

House Bill 3162

Sponsored by Representative EVANS (at the request of Carol Jones)

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**.

Removes assistance animals from existing offense of interfering with assistance, search and rescue or therapy animal.

Creates crime of interfering with assistance animal in second degree. Punishes by maximum of 364 days' imprisonment, \$6,250 fine, or both. Increase penalties to maximum of five years' imprisonment, \$125,000 fine, or both, if person has certain previous convictions at time of offense. Adds crime to list of offenses for which instrumentalities of crime may be criminally forfeited.

Creates crime of interfering with an assistance animal in first degree. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both. Increases penalties to maximum of 10 years' imprisonment, \$250,000 fine, or both, if person has certain previous convictions at time of offense. Adds crime to list of offenses for which instrumentalities of crime may be criminally forfeited.

Identifies costs and expenses included in economic damages for purposes of restitution for conviction of interfering with assistance animal.

A BILL FOR AN ACT

1
2 Relating to interfering with an assistance animal; creating new provisions; and amending ORS
3 131.602, 167.352 and 609.420.

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

5 **SECTION 1.** ORS 167.352 is amended to read:

6 167.352. (1) A person commits the crime of interfering with [*an assistance,*] a search and rescue
7 or a therapy animal if the person intentionally or knowingly:

8 (a) Injures or attempts to injure an animal the person knows or reasonably should know is [*an*
9 *assistance animal,*] a search and rescue animal or a therapy animal; **or**

10 [*(b) Interferes with an assistance animal while the assistance animal is being used to provide as-*
11 *sistance to a person with a disability; or]*

12 [*(c) (b) Interferes with a search and rescue animal or a therapy animal while the animal is be-*
13 *ing used for search and rescue or therapy purposes.*

14 [(2) *As used in this section, "assistance animal" has the meaning given that term in ORS*
15 *659A.143.*]

16 [(3) (2) *As used in this section and ORS 30.822:*

17 (a) "Search and rescue animal" means that the animal has been professionally trained for, and
18 is actively used for, search and rescue purposes.

19 (b) "Therapy animal" means an animal other than an assistance animal that has been profes-
20 sionally trained for, and is actively used for, therapy purposes.

21 [(4) (3) *Interfering with [*an assistance,*] a search and rescue or a therapy animal is a Class A*
22 *misdemeanor.*

23 **SECTION 2.** Sections 4 to 7 of this 2019 Act shall be known and may be cited as "Kyoto's
24 Law."

25 **SECTION 3.** Sections 4 to 7 of this 2019 Act are added to and made a part of ORS 167.310

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 to 167.390.

2 **SECTION 4.** As used in sections 4 to 7 of this 2019 Act:

3 (1) "Assistance animal" has the meaning given that term in ORS 659A.143.

4 (2) "Maliciously" has the meaning given that term in ORS 167.322.

5 (3) "Physical injury" has the meaning given that term in ORS 167.310.

6 (4) "Serious physical injury" has the meaning given that term in ORS 167.310.

7 (5) "Torture" has the meaning given that term in ORS 167.322.

8 **SECTION 5.** (1) A person commits the crime of interfering with an assistance animal in
9 the second degree if the person intentionally, knowingly or recklessly:

10 (a) Attempts to injure an animal the person knows or reasonably should know is an as-
11 sistance animal.

12 (b) Interferes with, or allows an animal in the person's care or control to interfere with,
13 an assistance animal while the assistance animal is being used to provide assistance to a
14 person with a disability.

15 (c) Allows an animal in the person's care or control to cause physical injury to an animal
16 the person knows or reasonably should know is an assistance animal.

17 (2)(a) Except as provided in paragraph (b) of this subsection, interfering with an assist-
18 ance animal in the second degree is a Class A misdemeanor.

19 (b) Interfering with an assistance animal in the second degree is a Class C felony if the
20 person has a prior conviction under this section or section 6 of this 2019 Act at the time of
21 the offense.

