an animal crime if committed in this state by an adult;
- 10 (d) Is discharged or placed on conditional release by the juvenile panel of the Psychiatric
- 11 Security Review Board after having been found responsible except for insanity under ORS
- 12 419C.411 for an act that would constitute an animal crime if committed by an adult; or
- 13 (e) Is discharged by the court under ORS 161.329 after having been found guilty except
- 14 for insanity of an animal crime.
- 15 (3)(a) A person described in subsection (2) of this section shall report, in person, to the
- 16 Department of State Police, a city police department or a county sheriff's office or, if the
- 17 person is under supervision, to the supervising agency:
- 18 (A) Within 10 days following discharge, release on parole, post-prison supervision or
- 19 other supervised or conditional release;
- 20 (B) Within 10 days of a change of residence;
- 21 (C) Once each year within 10 days of the person's birth date, regardless of whether the
- 22 person changed residence;
- 23 (D) Within 10 days of the first day the person works at, carries on a vocation at or at-
- 24 tends an institution of higher education; and
- 25 (E) Within 10 days of a change in work, vocation or attendance status at an institution
- 26 of higher education.
- 27 (b) If the person required to report under this subsection is a youth offender or young
- 28 person, as defined in ORS 419A.004, who is under supervision, the person shall report to the
- 29 agency supervising the person.
- 30 (c) The obligation to report under this subsection terminates if the conviction giving rise
- 31 to the obligation is reversed or vacated or if the registrant is pardoned.
- 32 (4) As part of the registration and reporting requirements of this section:
- 33 (a) The person required to report shall:
- 34 (A) Provide the information necessary to complete the animal offender registration form
- 35 and sign the form as required; and
- 36 (B) Submit to the requirements described in paragraph (b) of this subsection.
- 37 (b) The Department of State Police, the city police department, the county sheriff's office
- 38 or the supervising agency:
- 39 (A) Shall photograph the person when the person initially reports under this section and
- 40 each time the person reports annually under this section;
- 41 (B) May photograph the person or any identifying scars, marks or tattoos located on the
- 42 person when the person reports under any of the circumstances described in this section;
- 43 and
- 44 (C) Shall fingerprint the person if the person's fingerprints are not included in the record
- 45 file of the Department of State Police bureau of criminal identification.

1       **SECTION 3.** (1)(a) Except as otherwise provided in paragraph (b) of this subsection, the  
 2 agency to which a person reports under subsection (4) of this section shall complete an ani-  
 3 mal offender registration form concerning the person when the person reports under sub-  
 4 section (4) of this section.

5       (b) When a person who is under supervision reports to the agency supervising the person,  
 6 the supervising agency may require the person to report instead to the Department of State  
 7 Police, a city police department or a county sheriff's office and provide the supervising  
 8 agency with proof of the completed registration.

9       (2) Subsection (4) of this section applies to a person who is discharged, released or placed  
 10 on probation:

11       (a) By the court after being convicted in this state of an animal crime;

12       (b) By the juvenile court after being found to be within the jurisdiction of the juvenile  
 13 court for having committed an act that if committed by an adult would constitute an animal  
 14 crime;

15       (c) To this state under ORS 144.610 after being convicted in another United States court  
 16 of a crime that would constitute an animal crime if committed in this state; or

17       (d) To this state after having been found by another United States court to have com-  
 18 mitted an act while the person was under 18 years of age that would constitute an animal  
 19 crime if committed in this state by an adult.

20       (3) The court shall ensure that the person completes a form that documents the person's  
 21 obligation to report under section 2 of this 2011 Act or this section. No later than three  
 22 working days after the person completes the form required by this subsection, the court  
 23 shall ensure that the form is sent to the Department of State Police.

24       (4)(a) A person described in subsection (2) of this section shall report in person, to the  
 25 Department of State Police, a city police department or a county sheriff's office or, if the  
 26 person is under supervision, to the supervising agency:

27       (A) Within 10 days following discharge, release or placement on probation;

28       (B) Within 10 days of a change of residence;

29       (C) Once each year within 10 days of the person's birth date, regardless of whether the  
 30 person changed residence;

31       (D) Within 10 days of the first day the person works at, carries on a vocation at or at-  
 32 tends an institution of higher education; and

33       (E) Within 10 days of a change in work, vocation or attendance status at an institution  
 34 of higher education.

35       (b) If the person required to report under this subsection is a youth offender or young  
 36 person, as defined in ORS 419A.004, who is under supervision, the person shall report to the  
 37 agency supervising the person.

38       (c) The obligation to report under this section terminates if the conviction giving rise to  
 39 the obligation is reversed or vacated or if the registrant is pardoned.

40       (5) As part of the registration and reporting requirements of this section:

41       (a) The person required to report shall:

42       (A) Provide the information necessary to complete the animal offender registration form  
 43 and sign the form as required; and

44       (B) Submit to the requirements described in paragraph (b) of this subsection.

