



Date: March 29, 2017

To: **House Committee on Judiciary**
Representative Jeff Barker, Chair
Representative Andy Olson, Vice-Chair
Representative 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: **Emily Davidsohn**
Staff Attorney, Oregon Humane Society

Re: **House Bill 2625**

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 2625.**

The most important aspect of this bill is that it does not introduce a new concept into the existing law; it simply makes the original intent of the law irrefutable. In 2008, Oregonians voted to amend the State Constitution to allow for the pre-conviction forfeiture of animals that have been abused, neglected, or abandoned. This action was testament to the citizens' support of the existing pre-conviction forfeiture statute (ORS 167.347) and its application to all animals that have been subjected to animal cruelty.

In 2013, the Oregon Legislature codified findings that further bolstered support of the pre-conviction forfeiture statute and its coverage of all seized animals. The Legislative Findings in ORS 167.305 are clear that "[t]he suffering of animals can be mitigated by expediting the disposition of abused animals that would otherwise languish in cages while their defendant owners await trial." All animals seized with a search warrant in an animal cruelty investigation would fall into the category of victim animals that would be held "while their defendant owners

await trial” and the clear intent is to expeditiously disposition those animals to mitigate their suffering. Because the single most efficient method provided by the Oregon Revised Statutes to determine the disposition of the seized animals is through pre-conviction forfeiture (ORS 167.347), then clearly the intent is that it apply to *all* animals being held pending the outcome of the criminal case.

Finally, even the language in the existing statute (ORS 167.347) demonstrates the original intent that *all* seized animals be eligible for the pre-conviction forfeiture remedy. The plain language of the statute is clear “if *any animal* is impounded pursuant to ORS 167.345 (search warrant) and is being held...pending outcome of criminal action” then pre-conviction forfeiture is a viable method of pursuing disposition of the animal (emphasis added). All animals seized in an animal cruelty case will be held pending the outcome of the criminal action and therefore all are candidates for the pre-conviction forfeiture proceeding.

The intent to reduce the amount of time abused and neglected animals are being held in legal limbo has been clear since the inception of the animal pre-conviction forfeiture statute. This bill will provide the necessary protection against the corruption of that intent going forward.

We urge you to **vote yes on HB 2625**.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily Davidsohn", is written over a light gray rectangular background.

Emily Davidsohn
Staff Attorney, Oregon Humane Society Investigations Department
emilyd@oregonhumane.org
(503) 802-6731