22 **SECTION 6.** (1) A person commits the crime of interfering with an assistance animal in
23 the first degree if the person:

24 (a) Maliciously kills an assistance animal;

25 (b) Intentionally or knowingly tortures an assistance animal;

26 (c) Intentionally, knowingly or recklessly causes physical injury to an animal the person
27 knows or reasonably should know is an assistance animal; or

28 (d) Intentionally, knowingly or recklessly allows an animal in the person's care or control
29 to cause serious physical injury to or kill an animal the person knows or reasonably should
30 know is an assistance animal.

31 (2)(a) Except as provided in paragraph (b) of this subsection, interfering with an assist-
32 ance animal in the first degree is a Class C felony.

33 (b) Interfering with an assistance animal in the first degree is a Class B felony if the
34 person has a prior conviction under this section or section 5 of this 2019 Act at the time of
35 the offense.

36 **SECTION 7.** For the purposes of determining restitution under ORS 137.101 to 137.109 for
37 a violation of section 5 or 6 of this 2019 Act, economic damages include but are not limited
38 to any amounts that a person with a disability could recover in an action brought under ORS
39 659A.141 (2) or (3) for an injury resulting from the act constituting the violation.

40 **SECTION 8.** ORS 131.602 is amended to read:

41 131.602. The crimes to which ORS 131.550 (12)(b) applies are:

42 (1) Bribe giving, as defined in ORS 162.015.

43 (2) Bribe receiving, as defined in ORS 162.025.

44 (3) Public investment fraud, as defined in ORS 162.117.

45 (4) Bribing a witness, as defined in ORS 162.265.

- 1 (5) Bribe receiving by a witness, as defined in ORS 162.275.
- 2 (6) Simulating legal process, as defined in ORS 162.355.
- 3 (7) Official misconduct in the first degree, as defined in ORS 162.415.
- 4 (8) Assisting another person to commit suicide, as defined in ORS 163.193.
- 5 (9) Custodial interference in the second degree, as defined in ORS 163.245.
- 6 (10) Custodial interference in the first degree, as defined in ORS 163.257.
- 7 (11) Buying or selling a person under 18 years of age, as defined in ORS 163.537.
- 8 (12) Using a child in a display of sexually explicit conduct, as defined in ORS 163.670.
- 9 (13) Encouraging child sexual abuse in the first degree, as defined in ORS 163.684.
- 10 (14) Encouraging child sexual abuse in the second degree, as defined in ORS 163.686.
- 11 (15) Encouraging child sexual abuse in the third degree, as defined in ORS 163.687.
- 12 (16) Possession of materials depicting sexually explicit conduct of a child in the first degree, as
- 13 defined in ORS 163.688.
- 14 (17) Possession of materials depicting sexually explicit conduct of a child in the second degree,
- 15 as defined in ORS 163.689.
- 16 (18) Theft in the second degree, as defined in ORS 164.045.
- 17 (19) Theft in the first degree, as defined in ORS 164.055.
- 18 (20) Aggravated theft in the first degree, as defined in ORS 164.057.
- 19 (21) Extortion, as defined in ORS 164.075.
- 20 (22) Theft by deception, as defined in ORS 164.085, if it is a felony or a Class A misdemeanor.
- 21 (23) Theft by receiving, as defined in ORS 164.095, if it is a felony or a Class A misdemeanor.
- 22 (24) Theft of services, as defined in ORS 164.125, if it is a felony or a Class A misdemeanor.
- 23 (25) Unauthorized use of a vehicle, as defined in ORS 164.135.
- 24 (26) Mail theft or receipt of stolen mail, as defined in ORS 164.162.
- 25 (27) Laundering a monetary instrument, as defined in ORS 164.170.
- 26 (28) Engaging in a financial transaction in property derived from unlawful activity, as defined
- 27 in ORS 164.172.
- 28 (29) Burglary in the second degree, as defined in ORS 164.215.
- 29 (30) Burglary in the first degree, as defined in ORS 164.225.
- 30 (31) Possession of a burglary tool or theft device, as defined in ORS 164.235.
- 31 (32) Unlawful entry into a motor vehicle, as defined in ORS 164.272.
- 32 (33) Arson in the second degree, as defined in ORS 164.315.
- 33 (34) Arson in the first degree, as defined in ORS 164.325.
- 34 (35) Computer crime, as defined in ORS 164.377.
- 35 (36) Robbery in the third degree, as defined in ORS 164.395.
- 36 (37) Robbery in the second degree, as defined in ORS 164.405.
- 37 (38) Robbery in the first degree, as defined in ORS 164.415.
- 38 (39) Unlawful labeling of a sound recording, as defined in ORS 164.868.
- 39 (40) Unlawful recording of a live performance, as defined in ORS 164.869.
- 40 (41) Unlawful labeling of a videotape recording, as defined in ORS 164.872.
- 41 (42) A violation of ORS 164.886.
- 42 (43)(a) Endangering aircraft in the first degree, as defined in ORS 164.885.
- 43 (b) Endangering aircraft in the second degree, as defined in ORS 164.885.
- 44 (44) Interference with agricultural operations, as defined in ORS 164.887.
- 45 (45) Forgery in the second degree, as defined in ORS 165.007.

