

**A-Engrossed**  
**House Bill 3238**

Ordered by the House March 29  
Including House Amendments dated March 29

Sponsored by Representative BARKER

**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.

Directs Oregon Criminal Justice Commission to classify felony animal abuse in first degree **and aggravated animal abuse in first degree** as crime category 6 of sentencing guidelines grid.

**A BILL FOR AN ACT**

1  
2 Relating to animal abuse; creating new provisions; and amending ORS 167.320 and 167.322.

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

4 **SECTION 1.** ORS 167.320 is amended to read:

5 167.320. (1) A person commits the crime of animal abuse in the first degree if, except as other-  
6 wise authorized by law, the person intentionally, knowingly or recklessly:

7 (a) Causes serious physical injury to an animal; or

8 (b) Cruelly causes the death of an animal.

9 (2) Any practice of good animal husbandry is not a violation of this section.

10 (3) Animal abuse in the first degree is a Class A misdemeanor.

11 (4) Notwithstanding subsection (3) of this section, animal abuse in the first degree is a Class C  
12 felony if:

13 (a) The person committing the animal abuse has previously been convicted of two or more of the  
14 following offenses:

15 (A) Any offense under ORS 163.160, 163.165, 163.175, 163.185 or 163.187 or the equivalent laws  
16 of another jurisdiction, if the offense involved domestic violence as defined in ORS 135.230 or the  
17 offense was committed against a minor child; or

18 (B) Any offense under this section or ORS 167.322, or the equivalent laws of another jurisdiction;  
19 or

20 (b) The person knowingly commits the animal abuse in the immediate presence of a minor child.  
21 For purposes of this paragraph, a minor child is in the immediate presence of animal abuse if the  
22 abuse is seen or directly perceived in any other manner by the minor child.

23 **(5) The Oregon Criminal Justice Commission shall classify felony animal abuse in the**  
24 **first degree as crime category 6 of the sentencing guidelines grid of the commission.**

25 **SECTION 2.** ORS 167.322 is amended to read:

26 167.322. (1) A person commits the crime of aggravated animal abuse in the first degree if the  
27 person:

28 (a) Maliciously kills an animal; or

**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) Intentionally or knowingly tortures an animal.

2 (2) Aggravated animal abuse in the first degree is a Class C felony.

3 (3) As used in this section:

4 (a) "Maliciously" means intentionally acting with a depravity of mind and reckless and wanton  
5 disregard of life.

6 (b) "Torture" means an action taken for the primary purpose of inflicting pain.

7 (4) **The Oregon Criminal Justice Commission shall classify aggravated animal abuse in**  
8 **the first degree as crime category 6 of the sentencing guidelines grid of the commission.**

9 **SECTION 3. The amendments to ORS 167.320 and 167.322 by sections 1 and 2 of this 2011**  
10 **Act apply to conduct occurring on or after the effective date of this 2011 Act.**

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