

HB 3384 A STAFF MEASURE SUMMARY

House Committee On Judiciary

Action Date: 04/04/23

Action: Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)

Vote: 10-0-0-0

Yeas: 10 - Andersen, Bynum, Chaichi, Conrad, Kropf, Lewis, Morgan, Reynolds, Tran, Wallan

Fiscal: Fiscal impact issued

Revenue: Revenue impact issued

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Meeting Dates: 3/13, 4/4

WHAT THE MEASURE DOES:

Creates a Class A misdemeanor crime of interfering with an investigation into an offense against an animal. Provides that a person commits animal abuse in the first degree if the person recklessly causes Class physical injury or death to an animal. Amends the crime of aggravated animal abuse in the first degree and provides that a person commits the offense if a person intentionally or knowingly tortures an animal or causes serious physical injury or death to an animal. Amends statute to provide that the crime of animal abuse in the first degree and aggravated animal abuse in the first degree are a category 7 felony on the sentencing guidelines grid in certain circumstances. Provides that animal neglect in the first degree is a Class C felony if the person committing the offense acts intentionally, knowingly, or recklessly as to the serious physical injury or death of the animal. Prohibits a person convicted of violating certain animal cruelty statutes from owning, exerting control over or residing on same property as an animal of same genus or domestic animal against which the underlying crime was committed. Provides that violation of said prohibition is a Class B misdemeanor. Creates process to request termination of prohibition, reduction in length of prohibition, or exclude certain categories of animals from prohibition. Establishes mandatory fine of \$100 for each animal a person is convicted of having committed a listed offense against. Establishes Proper Animal Husbandry Fund and directs mandatory fine be deposited into the Fund. Requires the Oregon State University Extension Service to establish a program for awarding grants to organizations that teach proper animal husbandry and animal care to youths.

ISSUES DISCUSSED:

- The seriousness of neglect of large number of animals over an extended period is not reflected in the current sentencing requirements
- Increased penalties for persons with demonstrated disregard for animal well being
- Sentencing for crime category levels in current statute

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

Under current statute a person commits the crime of aggravated animal abuse in the first degree if the person: (a) maliciously kills an animal; or (b) intentionally or knowingly tortures an animal. Animal abuse in the first degree is established if a person intentionally, knowingly or recklessly: (a) causes serious physical injury or death to an animal; or (b) cruelly causes the death of an animal. Both aggravated animal abuse in the first degree and animal abuse in the first degree are Class C felonies and are classified as crime category 6 on the sentencing guidelines grid.

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A person commits the crime of animal neglect in the first degree if the person intentionally, knowingly, recklessly or with criminal negligence: fails to provide minimum care for an animal in the person's custody or control and the failure to provide care results in serious physical injury or death to the animal; or tethers a domestic animal in the person's custody or control and the tethering results in serious physical injury or death to the domestic animal. Animal neglect is a Class A misdemeanor unless certain aggravating factors exist enhancing the severity to a Class C felony.

House Bill 3384 A amends elements of the crimes of animal abuse in the first degree and aggravated animal abuse in the first degree and classifies them as a crime category 7 on the sentencing guidelines grid in certain circumstances. It amends prohibitions on animal ownership and establishes a mandatory fine of \$100 for each animal a person is convicted of having committed a listed offense against. Establishes the Proper Animal Husbandry Fund and directs mandatory fines be deposited into the Fund. It requires the Oregon State University Extension Service to establish a program for awarding grants to organizations that teach proper animal husbandry and animal care to youths.