

House Bill 3027

Sponsored by Representative BARNHART (at the request of Dr. Matt Freedman)

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**.

Creates crime of unlawful cetacean captivity. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both.

A BILL FOR AN ACT

1 Relating to cetacean captivity; creating new provisions; and amending ORS 161.005.

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

3 **SECTION 1. (1) A person commits the crime of unlawful cetacean captivity if the person**
4 **knowingly:**

5 (a) **Holds a cetacean in captivity for performance or entertainment purposes;**

6 (b) **Breeds a cetacean in captivity;**

7 (c) **Imports, exports or collects semen, gametes or embryos of a cetacean for the purpose**
8 **of artificial insemination; or**

9 (d) **Holds a cetacean in captivity in an enclosure other than a sea pen.**

10 (2) **Unlawful cetacean captivity is a Class A misdemeanor.**

11 (3) **As used in this section:**

12 (a) **"Cetacean" means the members of the order Cetacea commonly known as whales,**
13 **dolphins and porpoises.**

14 (b) **"Performance or entertainment purposes" means any routinely scheduled public ex-**
15 **hibition characterized by cetacean choreography, public training of cetaceans for choreog-**
16 **raphy or unprotected contact between humans and cetaceans and that may be accompanied**
17 **by music, other sound effects or visual effects.**

18 (c) **"Sea pen" means an in-water enclosure anchored to the sea floor and attached to the**
19 **shore or coastline, where up to seventy-five percent of the perimeter of the sea pen may**
20 **consist of shore or coastline.**

21 (d) **"Unprotected contact" means physical contact between a human and a cetacean in**
22 **the absence of a protective barrier or distance between the human and the cetacean.**

23 **SECTION 2. ORS 161.005, as amended by section 4, chapter 22, Oregon Laws 2016, is amended**
24 **to read:**

25 161.005. ORS 161.005 to 161.055, 161.085 to 161.125, 161.150 to 161.175, 161.190 to 161.275, 161.290
26 to 161.370, 161.405 to 161.485, 161.505 to 161.585, 161.605, 161.615 to 161.685, 161.705 to 161.737,
27 162.005, 162.015 to 162.035, 162.055 to 162.115, 162.135 to 162.205, 162.225 to 162.375, 162.405 to
28 162.425, 162.465, 163.005, 163.115, 163.125 to 163.145, 163.149, 163.160 to 163.208, 163.196, 163.215 to
29 163.257, 163.261, 163.263, 163.264, 163.266, 163.275, 163.285, 163.305 to 163.467, 163.432, 163.433,
30 163.472, 163.505 to 163.575, 163.665 to 163.693, 163.700, 163.701, 164.005, 164.015 to 164.135, 164.138,
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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.

1 164.140, 164.205 to 164.270, 164.305 to 164.377, 164.395 to 164.415, 164.805, 164.857, 164.886, 165.002
2 to 165.102, 165.109, 165.118, 165.805, 166.005 to 166.095, 166.350, 166.382, 166.384, 166.660, 167.002 to
3 167.027, 167.057, 167.060 to 167.100, 167.117, 167.122 to 167.162, 167.203 to 167.252, 167.310 to 167.340,
4 167.350, 167.810 and 167.820 and section 1, chapter 22, Oregon Laws 2016, **and section 1 of this 2017**
5 **Act** shall be known and may be cited as Oregon Criminal Code of 1971.

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