



Date: February 22, 2018

To: **House Committee on Judiciary**
Senator Floyd Prozanski, Chair
Senator Kim Thatcher, Vice-Chair
Senator Cliff Bentz
Senator Michael Dembrow
Senator Sara Gelser
Senator Dennis Linthicum
Senator Rob Wagner

From: **Emily Davidsohn**
Staff Attorney, Oregon Humane Society

Re: **House Bill 4050**

Established in 1868, the Oregon Humane Society is the state's largest and oldest animal welfare organization with over 50,000 supporters statewide. We are not affiliated with any local or national organization. **We are here today to ask for your support of HB 4050.**

In 2017 the Investigations Department at the Oregon Humane Society received more reports of cockfighting than in the previous seven years. While this may be attributed to a broader awareness of the crime, it nonetheless supports the proposition to strengthen the laws against this "sport" in meaningful ways that are likely to deter individuals from engaging in this activity in our state.

Currently Oregon's "Participation in Cockfighting" (167.431) statute specifically *excludes* the manufacture and sale of gaffs, slashers, or other sharp implements designed to be attached to a fighting bird, while the "Cockfighting" statute (167.428) includes that conduct. The inclusion of equipment that is used to enhance the fighting ability of a bird in one statute and the manufacture of specific equipment that is used to enhance the fighting ability of a bird (i.e. gaffs, slashers, etc) in a different statute unnecessarily creates the potential for misinterpretation, thus weakening both laws.

House Bill 4050, in addition to removing ambiguity between the two cockfighting statutes (ORS 167.428 and ORS 167.431), will ensure that cockfighters are held accountable for both the crime of actively engaging in the specific conduct of animal fighting *and* for engaging in activities that perpetuate or enable the crime of cockfighting; these should be separate and distinct offenses.

This is important because, almost universally, cockfighting is only a single component of the criminal activity these individuals are engaged in. In 2015, the FBI requested the assistance of the Oregon Humane Society's Investigations Department after uncovering a cockfighting operation during a large scale methamphetamine investigation. When the federal government served 18 search warrants and arrested 30 individuals, officers found: almost \$100,000 in cash, numerous firearms, a significant amount of stolen property, and narcotics ranging from methamphetamine to cocaine. Strengthening the laws around the crime of cockfighting acts as a deterrent to using these fights as a venue to conduct other illegal activity.

This bill will also fix a numbering error in the animal cruelty criminal code that erroneously included the mandatory possession ban in a list of exceptions to animal cruelty violations. In 1985 the Oregon Legislature passed ORS 167.335 that stated, unless gross negligence is shown, the following activities are exempt from the animal cruelty laws from ORS 167.315 – 167.333 (i.e. Abuse, Neglect, and Sexual Assault of an animal):

- (1) The treatment of livestock being transported by owner or common carrier;
- (2) Animals involved in rodeos or similar exhibitions;
- (3) Commercially grown poultry;
- (4) Animals subject to good animal husbandry practices;
- (5) The killing of livestock according to the provisions of ORS 603.065;
- (6) Animals subject to good veterinary practices as described in ORS 686.030;
- (7) Lawful fishing, hunting and trapping activities;
- (8) Wildlife management practices under color of law;
- (9) Lawful scientific or agricultural research or teaching that involves the use of animals;
- (10) Reasonable activities undertaken in connection with the control of vermin or pests;
- and
- (11) Reasonable handling and training techniques.

Somehow the span of animal cruelty offenses listed in ORS 167.335 included the mandatory possession ban, ORS 167.332, that comes into play *post*-conviction. All other statutes listed are pre-conviction statutes (e.g. Abuse, Neglect, and Sexual Assault of an Animal). It does not make sense to exempt a person from an offense that is only triggered once a conviction has occurred. It is also apparent that this was an accidental inclusion because the exceptions relevant to the possession ban are included in the possession ban statute itself, thus making it unnecessary to include it in another law regarding exceptions.

We urge you to **vote yes on HB 4050**.

Sincerely,



Emily Davidsohn
Staff Attorney, Oregon Humane Society Investigations Department
emilyd@oregonhumane.org
(503) 802-6731