



Date: March 29, 2017

To: **House Committee on Judiciary**
Representative Jeff Barker, Chair
Representative Andy Olson, Vice-Chair
House Democratic Leader Jennifer Williamson, Vice-Chair
Representative Chris Gorsek
Representative Mitch Greenlick
Representative Ann Liniger
Representative Bill Post
Representative Tawna Sanchez
Representative Sherrie Sprenger
Representative Duane Stark
Representative A. Richard Vial

From: **John Hopkinson**
Investigations Program Assistant, Oregon Humane Society

Re: **House Bill 3283**

Established in 1868, the Oregon Humane Society is the state's largest and oldest animal welfare organization with over 50,000 supporters statewide. We are not affiliated with any local or national organization. **We are here today to ask for your support of HB 3283.**

I first began working with the Investigations Department at the Oregon Humane Society (OHS) as a legal intern during the summer after my second year of law school. I continued to work for OHS as an intern until my graduation in 2016, when I was hired as an employee.

My role at OHS is very unique, especially for legal professionals working with law enforcement agencies. I occasionally work in the field and often assist our department with the execution of search warrants. I engage with the animal victims on scene, experience and observe their living conditions, and assist with the documentation of evidence. I also observe the processes that take place after the search warrant. I watch the animal recover with the help of our medical team in our shelter. If behavior modification is necessary, I have observed our training staff work with the animal to prepare it for its new life outside of the shelter. If OHS gains legal possession of the animal, I am able to witness our customer care team place the animal with its new forever family and leave the shelter with a second chance at life. Not many law enforcement professionals are privileged enough to bear witness to every aspect of a victim's recovery from start to finish.

Over the past two years, I have attended every criminal trial involving an OHS investigation, usually from beginning to end. I make note of legal issues that arise during criminal trials and take them back to our department so we can improve our policies and procedures. OHS Special Agents have statewide jurisdiction and investigate criminal cases in many counties across the state, so the facts and type of animal victims in our cases vary widely. However, there is one common occurrence in nearly every criminal case involving OHS: a line of questions from the defense attorney about OHS funding.

When defense attorneys argue that OHS benefits financially from our criminal investigations, it is harmful for several reasons. Primarily these allegations are frustrating because they are simply untrue. As someone who observes every stage of the investigation, I know that OHS dedicates an immense amount of resources to rehabilitating and housing the animal victims. It is an argument used by defense attorneys to distract the court or jury from the defendant's conduct that is actually on trial. Second, the Investigations Department of OHS is statutorily mandated to investigate animal cruelty, neglect, and fighting (ORS 133.377, 181.433). To suggest that we are motivated by money misrepresents the necessary role OHS plays in animal cruelty investigations across the state and uses irrelevant information to discredit OHS witnesses.

This legislation acknowledges the financial burden that OHS takes on when coming to the aid of victim animals and allows OHS contributors to continue supporting the mission of the organization. By voting **YES on HB 3283**, the Oregon Legislature can help put a stop to the harmful and irrelevant line of questioning that detracts from the conduct of the defendant who is actually the one on trial.

This bill also increases the mandatory possession ban (ORS 167.332) from five years to fifteen years for felony animal neglect (ORS 167.325 and ORS 167.330). Currently, the fifteen year possession ban only applies to felony animal abuse (ORS 167.315 and ORS 167.320). One of the ways in which animal neglect becomes a felony is if the offense was part of a criminal episode involving eleven or more animals in the second degree (ORS 167.325(3)(b) or ten or more animals in the first degree (ORS 167.330(3)(b)).

In 2015, OHS investigated a report of large-scale animal neglect. OHS executed a search warrant and seized 51 dogs and 12 exotic birds kept in poor conditions in outbuildings in Applegate. Dogs and puppies were found living in wire bottom kennels without bedding and suffering from significant medical conditions that had gone untreated. The suspect was charged with 58 counts of felony animal neglect. The suspect was ultimately convicted in Jackson County Circuit Court of multiple felony counts of neglect. Unfortunately, based on the current laws, she was only banned from possessing domestic animals for five years.

Extending the possession ban from five years to fifteen years is crucial for neglect involving many animal victims because the rate of recidivism is high for people possessing more animals than they can afford to provide minimum care for. A ban from five years is merely a setback for many people convicted of felony neglect, who have existing facilities set up for possessing large quantities of animals. By voting **YES on HB 3283**, the Oregon Legislature will be fixing an

existing law to prevent people convicted of large scale animal neglect from subjecting more animal victims to pain and suffering.

Sincerely,

A handwritten signature in black ink, appearing to read "John Hopkinson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John Hopkinson
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