- 1 (46) Forgery in the first degree, as defined in ORS 165.013.
- 2 (47) Criminal possession of a forged instrument in the second degree, as defined in ORS 165.017.
- 3 (48) Criminal possession of a forged instrument in the first degree, as defined in ORS 165.022.
- 4 (49) Criminal possession of a forgery device, as defined in ORS 165.032.
- 5 (50) Criminal simulation, as defined in ORS 165.037.
- 6 (51) Fraudulently obtaining a signature, as defined in ORS 165.042.
- 7 (52) Fraudulent use of a credit card, as defined in ORS 165.055.
- 8 (53) Negotiating a bad check, as defined in ORS 165.065.
- 9 (54) Possessing a fraudulent communications device, as defined in ORS 165.070.
- 10 (55) Unlawful factoring of a payment card transaction, as defined in ORS 165.074.
- 11 (56) Falsifying business records, as defined in ORS 165.080.
- 12 (57) Sports bribery, as defined in ORS 165.085.
- 13 (58) Sports bribe receiving, as defined in ORS 165.090.
- 14 (59) Misapplication of entrusted property, as defined in ORS 165.095.
- 15 (60) Issuing a false financial statement, as defined in ORS 165.100.
- 16 (61) Obtaining execution of documents by deception, as defined in ORS 165.102.
- 17 (62) A violation of ORS 165.543.
- 18 (63) Cellular counterfeiting in the third degree, as defined in ORS 165.577.
- 19 (64) Cellular counterfeiting in the second degree, as defined in ORS 165.579.
- 20 (65) Cellular counterfeiting in the first degree, as defined in ORS 165.581.
- 21 (66) Identity theft, as defined in ORS 165.800.
- 22 (67) A violation of ORS 166.190.
- 23 (68) Unlawful use of a weapon, as defined in ORS 166.220.
- 24 (69) A violation of ORS 166.240.
- 25 (70) Unlawful possession of a firearm, as defined in ORS 166.250.
- 26 (71) A violation of ORS 166.270.
- 27 (72) Unlawful possession of a machine gun, short-barreled rifle, short-barreled shotgun or
28 firearms silencer, as defined in ORS 166.272.
- 29 (73) A violation of ORS 166.275.
- 30 (74) Unlawful possession of armor piercing ammunition, as defined in ORS 166.350.
- 31 (75) A violation of ORS 166.370.
- 32 (76) Unlawful possession of a destructive device, as defined in ORS 166.382.
- 33 (77) Unlawful manufacture of a destructive device, as defined in ORS 166.384.
- 34 (78) Possession of a hoax destructive device, as defined in ORS 166.385.
- 35 (79) A violation of ORS 166.410.
- 36 (80) Providing false information in connection with a transfer of a firearm, as defined in ORS
37 166.416.
- 38 (81) Improperly transferring a firearm, as defined in ORS 166.418.
- 39 (82) Unlawfully purchasing a firearm, as defined in ORS 166.425.
- 40 (83) A violation of ORS 166.429.
- 41 (84) A violation of ORS 166.470.
- 42 (85) A violation of ORS 166.480.
- 43 (86) A violation of ORS 166.635.
- 44 (87) A violation of ORS 166.638.
- 45 (88) Unlawful paramilitary activity, as defined in ORS 166.660.

