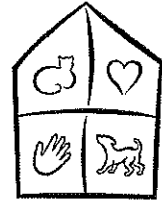


MEASURE: 513 6
EXHIBIT: 5
2013 SESSION SEN JUDICIARY
DATE: 3/25/13 PAGES: 18
SUBMITTED BY: Sharon Harmon

Post Office Box 11364
1067 N.E. Columbia Boulevard
Portland, Oregon 97211



OREGON
HUMANE
SOCIETY

Phone: 503.285.7722
Fax: 503.285.0838
www.oregonhumane.org

Date: March 25, 2013
To: Senate Judiciary
Sen. Prozanski, Chair
From: Sharon Harmon
Executive Director, Oregon Humane Society
Re: Senate Bill 6

Established in 1868, the Oregon Humane Society is the state's largest and oldest animal welfare organization with over 50,000 supporters statewide. We are not affiliated with any local or national organization.

We urge you to vote yes on SB 6.

In the days following a major animal rescue involving large scale cruelty to a vast number of animals, the media shoots their footage from the scene or the shelter and the public is rapt, hanging on every detail. The community is outraged at the incident and grateful for Oregon's strong animal cruelty code to hold those perpetrators accountable. Often times the community is upset at how long animals are held before they can be adopted to loving homes, or how few counts a prosecutor will file, or how the sentence the defendant gets pales in comparison to the damage they inflicted. Oregon's citizens care deeply about animals and, when it comes to the caliber of their animal cruelty laws, there is a palpable drive to be the nation's trailblazers; Senate Bill 6 strengthens Oregon's vulnerable laws and fulfills Oregonian's desire to be pioneers in the field of animal protection.

Section 2 and 3: Sentencing Guidelines Grid

In 2008, the Oregon Humane Society assisted Forest Grove Police Department with a case involving an animal who had suffered from severe abuse. Molly was Golden Retriever, neglected to the point where she was virtually hairless. One day Molly's owners hit her in the head with a hammer and buried her alive up to her neck. Afterwards, the owners threw a cover over Molly's head and went out to dinner. Cold, calculated, detached abuse like this shocks the conscious and begs the question—if someone would do this to an animal, what would they do to a human?

Thankfully the Investigations Department at OHS does not encounter aggravated animal abuse very often, but when cases of such a violent nature arise the maximum penalty is always sought during sentencing. The sentencing guidelines currently in place do not adequately punish these offenders. In fact, in some cases, a stronger sentence would be handed down if the abuser had been charged for misdemeanor animal abuse rather than the felony of aggravated animal abuse. This is inconsistent with the severity of the underlying crime and the public's expectations of sentencing.

Not only would this change work to deliver a more deserved sentence, it would address the known connection between animal abuse and human violence. This connection has been researched, documented and seen firsthand by OHS investigators. Individuals who commit these malicious and torturous crimes against animals escalate to human victims or simultaneously commit similar violence on members of their family.

Section 4 and 5: Enhances penalties for multiple animal victims

In contrast to our robust animal abuse laws, animal neglect continues to be treated as the result of ignorance, poverty and situations out of one's control. Indeed, some neglect can be tied to these circumstances to some degree and our current laws appropriately deal with this behavior in most cases. However in cases involving multiple animal victims, where children stand witness to deprivation and filth, where profit takes precedence over compassion, our neglect laws are woefully inadequate.

This bill will give prosecutors the tools necessary to insure that those who neglect and exploit animals in numbers receive sentencing that reflects the scope of the abuse and affords the animal victims a voice-as individuals who suffered, many for years, in unimaginable conditions. By recognizing the impact on children this bill will break the often generational path of animal cruelty.

