

HB 4050 A STAFF MEASURE SUMMARY

Carrier: Sen. Wagner

Senate Committee On Judiciary

Action Date: 02/27/18

Action: Do pass the A-Eng bill.

Vote: 7-0-0-0

Yeas: 7 - Bentz, Dembrow, Gelser, Linthicum, Prozanski, Thatcher, Wagner

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Channa Newell, Counsel

WHAT THE MEASURE DOES:

Reorganizes provisions of the crime of cockfighting and the crime of participation in cockfighting. Maintains both crimes as Class C felonies. Clarifies that exemption from animal abuse statutes for livestock transportation, rodeos, commercially grown poultry, and other activities does not create an exemption for individuals prohibited from owning or possessing animals under ORS 167.332.

ISSUES DISCUSSED:

- Cockfighting case with over 1,500 birds on site included drug sales and illegal firearms
- Clarification on application of cockfighting laws
- Clarification on possession ban after conviction

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

A person commits the crime of cockfighting if the person knowingly: a) owns, possesses, trains, or sells fighting birds; b) promotes or performs services to promote cockfighting; c) keeps, manages, or collects money for admission to the location of cockfights; d) permits a place to be used for cockfighting; or e) manufactures, sells, buys, or possesses implements designed to be attached to fighting birds and designed for use in cockfighting. The crime of participation in cockfighting occurs if a person knowingly attends a cockfight or manufactures, sells, buys, or possesses other equipment used for training or handling a fighting bird, or for enhancing the fighting ability of the bird.

Additionally, ORS 167.335 provides a list of activities that are exempt from the animal abuse statutes unless gross negligence can be found. These include activities such as livestock transportation, animals in rodeos, commercially grown poultry, lawful hunting, fishing, and trapping activities, research, wildlife management practices, pest control, and reasonable handling and training techniques. In the same series, ORS 167.332 prohibits persons convicted of specific animal crimes from possessing animals. The prohibition on possessing animals after conviction includes a reference to the exempt activities in ORS 167.335, creating confusion as to its purpose.

House Bill 4050-A moves the provisions of the crime of cockfighting relating to implements of cockfighting from the crime of cockfighting and into the crime of participation in cockfighting. Both crimes are Class C felonies, and the measure does not change the offense level. Additionally, the measure clarifies that the exempt activity list in ORS 167.335 does not create an exemption to the prohibition on possession of animals after conviction for an animal abuse crime.