- 1 (89) A violation of ORS 166.720.
- 2 (90) Prostitution, as defined in ORS 167.007.
- 3 (91) Commercial sexual solicitation, as defined in ORS 167.008.
- 4 (92) Promoting prostitution, as defined in ORS 167.012.
- 5 (93) Compelling prostitution, as defined in ORS 167.017.
- 6 (94) Exhibiting an obscene performance to a minor, as defined in ORS 167.075.
- 7 (95) Unlawful gambling in the second degree, as defined in ORS 167.122.
- 8 (96) Unlawful gambling in the first degree, as defined in ORS 167.127.
- 9 (97) Possession of gambling records in the second degree, as defined in ORS 167.132.
- 10 (98) Possession of gambling records in the first degree, as defined in ORS 167.137.
- 11 (99) Possession of a gambling device, as defined in ORS 167.147.
- 12 (100) Possession of a gray machine, as defined in ORS 167.164.
- 13 (101) Cheating, as defined in ORS 167.167.
- 14 (102) Tampering with drug records, as defined in ORS 167.212.
- 15 (103) A violation of ORS 167.262.
- 16 (104) Research and animal interference, as defined in ORS 167.312.
- 17 (105) Animal abuse in the first degree, as defined in ORS 167.320.
- 18 (106) Aggravated animal abuse in the first degree, as defined in ORS 167.322.
- 19 (107) Animal neglect in the first degree, as defined in ORS 167.330.
- 20 (108) Interfering with [*an assistance*,] a search and rescue or a therapy animal, as defined in ORS
- 21 167.352.
- 22 (109) Involvement in animal fighting, as defined in ORS 167.355.
- 23 (110) Dogfighting, as defined in ORS 167.365.
- 24 (111) Participation in dogfighting, as defined in ORS 167.370.
- 25 (112) Unauthorized use of a livestock animal, as defined in ORS 167.385.
- 26 (113) Interference with livestock production, as defined in ORS 167.388.
- 27 (114) A violation of ORS 167.390.
- 28 (115) Participation in cockfighting, as defined in ORS 167.431.
- 29 (116) A violation of ORS 471.410.
- 30 (117) Failure to report missing precursor substances, as defined in ORS 475.955.
- 31 (118) Illegally selling drug equipment, as defined in ORS 475.960.
- 32 (119) Providing false information on a precursor substances report, as defined in ORS 475.965.
- 33 (120) Unlawful delivery of an imitation controlled substance, as defined in ORS 475.912.
- 34 (121) A violation of ORS 475.752, if it is a felony or a Class A misdemeanor.
- 35 (122) A violation of ORS 475.914, if it is a felony or a Class A misdemeanor.
- 36 (123) A violation of ORS 475.916.
- 37 (124) A violation of ORS 475.906, if it is a felony or a Class A misdemeanor.
- 38 (125) A violation of ORS 475.904.
- 39 (126) A violation of ORS 475B.337, if it is a felony or a Class A misdemeanor.
- 40 (127) A violation of ORS 475B.341, if it is a felony or a Class A misdemeanor.
- 41 (128) A violation of ORS 475B.346, if it is a felony or a Class A misdemeanor.
- 42 (129) A violation of ORS 475B.349, if it is a felony or a Class A misdemeanor.
- 43 (130) A violation of ORS 475B.227.
- 44 (131) Misuse of an identification card, as defined in ORS 807.430.
- 45 (132) Unlawful production of identification cards, licenses, permits, forms or camera cards, as

1 defined in ORS 807.500.

2 (133) Transfer of documents for the purposes of misrepresentation, as defined in ORS 807.510.

3 (134) Using an invalid license, as defined in ORS 807.580.

4 (135) Permitting misuse of a license, as defined in ORS 807.590.

5 (136) Using another’s license, as defined in ORS 807.600.