Section 6: Possession ban to include equine and victim genus

The possession ban is one of the strongest tools that Oregon's animal cruelty code provides, however it is limited in its application to "domestic animals." Currently Oregon's definition of domestic animal excludes frequently neglected animals, such as equines, birds and rabbits. These large and unique animals have been casualties of the struggling economy and over the past year the reports of neglected horses and livestock have more than doubled. If an individual is convicted of a crime involving animals, it only follows that they would be subject to an animal possession ban that is customized to their crime. A defendant who starves his horses to death will be indifferent to a sentence that forbids him to own a cat, but strip him of his ability to acquire more equines and the statute then functions as a deterrent to equine neglect in the first place.

Sections 7 and 8: Forfeiture and Foreclosure

Investigation and prosecution of animal crimes presents the unique issue of live evidence. Animals that are seized in the course of a criminal investigation retain their "evidence" status throughout the case. It is not uncommon for a criminal case to take over a year to resolve; this is taxing on both the organization and the animal itself. The amount of resources an animal agency

expends in the care for these animals can easily accumulate to tens of thousands of dollars while the animal languishes and is prevented from being placed in a new and loving home.

The Vikki Kittles case¹ exemplified the unique conundrum that seized animals and their caretakers were in and Oregon responded by creating two avenues of remedying the issue: pre-conviction forfeiture and non-judicial foreclosure. Through a forfeiture action the suspect either gives the animal agency the money it is costing them to care for the animal or the suspect forfeits rights to that animal completely. Often times this proceeding results in the animal being relinquished to the organization and subsequently adopted out to a caring home. This bill would strengthen forfeiture actions for seized animals because it would cast a wide net to include any third party who wants to claim ownership of the animals involved in the case. Organizations that are already pouring huge financial resources into caring for the abused or neglected animals would be spared the cost of engaging in multiple, sequential forfeiture actions.

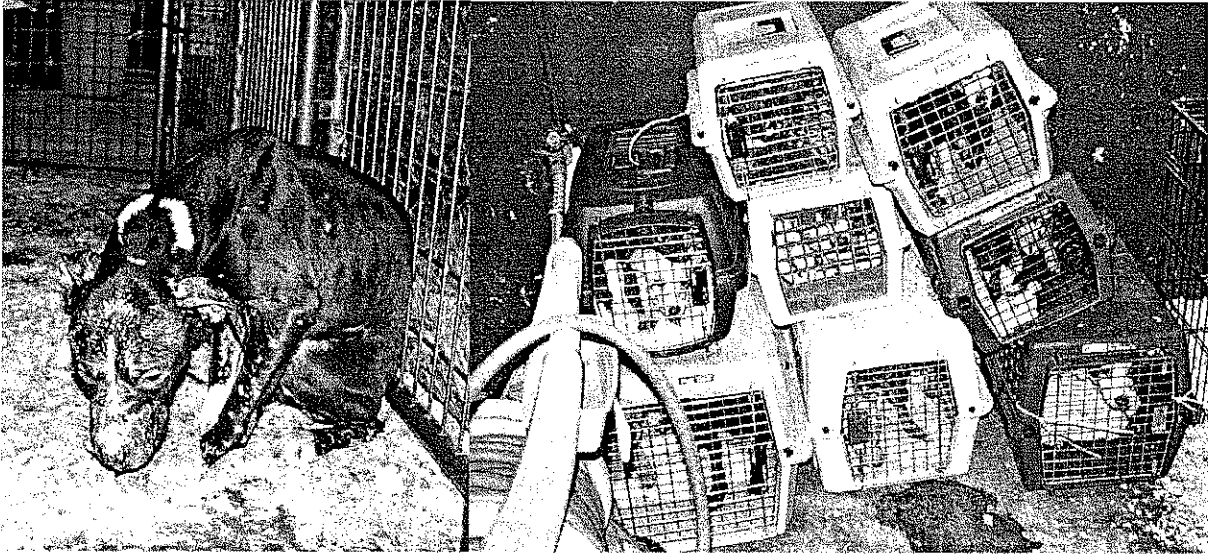
Acknowledging the costs of rehabilitating and housing seized animals, Oregon law currently provides a lien for animal care agencies to foreclose in an effort to hold owners accountable for those costs or if the lien is not repaid, to become the rightful owners of the animals. This process is invaluable to those agencies and should be preserved. This bill not only preserves the remedy, but strengthens it by giving the previous animal owner an opportunity for a hearing. By expanding the current law to resolve any potential due process conflict would safeguard this essential course of action.

