

House Bill 2692

Sponsored by Representative GOMBERG (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 **as introduced**.

Adds offenses of equine tripping and encouraging animal abuse to definition of "animal welfare laws" for purposes of enforcement by humane special agents.

A BILL FOR AN ACT

1
2 Relating to animal welfare laws; creating new provisions; and amending ORS 181.433.

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

4 **SECTION 1. (1) ORS 167.349 is added to and made a part of ORS 167.310 to 167.351.**

5 **(2) ORS 167.352, 167.360 to 167.372, 167.374, 167.376, 167.383, 167.385, 167.387, 167.388 and**
6 **167.390 are added to and made a part of ORS 167.310 to 167.390.**

7 **SECTION 2. ORS 181.433 is amended to read:**

8 181.433. (1) At the request of a humane investigation agency, the Superintendent of State Police
9 shall commission a designated employee of the humane investigation agency as a humane special
10 agent, if:

11 (a) The employee is certified, or is eligible for certification, as a police officer under the pro-
12 visions of ORS 181.610 to 181.712;

13 (b) The superintendent determines that the employee is fit and qualified to perform the duties
14 of a humane special agent;

15 (c) The humane investigation agency agrees in writing to save harmless and indemnify the State
16 of Oregon and its officers, employees and agents from and against any tort claim or demand,
17 whether groundless or otherwise, arising out of an alleged act or omission of the employee or the
18 humane investigation agency, that relates to or results from the authority granted by the commis-
19 sion; and

20 (d) The humane investigation agency furnishes to the superintendent a copy of an insurance
21 policy, purchased and maintained by the humane investigation agency, that the superintendent de-
22 termines is sufficient to satisfy any tort claim or demand described in paragraph (c) of this sub-
23 section.

24 (2) Before granting a commission under this section, the superintendent may require the em-
25 ployee to take and subscribe to an oath of office to support the Constitution and laws of the United
26 States and of the State of Oregon, and to honestly and faithfully perform the duties of a humane
27 special agent.

28 (3) The superintendent shall suspend or revoke a commission granted under this section if the
29 superintendent determines that:

30 (a) The certification of the employee as a police officer has lapsed or been revoked pursuant to
31 ORS 181.661, 181.662 and 181.664 (1), and has not been reissued under ORS 181.664 (2);

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 (b) The employee has been separated from employment with the humane investigation agency;

2 or

3 (c) The employee has abused the commission.

4 (4) Except as otherwise provided in subsection (3) of this section, an employee of a humane in-
5 vestigation agency commissioned under this section holds the commission at the pleasure of the su-
6 perintendent. The superintendent may suspend or revoke a commission granted under this section
7 at any time for good cause, as determined by the superintendent. If the superintendent revokes a
8 commission granted under this section, the employee of the humane investigation agency is entitled
9 only to an informal opportunity to be heard by the superintendent, for the purposes of explaining
10 any factual circumstances related to the revocation and attempting to persuade the superintendent
11 to reverse the decision to revoke the commission.

12 (5) Humane special agents commissioned under this section serve at the expense of the humane
13 investigation agency employing the agent.

14 (6) The superintendent may adopt rules to carry out the provisions of this section. The rules
15 may include a description of the circumstances in which a humane special agent is prohibited from
16 carrying a firearm while engaged in the enforcement of animal welfare laws.

17 (7) As used in this section:

18 (a) "Animal welfare laws" means:

19 (A) ORS [167.310 to 167.351, 167.352, 167.355, 167.360 to 167.372, 167.374, 167.376, 167.385, 167.388,
20 167.390] **167.310 to 167.390** and 167.426 to 167.439; and

21 (B) ORS 164.043, 164.045, 164.055, 164.057, 164.075, 164.345, 164.354 and 164.365, if the subject
22 of the crime is an animal.

23 (b) "Humane investigation agency" means a private, nonprofit animal care agency that has
24 maintained an animal welfare investigation department for at least five years and has had officers
25 employed as special agents under ORS 131.805.

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