6 (137) Criminal driving while suspended or revoked, as defined in ORS 811.182.

7 (138) Aggravated driving while suspended or revoked, as defined in ORS 163.196.

8 (139) Driving while under the influence of intoxicants, as defined in ORS 813.010, when it is a
9 felony.

10 (140) Unlawful distribution of cigarettes, as defined in ORS 323.482.

11 (141) Unlawful distribution of tobacco products, as defined in ORS 323.632.

12 (142) A violation of ORS 180.440 (2) or 180.486 (2).

13 (143) A violation described in ORS 475.806 to 475.894, if it is a felony.

14 (144) Subjecting another person to involuntary servitude in the first degree, as defined in ORS
15 163.264.

16 (145) Subjecting another person to involuntary servitude in the second degree, as defined in ORS
17 163.263.

18 (146) Trafficking in persons, as defined in ORS 163.266.

19 (147) Luring a minor, as defined in ORS 167.057.

20 (148) Online sexual corruption of a child in the second degree, as defined in ORS 163.432.

21 (149) Online sexual corruption of a child in the first degree, as defined in ORS 163.433.

22 **(150) Interfering with an assistance animal in the second degree, as defined in section 5**
23 **of this 2019 Act.**

24 **(151) Interfering with an assistance animal in the first degree, as defined in section 6 of**
25 **this 2019 Act.**

26 [(150)] **(152)** An attempt, conspiracy or solicitation to commit a crime in subsections (1) to
27 [(149)] **(151)** of this section if the attempt, conspiracy or solicitation is a felony or a Class A
28 misdemeanor.

29 **SECTION 9.** ORS 609.420 is amended to read:

30 609.420. (1) Whenever an authorized representative of an enforcing agency is advised or has
31 reason to believe that an animal rescue entity is operating without a license, the authorized repre-
32 sentative may visit and conduct an on-site investigation of the premises of the animal rescue entity.
33 The purpose of an investigation under this section is to determine whether the animal rescue entity
34 is subject to the requirements of ORS 609.415.

35 (2) At any reasonable time, an authorized representative of an enforcing agency, a law enforce-
36 ment agency or the United States Department of Agriculture may conduct an on-site investigation
37 of the premises of any licensed animal rescue entity to determine whether the entity is in compli-
38 ance with ORS 609.415.

39 (3) An authorized representative of the enforcing agency or a law enforcement agency shall
40 conduct an on-site investigation of the premises of any licensed animal rescue entity if the agency
41 receives a complaint about the animal rescue entity related to the failure to comply with the re-
42 quirements of ORS 609.415 that the agency determines is credible and serious. The investigation by
43 the agency shall be limited to determining if the animal rescue entity has failed to comply with the
44 requirements of ORS 609.415.

45 (4) Any state agency that receives a complaint about a licensed animal rescue entity shall notify

1 the enforcing agency about the complaint and any subsequent action taken by the state agency
2 based on that complaint.

3 (5) A licensed animal rescue entity shall permit an authorized representative of the enforcing
4 agency to inspect records of the animal rescue entity and shall furnish any reports and information
5 required by the enforcing agency.

6 (6) If, during the course of an inspection made under this section, the enforcing agency finds
7 evidence of animal cruelty in violation of ORS 167.310 to 167.351, 167.352, 167.355 or 167.360 to
8 167.372 **or sections 5 or 6 of this 2019 Act**, the enforcing agency shall seize the evidence and re-
9 port the violation to law enforcement. Evidence of animal cruelty found through a valid inspection
10 under this section shall be presumed admissible in any subsequent criminal proceeding.

11 **SECTION 10. (1) Sections 4 to 7 of this 2019 Act and the amendments to ORS 167.352 by**
12 **section 1 of this 2019 Act apply to offenses committed on or after the effective date of this**
13 **2019 Act.**

14 **(2) The amendments to ORS 131.602 (108) by section 8 of this 2019 Act do not affect the**
15 **application of ORS 131.550 (12)(b) or ORS 131.602 (152) to a violation of ORS 167.352 that oc-**
16 **curred prior to the effective date of this 2019 Act.**