

Requested by Representative NERON

**PROPOSED AMENDMENTS TO
HOUSE BILL 3571**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating
2 new provisions; amending ORS 164.035 and 167.340;”.

3 Delete lines 4 through 31.

4 Delete page 2 and insert:

5 **“SECTION 1.** ORS 164.035 is amended to read:

6 “164.035. (1) In a prosecution for theft it is a defense that the defendant
7 acted under an honest claim of right, in that:

8 “(a) The defendant was unaware that the property was that of another;
9 or

10 “(b) The defendant reasonably believed that the defendant was entitled to
11 the property involved or had a right to acquire or dispose of it as the de-
12 fendant did.

13 “(2) In a prosecution for extortion committed by instilling in the victim
14 a fear that the victim or another person would be charged with a crime, it
15 is a defense that the defendant reasonably believed the threatened charge to
16 be true and that the sole purpose of the defendant was to compel or induce
17 the victim to take reasonable action to make good the wrong which was the
18 subject of the threatened charge.

19 “(3) In a prosecution for theft by receiving, it is a defense that the de-
20 fendant received, retained, concealed or disposed of the property with the
21 intent of restoring it to the owner.

1 “(4) It is a defense that the property involved was that of the defendant’s
2 spouse, unless the parties were not living together as spouses in a marriage
3 and were living in separate abodes at the time of the alleged theft.

4 **“(5) In a prosecution for theft, it is a defense that:**

5 **“(a) The defendant is an animal holding agency, or an employee,**
6 **volunteer or other agent acting on behalf of an animal holding agency;**
7 **and**

8 **“(b) The defendant complied with the provisions of section 3 of this**
9 **2023 Act.**

10 **“SECTION 2.** ORS 167.340 is amended to read:

11 “167.340. (1) A person commits the crime of animal abandonment if the
12 person intentionally, knowingly, recklessly or with criminal negligence
13 leaves a domestic animal or an equine at a location without providing min-
14 imum care.

15 “(2) It is no defense to the crime defined in subsection (1) of this section
16 that the defendant abandoned the animal at or near an animal shelter,
17 veterinary clinic or other place of shelter if the defendant did not make
18 reasonable arrangements for the care of the animal.

19 **“(3) In a prosecution for the crime defined in subsection (1) of this**
20 **section, it is a defense that:**

21 **“(a) The defendant is an animal holding agency, or an employee,**
22 **volunteer or other agent acting on behalf of an animal holding agency;**
23 **and**

24 **“(b) The defendant returned a cat to the location where the cat was**
25 **found in accordance with section 3 of this 2023 Act.**

26 “[3] (4) Animal abandonment is a Class B misdemeanor.

27 **“SECTION 3. (1) As used in this section:**

28 **“(a) ‘Animal holding agency’ means an animal rescue entity, as**
29 **defined in ORS 609.415, that is a nonprofit organization operating out**
30 **of a physical building with a published address that is open to the**

1 public at least five days per week.

2 “(b) ‘Nonprofit organization’ means an organization described in
3 section 501(c)(3) of the Internal Revenue Code that is exempt from in-
4 come tax under section 501(a) of the Internal Revenue Code.

5 “(2) An animal holding agency, or the employee, volunteer or other
6 agent acting on behalf of an animal holding agency, that takes pos-
7 session of, keeps or disposes of a cat as provided in this section is
8 immune from civil liability for conduct described in this section.

9 “(3) Upon taking possession of a cat, an animal holding agency
10 must verify whether the person who transfers the cat to the animal
11 holding agency believes the cat is unowned, stray or abandoned. If the
12 person believes the cat is unowned, stray or abandoned, the animal
13 holding agency must:

14 “(a) Keep the cat in a facility operated by the animal holding
15 agency that meets the requirements established by the State Depart-
16 ment of Agriculture by rule for that type of facility;

17 “(b) Within 24 hours of taking possession of the cat, post on the
18 animal holding agency’s website a description and photograph of the
19 cat and the location and date the cat was found;

20 “(c) Report to the municipal animal control agency in the area
21 where the cat was found; and

22 “(d) Take other reasonable steps to notify the owner of the cat that
23 the animal holding agency has possession of the cat, including pro-
24 viding notice as described in subsection (5) of this section, as applica-
25 ble.

26 “(4)(a) An animal holding agency shall keep a cat for at least:

27 “(A) Three business days if the cat is without a license, identifica-
28 tion tag or microchip; or

29 “(B) Five business days if the cat has a license, identification tag
30 or microchip.

1 **“(b) For purposes of this subsection, a business day is a day the**
2 **animal holding agency is open to the public.**

3 **“(5) If an animal holding agency is able to identify the owner of a**
4 **cat, the animal holding agency shall, as soon as is practicable, provide**
5 **notice to the owner that includes:**

6 **“(a) The address of the facility where the cat is being kept;**

7 **“(b) The procedures for redeeming the cat, including any reasonable**
8 **fees established by the animal holding agency; and**

9 **“(c) The consequences for failure to timely redeem the cat.**

10 **“(6) Notwithstanding ORS 98.005, if the owner of a cat does not re-**
11 **deem the cat during the holding period required by subsection (4) of**
12 **this section, and the animal holding agency provided notice as re-**
13 **quired by subsection (5) of this section, if the animal holding agency**
14 **was able to identify the owner, the animal holding agency shall be the**
15 **owner of the cat after the expiration of the holding period.**

16 **“(7) Upon taking ownership of a cat as described in subsection (6)**
17 **of this section, an animal holding agency may offer the cat for**
18 **adoption, transfer the cat to another agency, return the cat to the**
19 **cat’s previous owner, return the cat to the location where the cat was**
20 **found or euthanize the cat.**

21 **“(8)(a) An animal holding agency must provide any necessary med-**
22 **ical care, as determined by a licensed veterinarian, to a cat during the**
23 **holding period described in subsection (4) of this section.**

24 **“(b) An animal holding agency must provide species-appropriate**
25 **preventative health care, as directed by a licensed veterinarian, in-**
26 **cluding implementing protocols that strengthen resistance to disease**
27 **and minimize exposure to disease.**

28 **“(c) An animal holding agency may euthanize a cat before the ex-**
29 **piration of the holding period described in subsection (4) of this section**
30 **if a licensed veterinarian determines that euthanasia is necessary and**

1 the animal holding agency has exhausted all reasonable steps to notify
2 the owner.

3 “(9) An animal holding agency must keep, for a period of at least
4 one year, all records required by ORS 609.415 applicable to a cat that
5 an animal holding agency keeps or makes disposition of under this
6 section, as well as a record of the location where a cat was found and
7 the name and address, if known, of the individual who found the cat.

8 “SECTION 4. This 2023 Act takes effect on the 91st day after the
9 date on which the 2023 regular session of the Eighty-second Legislative
10 Assembly adjourns sine die.”

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