

D R A F T

SUMMARY

Creates offense of trafficking in animal parts. Provides that knowing purchase, sale, offering for sale, possession with intent to sell or importation for purchase or sale in this state of ivory, rhinoceros horn, ivory products or rhinoceros horn products is offense. Creates exceptions.

Makes first offense punishable by maximum of 30 days' imprisonment and by maximum fine of \$1,250 or twice fair market value of ivory, rhinoceros horn, ivory product or rhinoceros horn product, whichever is greater. Makes second or subsequent offense punishable by maximum of 30 days' imprisonment and by maximum fine of \$6,250 or twice fair market value of ivory, rhinoceros horn, ivory product or rhinoceros horn product, whichever is greater. Directs method of disposition for ivory, rhinoceros horn, ivory product or rhinoceros horn product upon forfeiture.

A BILL FOR AN ACT

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Relating to trafficking in animal parts.

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

SECTION 1. (1) As used in this section:

(a) "Ivory" means all or part of a tusk or tooth, in raw form or worked form, from:

(A) An elephant;

(B) A hippopotamus;

(C) A mammoth;

(D) A narwhal;

(E) A walrus; or

(F) A whale.

(b) "Ivory product" means an item:

(A) Derived from or consisting in whole or in part of ivory; or

1 (B) Represented as being derived from or as consisting in whole or
2 in part of ivory.

3 (c) "Raw form" means a polished or unpolished state that is unal-
4 tered or is minimally altered by carving.

5 (d) "Rhinoceros horn" means:

6 (A) All or part of the horn from a member of any rhinoceros spe-
7 cies.

8 (B) Powders or other items derived in whole or in part from the
9 horn of a member of any rhinoceros species.

10 (e) "Rhinoceros horn product" means an item:

11 (A) Consisting in whole or in part of rhinoceros horn; or

12 (B) Represented as consisting in whole or in part of rhinoceros
13 horn.

14 (f) "Sell":

15 (A) Means a sale, bartering or other exchange for monetary or
16 nonmonetary consideration.

17 (B) Does not mean a transfer by gift, donation, devise or
18 inheritance.

19 (g) "Worked form" means a state that is embellished, carved,
20 marked or otherwise altered to the extent of no longer being in raw
21 form.

22 (2) Except as provided in this section, a person commits the offense
23 of trafficking in animal parts if the person knowingly purchases, sells,
24 offers for sale, possesses with the intent to sell or imports for purposes
25 of purchase or sale in this state:

26 (a) Ivory;

27 (b) Rhinoceros horn;

28 (c) An ivory product; or

29 (d) A rhinoceros horn product.

30 (3) For purposes of subsection (2) of this section, it is prima facie
31 evidence that ivory, rhinoceros horn, an ivory product or a rhinoceros

1 **horn product:**

2 (a) Is being offered for sale if present at a retail or wholesale es-
3 tablishment in a case, counter, display or other place where the es-
4 tablishment displays goods offered for sale; or

5 (b) Is possessed with the intent to sell if present at a retail or
6 wholesale establishment in a location where the establishment stores
7 or secures goods awaiting sale.

8 (4) This section does not apply to:

9 (a) Any employee or agent of federal or state government acting
10 within the scope of official duties;

11 (b) Public universities identified in ORS 352.002 or private and in-
12 dependent institutions of higher education as defined in ORS 352.720,
13 if the ivory, rhinoceros horn, ivory product or rhinoceros horn product
14 is to be used for educational, academic or research purposes; or

15 (c) A museum operated by a unit of government or by a historical
16 society formed under ORS chapter 65, if the ivory, rhinoceros horn,
17 ivory product or rhinoceros horn product is to be used for the primary
18 purpose of the museum.

19 (5) The offense of trafficking in animal parts is an unclassified
20 misdemeanor punishable:

21 (a) For a first offense, by not more than 30 days' imprisonment and
22 a fine equal to the greater of \$1,250 or twice the fair market value of
23 the ivory, rhinoceros horn, ivory product or rhinoceros horn product;
24 or

25 (b) For a second or subsequent offense, by not more than 30 days'
26 imprisonment and a fine equal to the greater of \$6,250 or twice the fair
27 market value of the ivory, rhinoceros horn, ivory product or
28 rhinoceros horn product.

29 (6) If a person is convicted of an offense under this section, the
30 court shall enter an order of forfeiture for the ivory, rhinoceros horn,
31 ivory product or rhinoceros horn product that was the subject of the

1 **offense. The court shall order that forfeited ivory, rhinoceros horn,**
2 **ivory product or rhinoceros horn product be transferred to the State**
3 **Department of Fish and Wildlife. The department may destroy the**
4 **forfeited ivory, rhinoceros horn, ivory product or rhinoceros horn**
5 **product or may transfer possession of the forfeited ivory, rhinoceros**
6 **horn, ivory product or rhinoceros horn product without charge to a**
7 **university, institution or museum for use as described in subsection**
8 **(4)(b) or (c) of this section.**

9 **SECTION 2. Section 1 of this 2015 Act applies to purchases, sales,**
10 **offerings, possession and imports occurring 180 or more days after the**
11 **effective date of this 2015 Act.**

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