

House Bill 2625

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that forfeiture petition may be filed for animal impounded pending outcome of animal crime even if specific animal is not named in charging instrument.

A BILL FOR AN ACT

1
2 Relating to forfeiture of impounded animals; amending ORS 167.347.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 167.347 is amended to read:

5 167.347. (1)(a) If *[any]* **an** animal is impounded pursuant to ORS 167.345 and is being held by a
6 county animal shelter or other animal care agency pending outcome of **a** criminal action charging
7 a violation of ORS 167.315 to 167.333, 167.340, 167.355, 167.365 or 167.428, prior to **the** final dispo-
8 sition of the criminal *[charge]* **action**, the county or other animal care agency or, on behalf of the
9 county or other animal care agency, the district attorney, may file a petition in the criminal action
10 requesting that the court issue an order forfeiting the animal to the county or other animal care
11 agency prior to **the** final disposition of the criminal *[charge]* **action**. The petitioner shall serve a
12 true copy of the petition upon the defendant and, unless the district attorney has filed the petition
13 on behalf of the county or other animal care agency, the district attorney.

14 **(b) A petition may be filed under paragraph (a) of this subsection concerning any animal**
15 **impounded under ORS 167.345, regardless of whether the specific animal is the subject of a**
16 **criminal charge or named in a charging instrument.**

17 (2)(a) Upon receipt of a petition pursuant to subsection (1) of this section, the court shall set a
18 hearing on the petition. The hearing shall be conducted within 14 days after the filing of the peti-
19 tion, or as soon as practicable.

20 (b) To provide notice on any potential claimant who may have an interest in any animals
21 impounded pursuant to ORS 167.345 and as an alternate form of service upon a defendant who can-
22 not be personally served as required in subsection (1) of this section, a petitioner may publish notice
23 of the filing of the petition, printed twice weekly for up to 14 consecutive days in a daily or weekly
24 newspaper, as defined in ORS 193.010, published in the county in which the hearing is to be held
25 or, if there is none, in a daily or weekly newspaper, as defined in ORS 193.010, generally circulated
26 in the county in which the hearing is to be held. The notice of the filing of the petition required
27 under this subsection shall contain a description of the impounded animal or animals, the name of
28 the owner or reputed owner thereof, the location from which the animal or animals were impounded
29 and the time and place of the hearing if the hearing has been set at the time of publication, or
30 otherwise the name, address and phone number for the attorney for the petitioner, who shall upon
31 request provide further details on the hearing date, place and time.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 (3) At a hearing conducted pursuant to subsection (2) of this section, the petitioner shall have
2 the burden of establishing probable cause to believe that the animal was subjected to a violation
3 of ORS 167.315 to 167.333, 167.340, 167.355, 167.365 or 167.428. The defendant or any other claimant
4 shall have an opportunity to be heard before the court makes its final finding. If the court finds that
5 probable cause exists, the court shall order immediate forfeiture of the animal to the petitioner,
6 unless the defendant or any other claimant, within 72 hours of the hearing, posts a security deposit
7 or bond with the court clerk in an amount determined by the court to be sufficient to repay all
8 reasonable costs incurred, and anticipated to be incurred, by the petitioner in caring for the animal
9 from the date of initial impoundment to the date of trial.

10 (4) If a security deposit or bond has been posted in accordance with subsection (3) of this sec-
11 tion, and the trial in the action is continued at a later date, any order of continuance shall require
12 the defendant or any other claimant to post an additional security deposit or bond in an amount
13 determined by the court that shall be sufficient to repay all additional reasonable costs anticipated
14 to be incurred by the petitioner in caring for the animal until the new date of trial.

15 (5) If a security deposit or bond has been posted in accordance with subsection (4) of this sec-
16 tion, the petitioner may draw from that security deposit or bond the actual reasonable costs in-
17 curred by the petitioner in caring for *[the]* **any** impounded animal from the date of initial
18 impoundment to the date of final disposition of the animal in the **related** criminal action.

19 (6) The provisions of this section are in addition to, and not in lieu of, the provisions of ORS
20 167.350 and 167.435 and ORS chapters 87 and 88.

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