

Chair Witt
House Agriculture and Natural Resources Committee

RE: HB 2783

Dear Chair Witt and Committee Members:

On behalf of the Oregon Animal Control Council, I wanted to respond to some of the questions and concerns that were raised in the March 28 hearing over HB 2783, the bill to restrict chaining and tethering of dogs in Oregon.

1. HB 2783 WILL NOT AFFECT TRANSPORTING OF DOGS, AND SETS REASONABLE LIMITS ON SHELTERING DOGS IN VEHICLES

There were questions about transporting dogs. The tethering of dogs while they are being transported is specifically exempted under Section 2(2)(d). Moreover, since owners will be with their dogs while transporting them, they would also be exempt under Section 2(2)(a), because they are in the physical presence of the dogs during transportation.

The Committee also heard testimony expressing concern about the right to keep dogs in vehicles. The workgroup worked to revise the original language of the bill to provide law enforcement officers with the ability to make determinations on a case-by-case basis when confronted with dogs that are being kept in vehicles. The language in the -3 amendment provides that it is an offense to keep a dog sheltered in a vehicle only “if the domestic animal is kept in the vehicle in a manner or for a length of time that is likely to be detrimental to the domestic animal’s health or safety.” Thus, keeping a dog in a vehicle for shorter periods of time, as is commonly done on a daily basis, would not result in a violation. Keeping a dog in a vehicle for long periods on a very hot or very cold day, on the other hand, would clearly be harmful to the animal and should correctly be viewed as a violation.

2. HB 2783 WILL NOT AFFECT DOG HUNTING TRIALS

One of the committee members asked about tethering dogs during hunting trials, where a hunting license may not be required, and whether this would still be allowed under HB 2783. Again, owners are present with their dogs during hunting trials and competitions, and thus would be exempt under Section 2(2)(a).

3. SECTION 2(1)(a) THROUGH (d) CREATES SEPARATE AND INDEPENDENT PROHIBITIONS ON UNLAWFUL TETHERING

Some among the Committee wondered whether each of the prohibitions of Section 2(1) are cumulative or independent from each other. Because of the use of the word “or” at the end of Section 2(1)(c), each of the provisions are separate and independent.

Engaging in any one of these prohibited acts would give rise to a separate charge of unlawful tethering under the bill.

4. HB 2783 DOES NOT PROHIBIT THE USE OF CHOKE OR PINCH COLLARS WHILE WALKING A DOG

Under Section 3(14)(b), it is not considered “tethering” to hold onto a leash while walking a dog. Further, Section 2(1)(b) refers back to the language of Section 2(1), which refers specifically to tethering, which is defined in Section 3(14)(a) as restraining a dog by tying it “to any object or structure by any means.” Thus, it is unlawful to tether a dog with the use of a pinch or choke collar, for the reason that dogs are far more susceptible to serious injuries if they are constantly pulling against such a collar while tethered to a stationary object.

5. HB 2783 DOES NOT BAN ALL TETHERING, BUT SETS REASONABLE TIME LIMITS THAT ACCOMMODATE THE NEEDS OF WORKING FAMILIES

There was testimony at the March 28 hearing expressing concern for families who want to tether their dog while they are working during the day. This was an issue that received a great deal of discussion by the workgroup that developed the language for HB 2783 and the subsequent amendments. Initially, the time limits were much smaller, but it was agreed by the group that longer time periods would do a better job of taking into account the average workday of the typical working family. Accordingly, the group agreed that restricting tethering a dog to a stationary object for 10 hours a day, or 15 hours a day to a running line or pulley, provided ample time for families to leave their dog tethered. Families who are gone for more than 10 hours a day may consider putting up a running line or pulley, so they can take advantage of the longer 15-hour limit.

6. HUNTING WITH DOGS IS COMPLETELY EXEMPTED FROM THE LAW IN THE DASH -3 AMENDMENT TO HB 2783

The hunting community had expressed concern over their ability to tether hunting dogs. The workgroup wanted to provide reasonable accommodation for sportsmen while they are in the field with their dogs, but also worried about creating an overbroad exemption, under which any person who tethers their dog can simply claim that they keep their dog for hunting purposes. The -3 amendment to HB 2783 strikes just the right balance by allowing tethering of dogs while engaged in licensed hunting activities. This language will cover nearly every activity that occurs in Oregon that involves the use of dog to pursue, track, or otherwise hunt wildlife.

Thank you for considering the views of the Oregon Animal Control Council.

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for Oregon Animal Control Council