

March 29, 2017

House Committee on Judiciary  
Oregon State Capitol  
900 Court Street NE, Room 343  
Salem, OR 97301



Re: Animal Legal Defense Fund's Support of HB 2625

Dear House Committee on Judiciary,

My name is Lora Dunn and I am the Director and Senior Staff Attorney for the Criminal Justice Program at the Animal Legal Defense Fund. ALDF, founded in 1979, is a national, nonprofit organization of attorneys specializing in the protection of animals and working to ensure the enforcement of existing animal protection laws within the United States. ALDF's Criminal Justice Program, based in Portland, provides free training support to prosecutors and law enforcement in Oregon and throughout the country.

I write to you today to respectfully urge you to support HB 2625, which contains important clarifying language regarding the pre-conviction forfeiture process of cruelly treated animals. This process, though technical in nature, has very real impacts on individual animals' lives. In short, animals who are seized as part of a criminal investigation can become stuck in legal "limbo" for weeks, months, or years while a case works its way through the criminal justice system. The goal of pre-conviction forfeiture—a process that is separate from but related to the criminal case, and which has no legal bearing on the outcome of the criminal cruelty case—is to ensure that those victim animals can be released to new, loving homes as soon as practicable, rather than languish in a cage while the criminal process plods on.

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To date, Oregon’s pre-conviction forfeiture statute, ORS 167.347, has been somewhat ambiguous regarding which animals may qualify for forfeiture, and the result can be confusion for well-meaning judges who must currently consult legislative history and case law for guidance. HB 2625 adds a very important clarification to the statute and makes clear that *any* animal impounded as part of a lawful seizure based on probable cause of animal cruelty may be considered for forfeiture prior to the disposition of a criminal case.

This clarification is good policy for two major reasons: first, prosecutors more clearly retain independent discretion to impose criminal charges as they see fit; and second, any animal who has been cruelly treated by the legal standard set forth in the forfeiture law, ORS 167.347, is eligible for forfeiture—and can begin a new life in a loving home that much more quickly, rather than continue to deteriorate in a facility while the criminal case drags on. To be sure, all of the procedural safeguards for the animals’ owners—a detailed petition process, notice to all affected parties, and a hearing requiring a finding of cruelty by the court—are left intact by this bill.

Please help animal victims who are “stuck” in the criminal justice system by supporting the crucial clarifications in HB 2625. Thank you for considering this important bill.

Sincerely,

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