76th OREGON LEGISLATIVE ASSEMBLY – 2012 Regular Session   **MEASURE:** HB 4021 A
STAFF MEASURE SUMMARY   **CARRIER:** Sen. Prozanski
Senate Committee on Judiciary

REVENUE: No revenue impact
FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass the A-Engrossed Measure
Vote:	5 - 0 - 0
Yeas:	Dingfelder, Kruse, Courtney, Whitsett, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	2/22

WHAT THE MEASURE DOES: Requires the Superintendent of State Police to commission employees of a humane society as humane special agents if the employee is certified by the Department of Public Safety Standards and Training and the agent furnishes the State Police with a copy of an insurance policy sufficient to satisfy any tort claims against the agent. Allows the Superintendent to revoke the commission if the agent is no longer working for a humane society or has abused the commission. Requires special agents to work cooperatively with law enforcement and requires them to defer to law enforcement. Limits the special agent to enforcing "animal welfare laws." Grants the special agents the same powers as police officers when enforcing "animal welfare laws." Allows the Superintendent to adopt rules concerning when a humane special agent may carry a firearm while acting as a humane special agent. Removes humane special agents from provisions that allow law enforcement to conduct wiretap investigations or to tape a conversation without a court order.

ISSUES DISCUSSED:
- Humane Society will indemnify the State Police for any liability arising from the tortuous conduct of any humane special agent
- Humane special agent's authority limited to enforcing the animal welfare laws as set forth in section 1(7)(a)

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Currently the Governor can appoint special agents (ORS 131.805). He has used this authority to appoint employees of humane societies as special agents for the purposes of assisting law enforcement in enforcing Oregon's "animal welfare laws."