

**HB 2625 A STAFF MEASURE SUMMARY**

**Carrier:** Rep. Lininger

**House Committee On Judiciary**

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**Action Date:** 04/14/17

**Action:** Do pass with amendments. (Printed A-Eng.)

**Vote:** 10-0-1-0

**Yeas:** 10 - Barker, Gorsek, Greenlick, Lininger, Olson, Post, Sanchez, Stark, Vial, Williamson

**Exc:** 1 - Sprenger

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Josh Nasbe, Counsel

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**WHAT THE MEASURE DOES:**

Authorizes county or animal care agency to seek forfeiture of animal seized pending resolution of criminal action involving animal neglect or abuse, regardless of whether any criminal charges involve the specific animal.

**ISSUES DISCUSSED:**

- Costs of caring for animal pending resolution of criminal trial; burdens on shelters and county animal care agencies
- Statutory authority for defendant to pay for care of animal pending trial
- Prosecutorial discretion; current law requires prosecutors to file a charge for each animal in order to seek forfeiture
- Ensuring that animals have in fact been neglected or abused; forfeiture based on probable cause vs. beyond a reasonable doubt

**EFFECT OF AMENDMENT:**

Clarifies relationship between animal subject to forfeiture and pending criminal action.

**BACKGROUND:**

Under ORS 167.345, a police officer may impound an animal when the officer has probable cause to believe that the animal has been subjected to animal abuse or neglect. The animal may be placed at an animal care agency and the agency may petition the court for an order forfeiting the animal, prior to the resolution of the criminal case. After a hearing, the court may order that the animal be forfeited, unless the defendant posts a bond in an amount necessary to provide care for the animal until the criminal case is resolved. House Bill 2625-A includes in this forfeiture process any animal that is lawfully impounded pending a criminal trial, regardless of whether the animal is the subject of a criminal charge.