Section 9 and 10: Animal Rescue Licensing and Oversight

In the last decade there has been a tremendous increase in the underground pet railroad. There are thousands of animals moving through these nontraditional groups in Oregon. The public never gets to visit and without public funding there is no accountability—these rescues fly under the radar in every sense. For some it is a profit driven practice, dogs go for upwards of \$400 and in many cases well funded groups in other states pay for the transport to Oregon, the individuals running these rescues get a large pay off for little expense. It is a cash business; the transaction mirrors that of the drug trade with purchasers meeting dealers in parking lots or the mall. There is a place for specialty rescues that do amazing things and save lives that traditional shelters cannot. Some of those groups spend thousands of dollars on each dog and provide superior care, but more and more “rescues” eventually get lost, can’t pay the bills, can’t come to terms with the fact that it is impossible to save every at risk animal. When these underground rescues start to struggle with those realities is when they often turn to denial and secrecy. The phenomenon of animal rescue turned rescue hoarder is not too far down the continuum for many of these groups.

The drive to be “no kill” and the nearly fanatical adherence to the strictest interpretation of the phrase leads some people to believe any life is better than death, even if that means a slow and painful “natural” death through starvation, neglect, untreated injuries and disease. That is what we saw in Brooks. We have a chance to regulate them now and we should take that opportunity before it happens again, because it will.

¹ In 1993 Ms. Kittles was found with 116 dogs kept in a school bus in horrible conditions. Through various legal tactics she employed she was not tried until 1995 when a jury found her guilty of 42 counts of animal neglect.



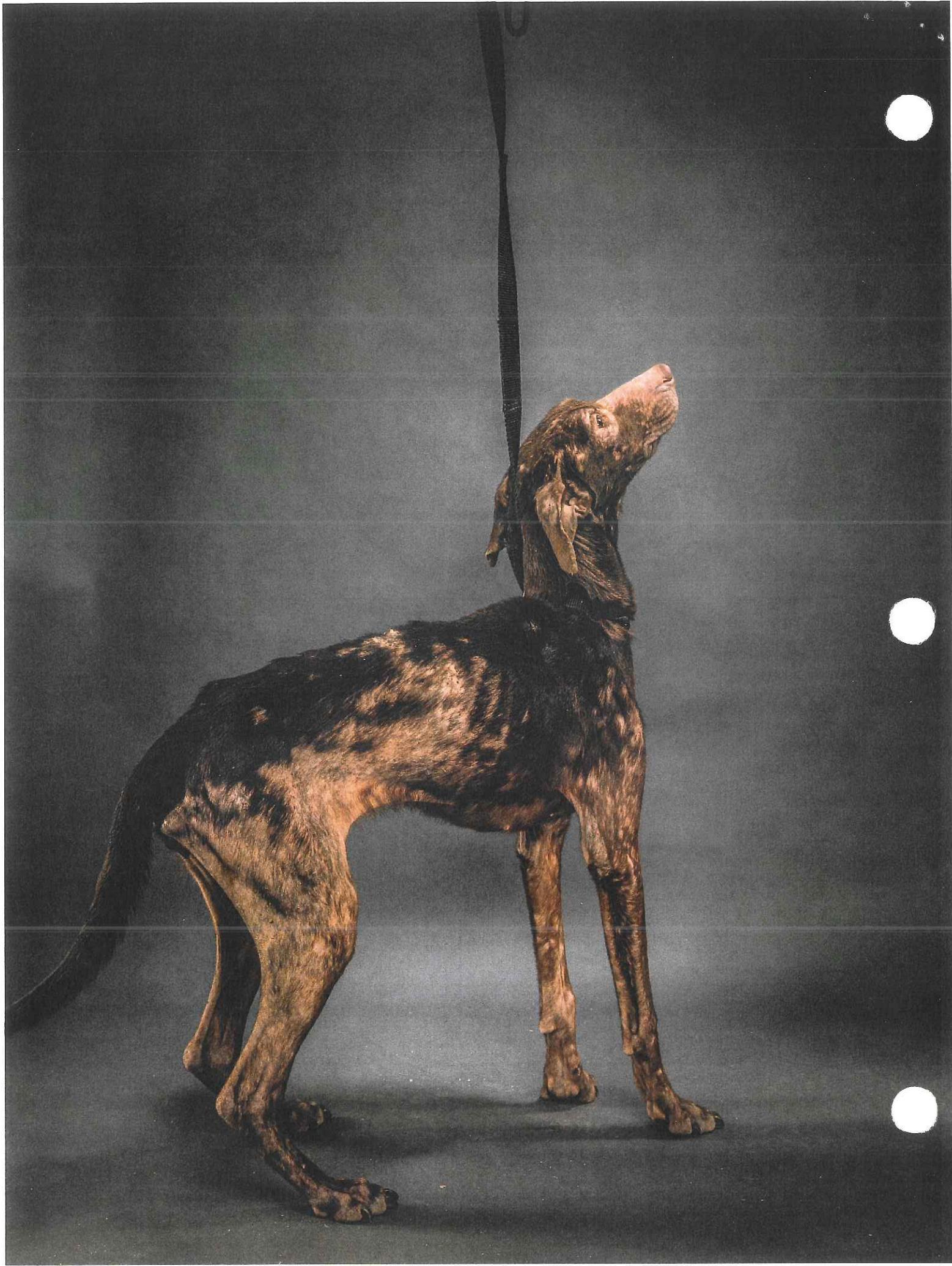
Photographs taken inside Willamette Animal Rescue facility, 1/13/13

