

# ANIMAL CRUELTY PROSECUTION IN OREGON

LAWS, PROCEDURES, AND THE AC-DDA POSITION

Animal Cruelty DDA Jake Kamins  
jacob.kamins@co.benton.or.us  
Twitter: @AnimalDDA

## ANIMAL CRUELTY AND “THE LINK”

**The Legislative Assembly finds and declares that:**

**Animals are sentient beings capable of experiencing pain, stress and fear.**

**Animals should be cared for in ways that minimize pain, stress, fear and suffering.**

ORS 167.305 (1) and (2) (2013)

“[People] who commit acts of serious animal abuse frequently have previous histories of, or future tendencies toward, violent crimes against humans.”

–“Facts about The Link Between Violence to People and Violence to Animals,” American Humane Association. Available at <http://nationallinkcoalition.org/wp-content/uploads/2013/01/Research-Summary.pdf>

## ANIMAL CRUELTY DDA POSITION

(September 2013-Present)

**Benton County District Attorney serves as home office  
Started September 2013**

**-Renewed yearly contract in September 2014**

**Sworn as a Deputy DA in 16 of 36 counties**

**Worked as Deputy DA on over 50 cases**

**Assisted law enforcement/advised DAs in an  
additional 7 counties on many other cases**

**Gave presentations to DAs, law enforcement, animal  
rescues, and other interested groups**

**Prosecuted first Animal Neglect felony trial in Oregon**

**Raised media attention on issue of animal cruelty**

## OREGON ANIMAL CRUELTY LAWS

### Abuse

Abuse 2  
Abuse 1  
Abuse 1 (Felony)  
Agg Abuse  
Sexual Assault

-Causing physical injury  
-Causing serious physical injury  
-Causing death (+cruelly)  
-Killing maliciously  
-Torturing

### Neglect

Neglect 2  
Neglect 1  
Neglect Felonies  
Abandonment

-Failure to provide minimum  
care  
-Felony treatment:  
-Number of animals  
-Prior convictions  
-Presence of minors

## PROHIBITION AGAINST POSSESSION

(CLASS C MISDEMEANOR)

Upon conviction for:

-Misdemeanor Animal Abuse 1, Animal Abuse 2, Animal Neglect 1 or 2, Sexual Assault of an Animal, Animal Abandonment, or Involvement in Animal Fighting (5 years)

-Aggravated Animal Abuse 1, Dogfighting, Cockfighting, or Felony Animal Abuse 1 (15 years)

**A person may not possess a domestic animal or any animal of the same genus as the animal against which the crime was committed for 5 years.\***

## PRE-TRIAL FORFEITURE

-Mitigates suffering of animals held while their owners are pending trial for animal cruelty.

-Reduces cost of care incurred by persons and governments that provide treatment for impounded animals.

-Does not take away from presumption of innocence or due process.

-Allows all interested parties to get notice and ability to be heard.

- 1) Criminal case pending**
- 2) Animal impounded and held by ACA or county**
- 3) Notice and hearing**
- 4) Bond allows ability to avoid forfeiture**

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