45       (b) The Department of State Police, the city police department, the county sheriff's office

1 or the supervising agency:

2 (A) Shall photograph the person when the person initially reports under this section and  
3 each time the person reports annually under this section;

4 (B) May photograph the person or any identifying scars, marks or tattoos located on the  
5 person when the person reports under any of the circumstances described in this section;  
6 and

7 (C) Shall fingerprint the person if the person's fingerprints are not included in the record  
8 file of the Department of State Police bureau of criminal identification.

9 **SECTION 4.** (1)(a) When a person described in subsection (2) of this section moves into  
10 this state and is not otherwise required by section 2 or 3 of this 2011 Act to report, the  
11 person shall report, in person, to the Department of State Police, a city police department  
12 or a county sheriff's office:

13 (A) No later than 10 days after moving into this state;

14 (B) Within 10 days of a change of residence;

15 (C) Once each year within 10 days of the person's birth date, regardless of whether the  
16 person changed residence;

17 (D) Within 10 days of the first day the person works at, carries on a vocation at or at-  
18 tends an institution of higher education; and

19 (E) Within 10 days of a change in work, vocation or attendance status at an institution  
20 of higher education.

21 (b) When a person described in subsection (2) of this section attends school or works in  
22 this state, resides in another state and is not otherwise required by section 2 or 3 of this 2011  
23 Act to report, the person shall report, in person, to the Department of State Police, a city  
24 police department or a county sheriff's office no later than 10 days after:

25 (A) The first day of school attendance or the 14th day of employment in this state; and

26 (B) A change in school enrollment or employment.

27 (c) When a person described in subsection (2) of this section resides in this state at the  
28 time of the conviction or finding giving rise to the obligation to report, continues to reside  
29 in this state following the conviction or finding and is not otherwise required by section 2  
30 or 3 of this 2011 Act to report, the person shall report, in person, to the Department of State  
31 Police, a city police department or a county sheriff's office:

32 (A) Within 10 days following:

33 (i) Discharge, release on parole or release on any form of supervised or conditional re-  
34 lease, from a jail, prison or other correctional facility or detention facility; or

35 (ii) Discharge, release or placement on probation, by another United States court;

36 (B) Within 10 days of a change of residence;

37 (C) Once each year within 10 days of the person's birth date, regardless of whether the  
38 person has changed residence;

39 (D) Within 10 days of the first day the person works at, carries on a vocation at or at-  
40 tends an institution of higher education; and

41 (E) Within 10 days of a change in work, vocation or attendance status at an institution  
42 of higher education.

43 (d) When a person reports under this section, the agency to which the person reports  
44 shall complete an animal offender registration form concerning the person.

45 (e) The obligation to report under this section terminates if the conviction or finding that

1 gave rise to the obligation to report is reversed or vacated or if the registrant is pardoned.

2 (2) Subsection (1) of this section applies to:

3 (a) A person convicted in another United States court of a crime if the elements of the  
4 crime would constitute an animal crime;

5 (b) A person found by another United States court to have committed an act while the  
6 person was under 18 years of age that would constitute an animal crime if committed in this  
7 state by an adult; and

8 (c) A person required to register in another state for having committed an animal crime  
9 in that state regardless of whether the crime would constitute an animal crime in this state.

10 (3) As part of the registration and reporting requirements of this section:

11 (a) The person required to report shall:

12 (A) Provide the information necessary to complete the animal offender registration form  
13 and sign the form as required; and

14 (B) Submit to the requirements described in paragraph (b) of this subsection.

15 (b) The Department of State Police, the city police department, the county sheriff's office  
16 or the supervising agency:

17 (A) Shall photograph the person when the person initially reports under this section and  
18 each time the person reports annually under this section;

19 (B) May photograph the person or any identifying scars, marks or tattoos located on the  
20 person when the person reports under any of the circumstances described in this section;  
21 and

22 (C) Shall fingerprint the person if the person's fingerprints are not included in the record  
23 file of the Department of State Police bureau of criminal identification.

24 **SECTION 5.** (1) A person who is required to report as an animal offender under section  
25 2, 3 or 4 of this 2011 Act and who has knowledge of the reporting requirement, commits the  
26 crime of failure to report as an animal offender if the person:

27 (a) Fails to make the initial report to an agency;

28 (b) Fails to report when the person works at, carries on a vocation at or attends an in-  
29 stitution of higher education;

30 (c) Fails to report following a change of school enrollment or employment status, in-  
31 cluding enrollment, employment or vocation status at an institution of higher education;

32 (d) Moves to a new residence and fails to report the move and the person's new address;

33 (e) Fails to make an annual report;

34 (f) Fails to provide complete and accurate information;

35 (g) Fails to sign the animal offender registration form as required; or

36 (h) Fails to submit to fingerprinting or to having a photograph taken of the person's face,  
37 identifying scars, marks or other tattoos.

38 (2) Except as otherwise provided in subsection (3) of this section, failure to report as an  
39 animal offender is a Class C felony.

