

**HB 3177 STAFF MEASURE SUMMARY**

**Carrier:** Sen. Manning Jr

**Senate Committee On Judiciary**

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**Action Date:** 05/22/17

**Action:** Do pass.

**Vote:** 5-0-0-0

**Yeas:** 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Josh Nasbe, Counsel

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**WHAT THE MEASURE DOES:**

Authorizes seizure and forfeiture of hens and chicks associated with cockfighting.

**ISSUES DISCUSSED:**

- Defendant's legal right to retain possession of chicks and hens; cockfighting 'starter kit'
- Other state laws
- Constructive possession by law enforcement

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

ORS 167.426 to 167.439 provide police officers with the authority to seize, and ultimately seek forfeiture of, "fighting birds" associated with a cockfighting operation. These statutes allow a law enforcement officer, and subsequently the court, to order the owner to care for the birds in accordance with regular inspections. Following a criminal conviction, or based on a preponderance of the evidence in a forfeiture proceeding, the owner of fighting birds may be dispossessed and the birds may be destroyed or otherwise disposed of. House Bill 3177 extends these same procedures to "source birds," which it defines as hens and chicks that are intended to be, or intended to produce, fighting birds.