

From the desk of:
Senator Doug Whitsett

I write in opposition to Sections 10 and 11 of Senate Bill 6 and, because I understand that the legislative process does not permit amendment to the Bill deleting those sections, I urge you to vote "no" when the Bill is presented on Monday, July 1, 2013.

I have practiced law in Oregon for over 40 years and, as my *pro bono* commitment to the profession, have devoted thousands of hours to the goal of protecting the rights of animals, animal owners, and people dedicated to the welfare of animals entrusted to their care. In my judgment, Sections 10 and 11 suffer from two major flaws. They (a) threaten the rights of the hundreds of people committed to saving animal lives by operating the small "animal rescue" entities that offer the last chance of survival for animals that public agencies cannot afford to save and (b) will make prosecution of those who abuse and neglect animals for difficult and costly. If Senate Bill 6 and Sections 10 and 11 become law in Oregon many – certainly hundreds and probably thousands – of animals who would otherwise be saved and permitted to live out their lives in humane and caring homes will be doomed.

The fundamental problem with Sections 10 and 11 of the Senate Bill is that those provisions purport to give broadly defined "enforcing agencies" the authority to conduct warrantless inspections of the homes of licensed small animal rescues upon receipt of "a complaint." There is no provision for an independent assessment of the complainant's credibility, not even a requirement that the complainant be identified. Many who conduct their rescue efforts with the highest regard for their animals will be reluctant to accept the intrusions that licensure requires. Worse still, it is highly likely – probably certain – that those who fully deserve prosecution under current laws will refuse to obtain licenses and by "going underground" achieve a practical immunity directly contrary to the purposes of the Bill.

In an email requesting that opposition to Senate Bill 6 be called off, the chief sponsor's policy analyst acknowledged that "small rescues were not consulted in the writing of [SB 6]" and that, because "legislation is often not perfect the first go around," the Bill could be "tighten[ed] up to target bad actors more specifically." The time to properly target the "bad actors" and consult with those most knowledgeable about "small rescues" should precede – not follow – enactment. Please vote "no" on Senate Bill 6. In its current form, it will do more harm than good.

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