

HB 4043 B STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

Senate Committee On Judiciary**Action Date:** 02/27/24**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 5-0-0-0**Yeas:** 5 - Gelser Blouin, Linthicum, Manning Jr, Prozanski, Thatcher**Fiscal:** Has minimal fiscal impact**Revenue:** Has minimal revenue impact**Prepared By:** Amie Fender-Sosa, LPRO Analyst**Meeting Dates:** 2/21, 2/27**WHAT THE MEASURE DOES:**

Creates the crime of interfering with an investigation for offense against an animal. Modifies 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. Amends the elements of *animal neglect in the first degree*. Allows a person subject to the prohibition of owning or residing with an animal to request a modification or termination to the prohibition. Takes effect on the 91st day following adjournment sine die.

Detailed Summary:

Creates the crime of interfering with an investigation for offense against an animal, which is when a person intentionally or knowingly conceals or transports an animal or takes other action to prevent a peace officer or veterinarian from examining the suspected animal victim. Makes interference a Class A misdemeanor.

For animal abuse in the first degree, removes intentional and knowing mental states, leaving reckless behavior. Modifies elements to include death, in addition to serious physical injury, and removes the need for the cause of death to be done in a cruel manner.

Currently, if a person commits animal abuse in the presence of a minor, the animal abuse is classified as a Class C felony, and requires the CJC to classify the offense as a crime category 6. Directs the CJC to classify the above offense as a crime category 7.

Modifies the mental state for a crime of aggravated animal abuse in the first degree from maliciously killing an animal or intentionally or knowingly torturing an animal to intentionally or knowingly torturing an animal or causing serious physical injury or death to an animal.

For the crime of animal neglect, increases the crime to a Class C felony if the person acts intentionally, knowingly or recklessly as to cause physical death or injury to the animal.

Prohibits a person who has been convicted of certain animal cruelty crimes from possessing or residing with an animal of the same genus against which the crime was committed or any domestic animal for a period of five years after the conviction; current law only limits possession. Allows a person subject to the prohibition to request modification or termination of the prohibition if certain requirements are met.

Clarifies that the measure does not affect certain exemptions, including working with livestock, rodeo animals, controlling vermin, hunting, fishing, reasonable animal training techniques, or good veterinary practices. States that changes to the law only apply after the effective date of the act. Measure takes effect 91st day after sine die.

ISSUES DISCUSSED:

- Goal of closing the gaps in the animal neglect and abuse laws

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- SB 696 (2023)
- Does not criminalize ordinary, lawful activities, such as: hunting, farming, pest control, livestock production, animal husbandry, practice of veterinary medicine, etc.
- Friends will sometimes hide an abused animal, which impedes the investigation and delays providing veterinary care to the animal
- Sentencing options available for those with mental health issues, such as hoarding
- Oregon's ranking in the U.S. State Animal Protection Law Ranking Report (Animal Legal Defense Fund)
- Definitions of "malicious," "animal abuse," and "animal neglect"
- Appeal process
- Various hypotheticals
- Terms "reckless" and "cruelly"
- Negligence standards

EFFECT OF AMENDMENT:

Adds an effective date of 91st day after adjournment sine die. Clarifies that the measure is not retroactive..

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.

Under current statute, 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.