We urge you to vote yes on SB 6.

Respectfully Submitted,

Sharon Harmon
Executive Director, Oregon Humane Society
sharon@oregonhumane.org
(503) 285-7722















Secretary of State home | State Archives home

Oregon State Archives

800 Summer St NE Salem OR 97310
503 373 0701 | Mon-Fri: 8am-4:45pm

Archives Home About Archives Archival Records Administrative Rules Records Management Blue Book Exhibits Databases SHRAB

► The Oregon Administrative Rules contain OARs filed through February 15, 2013 ◀

QUESTIONS ABOUT THE CONTENT OR MEANING OF THIS AGENCY'S RULES?

[CLICK HERE TO ACCESS RULES COORDINATOR CONTACT INFORMATION](#)

DEPARTMENT OF AGRICULTURE

DIVISION 15

CARE OF PET AND CAPTIVE ANIMALS

603-015-0025

Definitions

As used in OAR 603-015-0025 to 603-015-0060:

(1) "Animal Pounds" or "Animal Shelters" means any establishment maintained by public funds, private funds, or a combination of public and private funds, that uses such establishment for holding pet or captive animals for disposition by gift, treatment and care, euthanasia, sale, or exchange.

(2) "Boarding Kennels" means an establishment operated and maintained for the care or custody of pet animals for boarding, training, or similar purposes, for varying periods of time, for profit or compensation.

(3) "Commercial Kennels" means an establishment operated and maintained for the purpose of breeding, buying, selling, or bartering of pet animals for profit or compensation.

(4) "Establishment" includes, in connection with the operation or ownership of a business of a boarding kennel, commercial kennel, grooming parlor, pet shop, animal pound, or animal shelter:

(a) Any room, building, structure, or place; and

(b) All equipment, machinery, fixtures, articles, and materials; and

(c) The ground upon which such place or business is located and such ground or area which is a part of the business, or used by the owner or operator in carrying out such business.

