

**PROPOSED AMENDMENTS TO
SENATE BILL 913**

1 On page 1 of the printed bill, delete lines 4 through 27 and delete page
2 2 and insert:

3 **“SECTION 1. (1) As used in this section:**

4 **“(a) ‘Ivory’ means all or part of a tusk or tooth, in raw form or**
5 **worked form, from an elephant or a mammoth.**

6 **“(b) ‘Ivory product’ means an item:**

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

8 **“(B) Represented as being derived from or as consisting in whole**
9 **or in part of ivory.**

10 **“(c) ‘Raw form’ means a polished or unpolished state that is unal-**
11 **tered or is minimally altered by carving.**

12 **“(d) ‘Rhinoceros horn’ means:**

13 **“(A) All or part of the horn from a member of any rhinoceros spe-**
14 **cies.**

15 **“(B) Powders or other items derived in whole or in part from the**
16 **horn of a member of any rhinoceros species.**

17 **“(e) ‘Rhinoceros horn product’ means an item:**

18 **“(A) Consisting in whole or in part of rhinoceros horn; or**

19 **“(B) Represented as consisting in whole or in part of rhinoceros**
20 **horn.**

21 **“(f) ‘Sell’:**

22 **“(A) Means to transact a sale, barter or other exchange for mone-**

1 tary or nonmonetary consideration.

2 “(B) Does not mean a transfer by gift, donation, devise or
3 inheritance.

4 “(g) ‘Worked form’ means a state that is embellished, carved,
5 marked or otherwise altered to the extent of no longer being in raw
6 form.

7 “(2) Except as otherwise provided in this section, a person commits
8 the offense of trafficking in animal parts if the person knowingly
9 purchases, sells, offers for sale, possesses with the intent to sell or
10 imports for purposes of purchase or sale in this state:

11 “(a) Ivory;

12 “(b) Rhinoceros horn;

13 “(c) An ivory product; or

14 “(d) A rhinoceros horn product.

15 “(3) For the purposes of subsection (2) of this section, it is prima
16 facie evidence that ivory, rhinoceros horn, an ivory product or a
17 rhinoceros horn product:

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

21 “(b) Is possessed with the intent to sell if present at a retail or
22 wholesale establishment in a location where the establishment stores
23 or secures goods awaiting sale.

24 “(4) This section does not apply to:

25 “(a) Any employee or agent of federal or state government acting
26 within the scope of official duties;

27 “(b) Activity that is expressly authorized by federal law;

28 “(c) Public universities listed in ORS 352.002 or private and inde-
29 pendent institutions of higher education as defined in ORS 352.720, if
30 the ivory, rhinoceros horn, ivory product or rhinoceros horn product

1 is to be used for educational, academic or research purposes;

2 “(d) A museum operated by a unit of government or by a historical
3 society formed under ORS chapter 65, if the ivory, rhinoceros horn,
4 ivory product or rhinoceros horn product is to be used for the primary
5 purpose of the museum;

6 “(e) A zoo that is operated by a unit of government and is certified
7 under standards that equal or exceed the certification standards of the
8 Association of Zoos and Aquariums in effect on the effective date of
9 this 2015 Act, if the ivory, rhinoceros horn, ivory product or rhinoceros
10 horn product is to be used for the primary purpose of the zoo;

11 “(f) Transactions regarding a gun or knife that contains ivory or
12 ivory product if:

13 “(A) The ivory or ivory product is less than 20 percent of the gun
14 or knife by volume; and

15 “(B) The seller or prospective seller establishes by documentation
16 that the gun or knife was manufactured before 1976; or

17 “(g) Transactions regarding a musical instrument, or a pick, bow
18 or other item designed for playing a musical instrument, that contains
19 ivory or ivory product if:

20 “(A) The ivory or ivory product is less than 20 percent of the mu-
21 sical instrument or item by volume; and

22 “(B) The seller or prospective seller establishes by documentation
23 that the musical instrument or item:

24 “(i) Was manufactured on or before January 18, 1990, if it contains
25 ivory or ivory product from an elephant; or

26 “(ii) Was manufactured on or before the effective date of this 2015
27 Act, if it contains ivory or ivory product only from a mammoth.

28 “(5) The offense of trafficking in animal parts is an unclassified
29 misdemeanor punishable:

30 “(a) For a first offense, by not more than 30 days’ imprisonment

1 and a fine equal to the greater of \$1,250 or twice the fair market value
2 of the ivory, rhinoceros horn, ivory product or rhinoceros horn prod-
3 uct; or

4 “(b) For a second or subsequent offense, by not more than 30 days’
5 imprisonment and a fine equal to the greater of \$6,250 or twice the fair
6 market value of the ivory, rhinoceros horn, ivory product or
7 rhinoceros horn product.

8 “(6) If a person is convicted of an offense under this section, the
9 court shall enter an order of forfeiture for the ivory, rhinoceros horn,
10 ivory product or rhinoceros horn product that was the subject of the
11 offense. The court shall order that forfeited ivory, rhinoceros horn,
12 ivory product or rhinoceros horn product be transferred to the State
13 Department of Fish and Wildlife. The department may destroy the
14 forfeited ivory, rhinoceros horn, ivory product or rhinoceros horn
15 product or may transfer possession of the forfeited ivory, rhinoceros
16 horn, ivory product or rhinoceros horn product without charge to a
17 university, institution, museum or zoo described in subsection (4)(c)
18 to (e) of this section for use as described in subsection (4)(c) to (e) of
19 this section.

20 “SECTION 2. Section 1 of this 2015 Act applies to purchases, sales,
21 offerings, possession and imports occurring on or after January 1,
22 2017.”.

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