

**PROPOSED AMENDMENTS TO
HOUSE BILL 3469**

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest
2 of the line and insert “creating new provisions; amending ORS 163.160,
3 163.187 and 181.433.”.

4 On page 2, after line 25, insert:

5 **“SECTION 3. (1) ORS 167.349 is added to and made a part of ORS**
6 **167.310 to 167.351.**

7 **“(2) ORS 167.352, 167.360 to 167.372, 167.374, 167.376, 167.385, 167.387,**
8 **167.388 and 167.390 are added to and made a part of ORS 167.310 to**
9 **167.390.**

10 **“SECTION 4. ORS 181.433 is amended to read:**

11 “181.433. (1) At the request of a humane investigation agency, the Super-
12 intendent of State Police shall commission a designated employee of the hu-
13 mane investigation agency as a humane special agent, if:

14 “(a) The employee is certified, or is eligible for certification, as a police
15 officer under the provisions of ORS 181.610 to 181.712;

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

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

1 the commission; and

2 “(d) The humane investigation agency furnishes to the superintendent a
3 copy of an insurance policy, purchased and maintained by the humane in-
4 vestigation agency, that the superintendent determines is sufficient to satisfy
5 any tort claim or demand described in paragraph (c) of this subsection.

6 “(2) Before granting a commission under this section, the superintendent
7 may require the employee to take and subscribe to an oath of office to sup-
8 port the Constitution and laws of the United States and of the State of
9 Oregon, and to honestly and faithfully perform the duties of a humane spe-
10 cial agent.

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

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14 been revoked pursuant to ORS 181.661, 181.662 and 181.664 (1), and has not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

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

18 “(c) The employee has abused the commission.

19 “(4) Except as otherwise provided in subsection (3) of this section, an
20 employee of a humane investigation agency commissioned under this section
21 holds the commission at the pleasure of the superintendent. The superinten-
22 dent may suspend or revoke a commission granted under this section at any
23 time for good cause, as determined by the superintendent. If the superinten-
24 dent revokes a commission granted under this section, the employee of the
25 humane investigation agency is entitled only to an informal opportunity to
26 be heard by the superintendent, for the purposes of explaining any factual
27 circumstances related to the revocation and attempting to persuade the su-
28 perintendent to reverse the decision to revoke the commission.

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

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

5 “(7) As used in this section:

6 “(a) ‘Animal welfare laws’ means:

7 “(A) ORS [*167.310 to 167.351, 167.352, 167.355, 167.360 to 167.372, 167.374,*
8 *167.376, 167.385, 167.388, 167.390*] **167.310 to 167.390** and 167.426 to 167.439;
9 and

10 “(B) ORS 164.043, 164.045, 164.055, 164.057, 164.075, 164.345, 164.354 and
11 164.365, if the subject of the crime is an animal.

12 “(b) ‘Humane investigation agency’ means a private, nonprofit animal
13 care agency that has maintained an animal welfare investigation department
14 for at least five years and has had officers employed as special agents under
15 ORS 131.805.”.

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