(5) "Grooming Parlor" means any establishment that bathes, clips, pedicures, or grooms any pet or captive animal for profit or compensation.

(6) "Pet Animal" or "Pet Animals" means any animal held, maintained, or kept in captivity.

(7) "Pet Shop" or "Animal Dealer" means an establishment operated and maintained for buying or receiving pet animals, and thereafter exhibiting or offering for sale, or selling, trading, or bartering such animals.

Stat. Auth.: [ORS 561](#) & [ORS 596](#)

Stats. Implemented: [ORS 596.020](#)

Hist.: AD 8-1984, f. & ef. 5-23-84

603-015-0030

Intent and Purpose

It is the intent and purpose of the provisions of OAR 603-015-0025 to 603-015-0060 to verify and require that all measures and procedures are maintained and taken to eradicate and control diseases in pet animals, and/or the diseases in pet animals which may be transferable or transmissible from pet animals to other animals or persons.

Stat. Auth.: ORS 561 & ORS 596

Stats. Implemented: ORS 596.020

Hist.: AD 8-1984, f. & ef. 5-23-84

603-015-0035**General Requirements**

(1) Any person who is engaged in the business of a boarding kennel, commercial kennel, pet shop, animal pounds, animal shelters, or grooming parlors, shall comply with the provisions of OAR 603-015-0025 to 603-015-0060. All such provisions apply to such businesses and to the owners or operators thereof.

(2) An individual, family, or groups of associations who do not fall within the meaning and definition of a boarding kennel, commercial kennel, pet shop, animal pound, or animal shelter or grooming parlor, owner or operator, shall also reasonably comply with the provisions of OAR 603-015-0025 to 603-015-0060, in the handling, care, and keeping of pet animals under their ownership care, or custody.

Stat. Auth.: ORS 561 & ORS 596

Stats. Implemented: ORS 596.020

Hist.: AD 8-1984, f. & ef. 5-23-84

603-015-0040**Facilities -- Indoors**

(1) Structural strength of facilities for housing pet animals shall be sound, in good repair to prevent injuries, contain the animal, and prevent the entrance of other animals.

(2) Electric power and a potable water supply shall be available. Lighting, artificial and natural, shall be of good quality and well distributed.

(3) Isolation -- Facilities must be available for the isolation and treatment of pet animals suspected of harboring communicable diseases.

(4) Storage -- Facilities shall be provided for the storage of equipment and to protect food and bedding against vermin infestation and contamination.

(5) Waste Disposal: Provision for the removal and disposal of excreta, bedding, dead animals, shall be made. Disposal facilities shall be constructed and operated in such manner as to minimize disease hazards, offensive odors, and vermin infestation.

(6) Facilities for wash rooms: Basins and sinks shall be provided for cleanliness of caretakers, and sanitization of feeding utensils.

(7) Ventilation: Provisions and facilities for adequate ventilation to insure the exhausting of stale air, excess humidity, and kennel odors, shall be made and maintained. Temperatures of 70 degrees to 75 degrees F. are recommended within practical limits.

Stat. Auth.: ORS 561 & ORS 596

Stats. Implemented: ORS 596.020

Hist.: AD 8-1984, f. & ef. 5-23-84

603-015-0045

Facilities -- Outdoors

Shall offer shade against sun, shelter against rain, snow, and wind; sufficient protection for pet animals against cold and inclement weather, and adequate drainage to eliminate excessive water in the runs. Adequate space should be allowed in outside houses and cages to permit the animal to stand, turn around, and tie down, without obstructing freedom of movement.

Stat. Auth.: ORS 561 & ORS 596

Stats. Implemented: ORS 596.020

Hist.: AD 8-1984, f. & ef. 5-23-84

603-015-0050**Health and Husbandry Practices**

(1) Pet animals shall be fed a food that is palatable, wholesome, and meets minimal daily nutritional requirements. Ground or kennel surface feeding is not permitted. Feed pans and receptacles shall be washed and sanitized after each feeding. Self feeders will be cleaned and sanitized as often as necessary to prevent molding or deterioration of the contents.

