

D R A F T

SUMMARY

Specifies that commission of animal neglect in first degree is punishable by five years' imprisonment, \$125,000 fine, or both, if certain aggravating factors exist.

Expands, for persons who commit certain offenses against animals, prohibition against possession of domestic animal to prohibition against possession of domestic animal, equine or animal of same genus against which offense was committed.

A BILL FOR AN ACT

1
2 Relating to offenses against animals; creating new provisions; and amending
3 ORS 167.330 and 167.332.

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

5 **SECTION 1.** ORS 167.330 is amended to read:

6 167.330. (1) A person commits the crime of animal neglect in the first de-
7 gree if, except as otherwise authorized by law, the person intentionally,
8 knowingly, recklessly or with criminal negligence fails to provide minimum
9 care for an animal in the person's custody or control and the failure to
10 provide care results in serious physical injury or death to the animal.

11 (2) Animal neglect in the first degree is a Class A misdemeanor.

12 **(3) Notwithstanding subsection (2) of this section, animal neglect**
13 **in the first degree is a Class C felony if the person commits the crime**
14 **of animal neglect in the first degree and:**

15 **(a) The person has previously been convicted of animal neglect in**
16 **the first degree or the equivalent law of another jurisdiction or animal**
17 **neglect in the second degree or the equivalent law of another juris-**
18 **diction;**

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) The commission of the crime is part of a criminal episode in-**
2 **volving 10 or more animals; or**

3 **(c) The person knows that a minor is seeing or otherwise directly**
4 **perceiving the crime.**

5 **SECTION 2.** ORS 167.332 is amended to read:

6 167.332. (1) In addition to any other penalty imposed by law, a person
7 convicted of violating ORS 167.315, 167.325, 167.330, 167.333, 167.340 or 167.355
8 or of a misdemeanor under ORS 167.320, may not possess a domestic
9 animal, **an equine or any animal of the same genus against which the**
10 **crime was committed** for a period of five years following entry of the
11 conviction.

12 (2) In addition to any other penalty imposed by law, a person convicted
13 of violating ORS 167.322, 167.365 or 167.428 or of a felony under ORS 167.320,
14 may not possess a domestic animal, **an equine or any animal of the same**
15 **genus against which the crime was committed** for a period of 15 years
16 following entry of the conviction.

17 (3) A person who possesses [*a domestic*] **an** animal in violation of this
18 section commits a Class C misdemeanor. When a person is convicted of pos-
19 sessed [*a domestic*] **an** animal in violation of this section, the court may
20 order the removal of [*domestic*] animals from the person's residence.

21 **SECTION 3.** **The amendments to ORS 167.330 and 167.332 by sections**
22 **1 and 2 of this 2013 Act apply to conduct occurring on or after the ef-**
23 **fective date of this 2013 Act.**