

Senate Bill 419

Sponsored by Senator KRUSE (Presession 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**.

Directs animal impounding facilities to work with animal rescue groups to facilitate adoption of animals. Establishes requirements for animal care and adoption process for animal impounding facilities.

Authorizes humane investigative agency volunteer to be commissioned by Superintendent of State Police as humane special agent.

A BILL FOR AN ACT

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

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

4 **SECTION 1. Sections 1 to 3 of this 2015 Act shall be known and may be cited as the**
5 **Pound Animal Welfare Act.**

6 **SECTION 2. As used in sections 1 to 3 of this 2015 Act:**

7 (1) **“Animal impounding facility” means an animal control agency, humane society or**
8 **animal shelter, either public or private, that provides shelter and other care for lost,**
9 **homeless, surrendered or abandoned animals.**

10 (2) **“Animal rescue group” means an organization that is tax exempt under section 501(c)**
11 **of the Internal Revenue Code and that operates to find permanent homes for lost, homeless,**
12 **surrendered or abandoned animals. “Animal rescue group” does not include an entity that**
13 **qualifies as an animal impounding facility.**

14 **SECTION 3. An animal impounding facility operating in this state shall:**

15 (1) **Work cooperatively with animal rescue groups to ensure that all animals in the**
16 **facility’s custody are adoptable.**

17 (2) **Provide to animals in the facility’s custody prompt and immediate veterinary care**
18 **deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or**
19 **disease.**

20 (3) **Provide all appropriate vaccinations to animals in the facility’s custody as soon as**
21 **practicable after acquiring the animal.**

22 (4) **Inspect an animal in the facility’s custody for any identifying information, including**
23 **a microchip, immediately after acquiring the animal and, if applicable, make reasonable ef-**
24 **forts to contact the owner of the animal.**

25 (5) **Comply with the record-keeping requirements for animal rescue entities described in**
26 **ORS 609.415 (2)(a).**

27 (6) **Make every effort to save the life of an animal in the facility’s custody unless the**
28 **animal is suffering and a reasonably prudent person would consider euthanasia to be the**
29 **most humane option.**

30 (7) **Hold every animal in the facility’s custody for a minimum of 14 days after acquiring**

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 **the animal.**

2 (8) **Release an animal in the facility’s custody to an animal rescue group upon request.**

3 (9) **Ensure that a behavior or temperament test administered to an animal in the**
 4 **facility’s custody is based on nationally recognized standards that take into consideration the**
 5 **environment in which the test is being administered and the animal’s potential fear or stress**
 6 **resulting from that environment.**

7 (10) **Make all information about an animal in the facility’s custody available to the public**
 8 **immediately upon request to ensure that all potential adopters of the animal may make an**
 9 **informed decision.**

10 (11) **Ensure that every animal in the facility’s custody is available for adoption unless the**
 11 **animal has committed an act as a potentially dangerous dog that resulted in a violation of**
 12 **ORS 609.095.**

13 (12) **Ensure that the facility’s adoption policy is posted in a conspicuous location in the**
 14 **facility and that the policy is consistent with this section.**

15 (13) **Make all animals in the facility’s custody available for interaction with the public and**
 16 **with any animal rescue group to facilitate the adoption of the animal.**

17 (14) **Process adoptions within one business day of an adoption application being submit-**
 18 **ted.**

19 **SECTION 4.** ORS 181.433 is amended to read:

20 181.433. (1) At the request of a humane investigation agency, the Superintendent of State Police
 21 shall commission a designated employee **or volunteer** of the humane investigation agency as a hu-
 22 mane special agent, if:

23 (a) The employee **or volunteer** is certified, or is eligible for certification, as a police officer
 24 under the provisions of ORS 181.610 to 181.712;

25 (b) The superintendent determines that the employee **or volunteer** is fit and qualified to perform
 26 the duties of a humane special agent;

27 (c) The humane investigation agency agrees in writing to save harmless and indemnify the State
 28 of Oregon and its officers, employees and agents from and against any tort claim or demand,
 29 whether groundless or otherwise, arising out of an alleged act or omission of the employee, **the**
 30 **volunteer** or the humane investigation agency, that relates to or results from the authority granted
 31 by the commission; and

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

36 (2) Before granting a commission under this section, the superintendent may require the em-
 37 ployee **or volunteer** to take and subscribe to an oath of office to support the Constitution and laws
 38 of the United States and of the State of Oregon, and to honestly and faithfully perform the duties
 39 of a humane special agent.

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

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

44 (b) The employee has been separated from employment **or the volunteer has ceased volun-**
 45 **teering** with the humane investigation agency; or

1 (c) The employee **or volunteer** has abused the commission.

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

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

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

15 (7) As used in this section:

16 (a) "Animal welfare laws" means:

17 (A) ORS 167.310 to 167.351, 167.352, 167.355, 167.360 to 167.372, 167.374, 167.376, 167.385, 167.388,
18 167.390 and 167.426 to 167.439; and

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

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

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