40 (3) Failure to report as an animal offender is a Class A misdemeanor if the person vio-  
41 lates subsection (1)(e) or (f) of this section.

42 **SECTION 6.** (1) Agencies required to register offenders under sections 2, 3 and 4 of this  
43 2011 Act shall use forms provided by the Department of State Police. The department shall  
44 include places on the form to list all the names used by the offender. No later than three  
45 working days after registration, the agency or official completing the form shall:

1 (a) Send the original copy of the registration form to the department; or

2 (b) Forward the registration information to the department by any means and, within 10  
3 working days after registration, send the original copy of the registration form to the de-  
4 partment.

5 (2) The department shall assess a person who is required to report under section 2, 3 or  
6 4 of this 2011 Act and who is not under supervision, a fee of \$70 each year. Moneys received  
7 by the department under this section are continuously appropriated to the department for  
8 the purpose of carrying out the department's duties under sections 1 to 8 of this 2011 Act.

9 **SECTION 7.** (1) The Department of State Police shall enter into the Law Enforcement  
10 Data System the animal offender information obtained from the animal offender registration  
11 form submitted under sections 2, 3 and 4 of this 2011 Act. The department shall remove from  
12 the Law Enforcement Data System the animal offender information obtained from the ani-  
13 mal offender registration form submitted under section 2, 3 or 4 of this 2011 Act if the con-  
14 viction or adjudication that gave rise to the registration obligation is reversed or vacated or  
15 if the registrant is pardoned.

16 (2)(a) When a person is under supervision for the first time as a result of a conviction  
17 for an animal crime, the department, a city police department or a county sheriff's office  
18 shall release, upon request, only the following information about the animal offender:

19 (A) The animal offender's name and date of birth;

20 (B) A physical description of the animal offender and a photograph, if applicable;

21 (C) The name and zip code of the city where the animal offender resides;

22 (D) The name and telephone number of a contact person at the agency that is supervising  
23 the animal offender; and

24 (E) The name of institutions of higher education that the animal offender attends or at  
25 which the animal offender works or carries on a vocation.

26 (b) Notwithstanding paragraph (a) of this subsection, if the animal offender is under the  
27 supervision of the Oregon Youth Authority or a county juvenile department, the Department  
28 of State Police, city police department or county sheriff's office shall release only:

29 (A) The animal offender's name and year of birth;

30 (B) The name and zip code of the city where the animal offender resides;

31 (C) The name and telephone number of a contact person at the agency that is supervising  
32 the animal offender; and

33 (D) The name of institutions of higher education that the animal offender attends or at  
34 which the animal offender works or carries on a vocation.

35 (c) An agency that supervises an animal offender shall release, upon request, any infor-  
36 mation that may be necessary to protect the public concerning the animal offender.

37 (3) Except as otherwise limited by subsection (2)(a) and (b) of this section regarding  
38 persons who are under supervision for the first time as animal offenders, the Department  
39 of State Police, city police department or a county sheriff's office shall release, upon request,  
40 any information that may be necessary to protect the public concerning animal offenders  
41 who reside in a specific area or concerning a specific animal offender.

42 (4) The department may make the information described in subsections (2) and (3) of this  
43 section available to the public, without the need for a request, by electronic or other means.  
44 The department shall make information about a person who is under supervision for the first  
45 time as a result of a conviction for an offense that requires reporting as an animal offender

1 accessible only by the use of the animal offender's name. For all other animal offenders, the  
2 department may make the information accessible in any manner the department chooses.

3 **SECTION 8.** (1) The purpose of sections 1 to 8 of this 2011 Act is to assist law enforce-  
4 ment agencies in preventing future animal offenses.

5 (2) When the court imposes sentence upon a person convicted of an animal crime, the  
6 court shall notify the person of the requirement to report as an animal offender under  
7 sections 2 and 3 of this 2011 Act.

8 (3) At the initial intake for incarceration or release on any type of supervised release,  
9 the animal offender shall complete a form that documents the offender's obligation to report  
10 under section 2 or 3 of this 2011 Act. The Department of State Police shall develop and pro-  
11 vide the form. No later than three working days after the animal offender completes the  
12 form, the person responsible for the intake process shall send the form to the Department  
13 of State Police.

14 (4) When the Department of State Police learns that a person required to report under  
15 section 2, 3 or 4 of this 2011 Act is moving to another state, the department shall notify the  
16 appropriate criminal justice agency of that state, if any, of that fact. The department is not  
17 responsible for registering and tracking a person once the person has moved from this state.

18 (5) A public agency and its employees are immune from liability, both civil and criminal,  
19 for the good faith performance of the agency's or the employee's duties under sections 1 to  
20 8 of this 2011 Act.

21 **SECTION 9.** Sections 1 to 8 of this 2011 Act apply to persons convicted of an animal crime  
22 before, on or after the effective date of this 2011 Act.

23