

B-Engrossed House Bill 2025

Ordered by the Senate May 22
Including House Amendments dated April 22 and Senate Amendments
dated May 22

Sponsored by Representative CLEM; Senator CLOSE (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Establishes economic damages liability of owner or possessor of bison running at large or of person allowing bison to run at large. Makes bison running at large or allowed to run at large stray animal.

Prohibits owner or possessor from allowing bison or bison hybrids to run at large.

[Makes violation of laws regarding livestock running at large or regarding stray animals violation subject to maximum fine of \$1,000 if person did not act with criminal negligence. Makes violation misdemeanor subject to maximum of one year's imprisonment, \$6,250 fine, or both if person acted with criminal negligence.]

Makes violation of laws regarding livestock running at large or regarding stray animals subject to maximum penalty of one year's imprisonment, \$6,250 fine, or both. Creates exception making offense violation subject to maximum penalty of \$1,000 fine if offender did not act intentionally, knowingly or recklessly. Creates exception making first occurrence of allowing livestock to run at large in livestock district violation subject to maximum penalty of \$250 fine with presumptive fine of \$60 if offender did not act intentionally, knowingly or recklessly.

A BILL FOR AN ACT

1
2 Relating to agriculture; creating new provisions; and amending ORS 607.007 and 607.992.

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

4 **SECTION 1. Sections 2 and 3 of this 2013 Act are added to and made a part of ORS**
5 **chapter 607.**

6 **SECTION 2. A person is liable to the owner or lawful possessor of land for resulting**
7 **economic damages if:**

8 (1) **The person permits bison to run at large upon the land; or**

9 (2) **Bison for which the person is the owner or possessor are running at large or uncon-**
10 **trolled upon the land.**

11 **SECTION 3. Notwithstanding the contents of any livestock district petition described in**
12 **ORS 607.010, an owner or possessor of bison or bison hybrids may not permit the bison or**
13 **bison hybrids to run at large.**

14 **SECTION 4. ORS 607.007 is amended to read:**

15 607.007. As used in this chapter, unless the context requires otherwise:

16 (1) "Adequate fence" means a continuous barrier consisting of natural barriers, structures,
17 masonry, rails, poles, planks, wire or the combination thereof, installed and maintained in a condi-
18 tion so as to form a continuous guard and defense against the ingress or egress of cattle or equines
19 into or from the lands enclosed by the barrier. Natural barriers may include hedges, ditches, rivers,
20 streams, ponds or lakes.

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 (2) "Estray animal" means:

2 (a) Cattle, **bison** or equines that are unlawfully running at large or being permitted to do
3 so[,]; or

4 (b) **Cattle or equines** that are found to be trespassing on land enclosed by an adequate fence.

5 (3) "Taking up" means the intentional exertion of control over an estray animal, including but
6 not limited to the restriction of movement, holding under herd, feeding, pasturing or sheltering of
7 the animal.

8 **SECTION 5.** ORS 607.992 is amended to read:

9 607.992. (1) *[Violation of any provision of this chapter is a misdemeanor.]* **A person that inten-**
10 **tionally, knowingly or recklessly violates a provision of this chapter is guilty of a Class A**
11 **misdemeanor.**

12 (2) **Except as provided in subsection (3) of this section, a person that violates a provision**
13 **of this chapter, but does not act intentionally, knowingly or recklessly, commits a Class B**
14 **violation.**

15 (3)(a) **A person that violates ORS 607.045, but does not act intentionally, knowingly or**
16 **recklessly, commits a Class D violation if the person does not have a previous conviction for**
17 **a violation of ORS 607.045. As used in this paragraph, "previous conviction" means a con-**
18 **viction entered before the commission of the current violation of ORS 607.045.**

19 (b) **Notwithstanding ORS 153.019 or any other requirement pertaining to Class D violation**
20 **fine amounts, the presumptive fine for a violation described in this subsection is \$60.**

21 **SECTION 6.** (1) **Sections 2 and 3 of this 2013 Act and the amendments to ORS 607.007 by**
22 **section 4 of this 2013 Act apply to animals whose presence on land is discovered on or after**
23 **the effective date of this 2013 Act.**

24 (2) **The amendments to ORS 607.992 by section 5 of this 2013 Act apply to acts committed**
25 **on or after the effective date of this 2013 Act.**

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