(2) Fresh potable water will be offered at least twice daily and more often if weather conditions warrant. More water is required in hot weather.

(3) Sanitation: Excreta will be removed from runs, cages, pens, daily and more often if necessary. Runs and enclosures will be sanitized once weekly by cleaning and using a safe and effective disinfectant and changing soil or litter as often as it becomes soiled. Premises will be kept clean and free from trash and facilities will be maintained in good order to prevent injury to animals and offer them proper protection against inclement weather.

(4) Sick animals. Pet animals that are quarantined or under treatment for communicable diseases shall be isolated in such place that healthy animals are not exposed.

(5) Importation: In accordance with OAR 603-011-0250 through 603-011-0382 and ORS 596.341 and other laws or regulations thereunder.

Stat. Auth.: ORS 561 & ORS 596

Stats. Implemented: ORS 596.020

Hist.: AD 8-1984, f. & ef. 5-23-84

603-015-0055**Animals in Transit**

(1) Pet animals when required to be shipped in crates shall be transported in crates constructed of a smooth, durable material which is easily cleaned and shall:

(a) Have a solid floor which may have a false bottom;

(b) Be so constructed as to provide maximum safety for the particular animal or animals being transported;

(c) Have openings on two sides to assure adequate ventilation;

(d) Crates shall be so constructed that food or water may be put through a small-type door without removing the animal from the crate in order that caretakers may feed and water when required;

(e) Care and feeding instructions should be written out by the shipper and attached to the crate. Other precautions in handling the animal should also be given in case it becomes necessary to move the animal from the crate.

(2) In all cases the crates shall be large enough to provide space for the pet animals to lie down in extended position and to allow ease of movement when standing or turning around. When the temperature is over 85 degrees F., increased space shall be provided to within reason.

- (3) The crate shall be cleaned before use for each trip.
- (4) Food and water containers shall be cleaned and sanitized before each trip.
- (5) If bedding is used it shall be clean, dry, and dust free.
- (6) The person or persons responsible for the welfare of the pet animal or animals while in transit shall:
 - (a) Offer the pet animal food at least once every 24 hours;
 - (b) Offer all pet animals water at 12 hour intervals at least, except that water shall be offered at four-hour intervals when the temperature reaches 90 degrees F. or above;
 - (c) Inspect each pet animal at four-hour intervals or oftener.

Stat. Auth.: [ORS 561](#) & [ORS 596](#)
Stats. Implemented: ORS 596.020
Hist.: AD 8-1984, f. & ef. 5-23-84

603-015-0060

Records

- (1) A record of each sale shall be maintained by the owner or operator of each boarding kennel, commercial kennel, pet shop, animal pound, or animal shelter, for a minimum period of 12 months after date of sale or transfer of a pet animal and shall include the date of sale, age, breed, indication of sex of animal sold, name and address of the purchaser, source, and breeder.
- (2) If records of prophylactic medication are used in advertising or are furnished the purchaser or person acquiring a pet animal, specific information regarding type, amount, and date of prophylactic medication shall be kept by the owner or operator of each boarding kennel, commercial kennel, pet shop, animal pound, or animal shelter, and shall become a part of the sales record.
- (3) Upon request from the purchaser, such owner or operator of each boarding kennel, commercial kennel, pet shop, animal pound, or animal shelter, or his representative, shall furnish the purchaser with a record as outlined in section (2) of this rule.

