

HB 2732 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Josh Nasbe, Counsel

Meeting Dates: 3/29

WHAT THE MEASURE DOES:

Provides that person who enters motor vehicle to remove unattended child or animal from vehicle is not subject to criminal or civil liability in specified circumstances. Declares emergency, effective on passage.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Police officers are expressly authorized by ORS 133.033 to perform "community caretaking functions," that include any lawful act inherent in the duty of a peace officer to protect and serve the public. This authority expressly includes entering the property of another when necessary to prevent serious harm to any person or property. More specifically, the 2015 Legislative Assembly enacted legislation clarifying the protections applicable to police officers who enter premises or a motor vehicles to save animals from distress. ORS 167.345 authorizes a police officer, who has probable cause to believe that animal abuse or neglect is occurring, to lawfully enter premises or a motor vehicle, impound the animal and provide it with food, water and care. The police officer is not liable for necessary damages associated with the entry. House Bill 2732 would extend similar protections to any person who entered a motor vehicle, by force or otherwise, to protect a child or an animal from harm.