

House Bill 2783

Sponsored by COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

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 **as introduced**.

Creates offense of unlawful tethering. Punishes by maximum of \$1,000 fine.

Specifies that person commits crime of animal neglect in first degree if person tethers domestic animal and tethering results in serious injury or death to animal. Specifies that person commits crime of animal neglect in second degree if person tethers domestic animal and tethering results in physical injury to animal.

A BILL FOR AN ACT

1
2 Relating to unlawful tethering; creating new provisions; and amending ORS 167.310, 167.325 and
3 167.330.

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

5 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 167.310 to**
6 **167.351.**

7 **SECTION 2. (1) A person commits the offense of unlawful tethering if the person tethers**
8 **a domestic animal in the person's custody or control:**

9 (a) **In a location that is not free of obstructions that could cause strangulation;**

10 (b) **With a tether that is less than 15 feet in length;**

11 (c) **With a collar that pinches or chokes the domestic animal when pulled; or**

12 (d)(A) **For more than five hours in a 24-hour period; or**

13 (B) **If the tether is attached to a zipline, for more than 10 hours in a 24-hour period.**

14 (2) **A person does not violate this section if the tethered domestic animal remains in the**
15 **physical presence of a person or the person tethers a domestic animal:**

16 (a) **Pursuant to the requirements of a campground or other recreational area;**

17 (b) **For the purpose of engaging in an activity that requires licensure in this state; or**

18 (c) **For the purpose of protecting the domestic animal from an activity related to culti-**
19 **vating or harvesting an agricultural or forest product.**

20 (3) **This section does not apply to a veterinary facility or a person that is transporting**
21 **the domestic animal.**

22 (4) **Unlawful tethering is a Class B violation.**

23 **SECTION 3. ORS 167.310 is amended to read:**

24 167.310. As used in ORS 167.310 to 167.351:

25 (1) **"Adequate bedding" includes straw, wood shavings, blankets or other bedding made**
26 **of fabric.**

27 (2)(a) **"Adequate shelter" includes a barn, dog house or other enclosed structure suffi-**
28 **cient to protect an animal from wind, rain, snow or sun and that has adequate bedding to**
29 **protect against cold and dampness.**

30 (b) **"Adequate shelter" does not include:**

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 (A) Crawl spaces under buildings or parts of buildings, such as steps, decks or stoops;

2 (B) The space under a vehicle;

3 (C) The inside of a vehicle, other than a functional climate controlled motor home;

4 (D) Shelters made from cardboard or other materials that are easily degraded by the el-
5 ements;

6 (E) Animal carriers or crates that are designed to provide temporary housing;

7 (F) Shelters with wire or chain-link floors; or

8 (G) Shelters surrounded by waste, debris, obstructions or impediments that could ad-
9 versely affect an animal's health.

10 [(1)] (3) "Animal" means any nonhuman mammal, bird, reptile, amphibian or fish.

11 [(2)] (4) "Domestic animal" means an animal, other than livestock or equines, that is owned or
12 possessed by a person.

13 [(3)] (5) "Equine" means a horse, pony, donkey, mule, hinny, zebra or a hybrid of any of these
14 animals.

15 [(4)] (6) "Good animal husbandry" includes, but is not limited to, the dehorning of cattle, the
16 docking of horses, sheep or swine, and the castration or neutering of livestock, according to ac-
17 cepted practices of veterinary medicine or animal husbandry.

18 [(5)] (7) "Law enforcement animal" means a dog or horse used in law enforcement work under
19 the control of a corrections officer, parole and probation officer, police officer or youth correction
20 officer, as those terms are defined in ORS 181.610, who has successfully completed at least 360 hours
21 of training in the care and use of a law enforcement animal, or who has passed the demonstration
22 of minimum standards established by the Oregon Police Canine Association or other accredited and
23 recognized animal handling organization.

24 [(6)] (8) "Livestock" has the meaning provided in ORS 609.125.

25 [(7)] (9) "Minimum care" means care sufficient to preserve the health and well-being of an ani-
26 mal and, except for emergencies or circumstances beyond the reasonable control of the owner, in-
27 cludes, but is not limited to, the following requirements:

28 (a) Food of sufficient quantity and quality to allow for normal growth or maintenance of body
29 weight.

30 (b) Open or adequate access to potable water in sufficient quantity to satisfy the animal's needs.
31 Access to snow or ice is not adequate access to potable water.

32 (c) For a domestic animal other than a dog engaged in herding or protecting livestock, access
33 to *[a barn, dog house or other enclosed structure sufficient to protect the animal from wind, rain, snow*
34 *or sun and that has adequate bedding to protect against cold and dampness]* **adequate shelter.**

35 (d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from
36 injury, neglect or disease.

37 (e) For a domestic animal, continuous access to an area:

38 (A) With adequate space for exercise necessary for the health of the animal;

39 (B) With air temperature suitable for the animal; and

40 (C) Kept reasonably clean and free from excess waste or other contaminants that could affect
41 the animal's health.

42 (f) For a livestock animal that cannot walk or stand without assistance:

43 (A) Humane euthanasia; or

44 (B) The provision of immediate and ongoing care to restore the animal to an ambulatory state.

45 [(8)] (10) "Physical injury" means physical trauma, impairment of physical condition or sub-

1 stantial pain.

2 [(9)] (11) "Physical trauma" means fractures, cuts, punctures, bruises, burns or other wounds.

3 [(10)] (12) "Possess" has the meaning provided in ORS 161.015.

4 [(11)] (13) "Serious physical injury" means physical injury that creates a substantial risk of
5 death or that causes protracted disfigurement, protracted impairment of health or protracted loss
6 or impairment of the function of a limb or bodily organ.

7 (14)(a) **"Tethering" means to restrain a domestic animal by tying the domestic animal to
8 any object or structure by any means.**

9 (b) **"Tethering" does not include using a handheld leash for the purpose of walking a do-
10 mestic animal.**

11 **SECTION 4.** ORS 167.330 is amended to read:

12 167.330. (1) A person commits the crime of animal neglect in the first degree if, except as oth-
13 erwise authorized by law, the person intentionally, knowingly, recklessly or with criminal
14 negligence:

15 (a) Fails to provide minimum care for an animal in the person's custody or control and the
16 failure to provide care results in serious physical injury or death to the animal[.]; **or**

17 **(b) Tethers a domestic animal in the person's custody or control and the tethering re-
18 sults in serious physical injury or death to the domestic animal.**

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

20 **SECTION 5.** ORS 167.325 is amended to read:

21 167.325. (1) A person commits the crime of animal neglect in the second degree if, except as
22 otherwise authorized by law, the person intentionally, knowingly, recklessly or with criminal
23 negligence:

24 (a) Fails to provide minimum care for an animal in such person's custody or control[.]; **or**

25 **(b) Tethers a domestic animal in the person's custody or control and the tethering re-
26 sults in physical injury to the domestic animal.**

27 (2) Animal neglect in the second degree is a Class B misdemeanor.

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