Stat. Auth.: [ORS 561](#) & [ORS 596](#)
Stats. Implemented: ORS 596.020
Hist.: AD 8-1984, f. & ef. 5-23-84

603-015-0065

Penalties

Applicable penalties as set forth in [ORS 596.990](#) apply to any person violating the provisions of OAR 603-015-0025 to 603-015-0060

Stat. Auth.: [ORS 561](#) & [ORS 596](#)
Stats. Implemented: ORS 596.990
Hist.: AD 8-1984, f. & ef. 5-23-84

The official copy of an Oregon Administrative Rule is contained in the Administrative Order filed at the Archives Division, 800 Summer St. NE, Salem, Oregon 97310. Any discrepancies with the published version are satisfied in favor of the Administrative Order. The Oregon Administrative Rules and the Oregon Bulletin are copyrighted by the Oregon Secretary of State. [Terms and Conditions of Use](#)

NATIONAL FEDERATION OF HUMANE SOCIETIES
 BASIC ANIMAL STATS MATRIX
 (vrs 8_19_2011)

BASIC DATA MATRIX

| Species By Age | | Canine | | Feline | | Total |
|--------------------|--|--------|----------|--------|----------|-------|
| | | Adult | Juvenile | Adult | Juvenile | |
| A | Beginning Animal Count (date: __/__/__) | | | | | 0 |
| Live Intake | | | | | | |
| B | Stray/At Large | | | | | 0 |
| C | Relinquished by Owner | | | | | 0 |
| D | Owner Requested Euthanasia | | | | | 0 |
| E | Transferred in from Agency | | | | | 0 |
| F | Other Intakes | | | | | 0 |
| G | TOTAL LIVE INTAKE | | 0 | 0 | 0 | 0 |
| Outcomes | | | | | | |
| H | Adoption | | | | | 0 |
| I | Returned to Owner | | | | | 0 |
| J | Transferred to another Agency | | | | | 0 |
| K | Other Live Outcome | | | | | 0 |
| L | Subtotal: Live Outcomes | 0 | 0 | 0 | 0 | 0 |
| M | Died in Care | | | | | 0 |
| N | Lost in Care | | | | | 0 |
| O | Shelter Euthanasia | | | | | 0 |
| P | Owner Requested Euthanasia | | | | | 0 |
| Q | Subtotal: Other Outcomes | 0 | 0 | 0 | 0 | 0 |
| R | TOTAL OUTCOMES | 0 | 0 | 0 | 0 | 0 |
| S | Ending Shelter Count (date: __/__/__) | | | | | 0 |

Age at Intake (Juvenile is up to 4 to 6 months)
 Should include animals in shelter and animals admitted but currently in foster care or offsite facility.

Admitted through animal control/stated to be unowned or freeroaming

Admitted by owner

Limited to this definition: Admission of pets whose owner brought the pet to the shelter with the INTENT of requesting euthanasia

An admission from another agency - for adoption, large scale seizure support, etc.

Impounds for cruelty cases & protective custody. Also, pets born while in care, and others types of admission not captured above.

Sum of B, C, D, E and F

Final adoptions only, having permanently left the Agency's possession. For example, it does not include animals placed in foster care or on overnight 'trial' stays.

Stray or Owner Relinquished animal returned to their owner

Transferred out of the Agency's possession to another entity

Returning cats to the field, barn cat programs, etc

Sum of H, I, J and K

Animals who die while sheltered

Animals whose outcome is unknown (may have escaped the shelter, outcome was not recorded and unknown)

All euthanasia other than that performed by the definition below as Owner Requested Euthanasia.

Limited to this definition: Euthanasia of pets whose owner brought the pet to the shelter with the INTENT of requesting euthanasia

Sum of M, N, O and P

Sum of L & Q

Should include animals in shelter and animals admitted but currently in foster care or offsite facility.

Note: To check your statistics and calculations if you have beginning and ending counts - A plus G minus R should equal S

Total Column for A+G-R = 0
 Total Column for S = 0

NATIONAL FEDERATION OF HUMANE SOCIETIES
BASIC ANIMAL STATS MATRIX (vrs 8_19_2011)

IMPORTANT NOTES FOR THE BASIC DATA MATRIX Introduction to the Basic Matrix:

This basic matrix was designed to serve as a tool for basic data collection. It is a simple matrix containing what many (including Asilomar, ASPCA, National Federation, American Humane, UC Davis, Maddies Fund, PetSmart Charities and HSUS) have agreed are the minimum data points (along with definitions) an organization should gather. Whether organizations already gather a great deal of data or have only gathered the basics, this matrix should facilitate the roll up or merging of data at the local, regional or national level by providing a common framework. This matrix does not reflect any preference in data analysis or the calculation of rates but is rather simply a tool for data collection.

