

HB 2732 B STAFF MEASURE SUMMARY

Carrier: Sen. Courtney

Senate Committee On Judiciary

Action Date: 05/30/17

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

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

WHAT THE MEASURE DOES:

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

ISSUES DISCUSSED:

- Seven states with similar laws
- Danger to children and pets

EFFECT OF AMENDMENT:

Modifies circumstances under which immunity attaches. Authorizes person to contact law enforcement before, or as soon as is reasonably practicable after, entering motor vehicle and allows person to depart scene after owner or operator of motor vehicle arrives.

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 vehicle to save an animal from distress. ORS 167.345 currently 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-B extends similar protections to any person who enters a motor vehicle, by force or otherwise, to protect a child or domestic animal from harm.