

SENATE AMENDMENTS TO A-ENGROSSED SENATE BILL 6

By JOINT COMMITTEE ON WAYS AND MEANS

June 18

1 On page 1 of the printed A-engrossed bill, line 3, delete “and” and insert a comma and after
2 “167.347” insert “and 167.348”.

3 On page 3, delete lines 23 through 37 and insert:

4 “**SECTION 6.** ORS 167.332 is amended to read:

5 “167.332. (1) **Except as provided in subsection (3) of this section:**

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

10 “[2] (b) In addition to any other penalty imposed by law, a person convicted of violating ORS
11 167.322, 167.365 or 167.428 or of a felony under ORS 167.320, may not possess a domestic animal **or**
12 **any animal of the same genus against which the crime was committed** for a period of 15 years
13 following entry of the conviction.

14 “[3] (2) A person who possesses [*a domestic*] **an** animal in violation of this section commits a
15 Class C misdemeanor. When a person is convicted of possessing [*a domestic*] **an** animal in violation
16 of this section, **as part of the sentence** the court may order the removal of [*domestic animals*] **that**
17 **animal** from the person’s residence **and may prohibit the person from possessing any animal**
18 **of the same genus that the person unlawfully possessed under this section or against which**
19 **the underlying violation of ORS 167.315, 167.320, 167.322, 167.325, 167.330, 167.333, 167.340,**
20 **167.355, 167.365 or 167.428 was committed.**

21 “(3)(a) A person subject to an animal possession prohibition described in subsection (1)
22 of this section may file a motion with the sentencing court requesting a waiver of the pro-
23 hibition. The person must file a sworn affidavit in support of the motion stating that:

24 “(A) The person’s conviction leading to the possession prohibition involved only livestock;

25 “(B) During the two years before the conviction triggering the prohibition, the person
26 was the owner of a commercial livestock operation;

27 “(C) The person has not been convicted, in the previous five years, of a crime involving
28 animals or domestic violence or a crime where the victim was under 18 years of age; and

29 “(D) The person’s conviction was the result of:

30 “(i) Criminal liability for the conduct of another person under ORS 161.155 (2)(c);

31 “(ii) Criminal liability of a corporation as described in ORS 161.170, and the person is a
32 corporation; or

33 “(iii) Animal neglect as described in ORS 167.325 or 167.330 and the person’s criminal
34 conduct was not knowing or intentional.

35 “(b) When a person files a motion and affidavit described in paragraph (a) of this sub-

1 section, the sentencing court shall hold a hearing. At the hearing, the sentencing court shall
2 grant the motion if the person proves by clear and convincing evidence that:

3 “(A) Continued enforcement of the prohibition against possessing livestock would result
4 in substantial economic hardship that cannot otherwise be mitigated;

5 “(B) The person no longer poses any risk to animals; and

6 “(C) The person is capable of providing and willing to provide necessary, adequate and
7 appropriate levels of care for all livestock that would come within the person’s custody or
8 control if the petition is granted.

9 “(c) When deciding a motion filed under this subsection, the sentencing court may con-
10 sider the person’s financial circumstances and mental health in determining whether the
11 person is capable of adequately caring for livestock.

12 “(d) If the sentencing court grants the motion described in this subsection, the waiver
13 of the prohibition against possessing animals shall apply only to livestock. The sentencing
14 court shall further order that for five years the person must consent to reasonable in-
15 spections by law enforcement and the United States Department of Agriculture to ensure the
16 welfare of the livestock under the person’s custody or control. A refusal to consent to a
17 reasonable inspection described in this paragraph is contempt of court and, if the person is
18 found in contempt, shall result in the sentencing court revoking the waiver of the possession
19 prohibition.

20 “(e) As used in this subsection, ‘commercial livestock operation’ means a business en-
21 gaged in the raising, breeding or selling of livestock for profit.”.

22 On page 4, after line 40, insert:

23 “**SECTION 8.** ORS 167.348 is amended to read:

24 “167.348. (1) If an animal is forfeited according to the provisions of ORS 167.347 or 167.350, the
25 agency to which the animal was forfeited may place the animal with a new owner. The agency
26 [shall] **may** give placement preference to any person or persons who had prior contact with the
27 animal, including but not limited to family members and friends of the former owner whom the
28 agency determines are capable of providing necessary, adequate and appropriate levels of care for
29 the animal. **The agency may not, however, place the animal with family members or friends
30 of the former owner who aided or abetted the criminal conduct underlying the forfeiture or
31 had knowledge of the criminal conduct and failed to intervene.** As a condition of placement, the
32 agency shall require the new owner to execute an agreement to provide minimum care to the ani-
33 mal. The agreement must indicate that allowing the former owner to possess the animal constitutes
34 a crime.

35 “(2) Notwithstanding subsection (1) of this section, the agency may not place the animal with
36 any person who resides with the former owner.”.

37 In line 41, delete “8” and insert “9”.

38 On page 5, line 41, delete “9” and insert “10” and delete “10” and insert “11”.

39 On page 6, line 26, delete “10” and insert “11”.

40 In line 33, delete “10” and insert “11”.

41 In line 45, delete “10” and insert “11”.

42 On page 7, line 12, delete “10” and insert “11”.

43 In line 14, delete “10” and insert “11”.

44 In line 18, delete “9” and insert “10”.

45 In line 20, after “agency” insert “, a law enforcement agency or the United States Department

1 of Agriculture”.

2 In line 22, delete “9” and insert “10”.

3 In line 23, after “agency” insert “or a law enforcement agency”.

4 In line 24, delete “enforcing”.

5 In line 26, delete “9” and insert “10”.

6 In line 27, delete “authorized representative of the enforcing”.

7 In line 29, delete “9” and insert “10”.

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