Tracking by Species and Age:

The risks associated with being an adult dog, puppy, adult cat or kitten (or neonate of any kind) in a shelter environment will vary a great deal. To help shelters assess and understand the differing risks for these populations of animals, this basic animal stats matrix includes a break out by species and age. If tracking statistics broken out by species and age is beyond the capacity of an agency, simply tracking statistics by species would be a place to begin. This document defines puppy and kitten as under 5 months of age. Again – given the differing level of risk – breaking age down further to include a neonate category for both dogs and cats can also be very informative.

Determining Age:

This basic matrix utilizes 5 months as the break point between puppy/kitten and adult. At or near 5 months of age there are changes in the teeth which can help guide trained staff regarding proper categorization of the animal. For cats, at 4-5 months of age permanent canines, premolars and molars are coming in (all in by 6 months of age). For dogs, at 5-7 months of age permanent canines, premolars and molars are coming in (all in by 7 months of age). Source: "How to . . . series" from *Animal Sheltering*, http://www.animalsheltering.org/resource_library/magazine_articles/may_jun_1996/how_to_determine_age.html

Beginning and Ending Shelter Counts:

These numbers help frame the population of the animals sheltered and cared for by the organization. We are recommending that a shelter do a walk through – physically counting the animals sheltered within the organization, and not forgetting to count those animals who have been admitted but who are not currently within the shelter (foster care, in the care of a veterinary hospital, etc).

Defining Owner Requested Euthanasia:

Some shelters offer pet euthanasia to the public as a service whose cost may be subsidized and therefore more affordable than local veterinary clinics, thus ensuring access to this service. Defining when euthanasia should be recorded as "at the request of the owner", or not, is the subject of much discussion. For the purposes of this document, we are choosing to define owner requested euthanasia as the euthanasia of a pet whose owner brought the pet to the shelter for that service. In other words, the owner brought the pet in specifically for that service – it was their intent before arriving. Any other definition of "owner requested" euthanasia leaves much up to interpretation and therefore a great deal of variation among organizations and their reporting. We believe the simplicity of this definition helps to ensure consistent application and record keeping.

Live Admissions Only:

For the purposes of this matrix we are tracking LIVE admissions only, i.e. animals who are alive when they come into an agency's possession. Animals who are dead when taken in to an agency's possession may be a data point to track, but that information is not tracked by this matrix.

What is Possession?

"Adoption" and "Transferred to another Agency" both make reference to possession. The primary concept here is one of ownership. For example, in foster care, the agency still has possession or ownership. If adopted or transferred to another Agency, possession is now with the new owner, or with another Agency.

Where are the "Others"?

This basic data matrix focuses on canines and felines. Many organizations also provide extraordinary services for other pets (pocket pets, rabbits, ferrets) and animals (wildlife), and that good work is not captured here.

Why a Basic Matrix?

This basic matrix was designed to serve as a tool for data collection. It is a simple matrix containing what many have agreed are the minimum data points an organization should consider gathering. By agreeing to this basic matrix - we hope organizations will gather AT LEAST this data, or if an organization all ready gathers a great deal of data, that they will consider rolling up their data into this format to help facilitate (if individual agencies are interested) data collection at a local, regional or national level, which would allow participating agencies to benchmark their work against similar agencies around their region or the nation. This matrix does not reflect any preference for the variety of live release rates used in animal sheltering and welfare. Most rates, other than full Asilomar which requires a conditions matrix, should be able to be calculated from the data points included.