SENATE AMENDMENTS TO RESOLVE CONFLICTS TO A-ENGROSSED HOUSE BILL 4145

By COMMITTEE ON JUDICIARY

February 29

On page 3 of the printed A-engrossed bill, after line 18, insert:

"SECTION 1a. If House Bill 4043 becomes law, section 1 of this 2024 Act (amending ORS 167.310) is repealed and ORS 167.310 is amended to read:

"167.310. As used in ORS 167.310 to 167.351:

"(1) ‘Adequate bedding’ means bedding of sufficient quantity and quality to permit a domestic animal to remain dry and reasonably clean and maintain a normal body temperature.

"(2)(a) ‘Adequate shelter’ includes a barn, doghouse or other enclosed structure sufficient to protect a domestic animal from wind, rain, snow or sun, that has adequate bedding to protect against cold and dampness and that is maintained to protect the domestic animal from weather and physical injury.

"(b) ‘Adequate shelter’ does not include:

"(A) Crawl spaces under buildings or parts of buildings, such as steps, decks or stoops;

"(B) The space under a vehicle;

"(C) The inside of a vehicle if the domestic animal is kept in the vehicle in a manner or for a length of time that is likely to be detrimental to the domestic animal’s health or safety;

"(D) Shelters made from cardboard or other materials that are easily degraded by the elements;

"(E) Animal carriers or crates that are designed to provide temporary housing;

"(F) Shelters with wire or chain-link floors, unless the domestic animal is a bird; or

"(G) Shelters surrounded by waste, debris, obstructions or impediments that could adversely affect an animal’s health.

"(3) ‘Animal’ means any nonhuman mammal, bird, reptile, amphibian or fish.

"(4) ‘Domestic animal’ means an animal, other than livestock or equines, that is owned or possessed by a person.

"(5) ‘Equine’ means a horse, pony, donkey, mule, hinny, zebra or a hybrid of any of these animals.

"(6) ‘Good animal husbandry’ includes, but is not limited to, the dehorning of cattle, the docking of horses, sheep or swine, and the castration or neutering of livestock, according to accepted practices of veterinary medicine or animal husbandry.

"(7) ‘Law enforcement animal’ means a dog or horse used in law enforcement work under the control of a corrections officer, parole and probation officer, police officer or youth correction officer, as those terms are defined in ORS 181A.355, who has successfully completed at least 360 hours of training in the care and use of a law enforcement animal, or who has passed the demonstration of minimum standards established by the Oregon Police Canine Association or other accredited and recognized animal handling organization.

"(8)(a) ‘Livestock,’ except as provided in paragraph (b) of this subsection, has the meaning pro-
provided in ORS 609.125.

“(b) ‘Livestock’ does not include psittacines.

“(9) ‘Minimum care’ means care sufficient to preserve the health and well-being of an animal and, except for emergencies or circumstances beyond the reasonable control of the owner, includes, but is not limited to, the following requirements:

“(a) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.

“(b) Open or adequate access to potable water in sufficient quantity to satisfy the animal’s needs. Access to snow or ice is not adequate access to potable water.

“(c) For a domestic animal other than a dog engaged in herding or protecting livestock, access to adequate shelter.

“(d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.

“(e) For a domestic animal, continuous access to an area:

“(A) With adequate space for exercise necessary for the health of the animal;

“(B) With air temperature suitable for the animal; and

“(C) Kept reasonably clean and free from excess waste or other contaminants that could affect the animal’s health.

“(f) For a livestock animal that cannot walk or stand without assistance:

“(A) Humane euthanasia; or

“(B) The provision of immediate and ongoing care to restore the animal to an ambulatory state.

“(10) ‘Physical injury’ means physical trauma, impairment of physical condition or substantial pain.

“(11) ‘Physical trauma’ means fractures, cuts, punctures, bruises, burns or other wounds.

“(12) ‘Possess’ has the meaning provided in ORS 161.015.

“(13) ‘Serious physical injury’ means physical injury that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of a limb or bodily organ.

“(14)(a) ‘Tethering’ means to restrain a domestic animal by tying the domestic animal to any object or structure by any means.

“(b) ‘Tethering’ does not include using a handheld leash for the purpose of walking a domestic animal.

“(15) ‘Visual recording’ includes, but is not limited to, photographs, films, videotapes and computer and other digital pictures, regardless of the manner in which the recording is stored.”.

After line 31, insert:

“SECTION 2a. If House Bill 4043 becomes law, section 2 of this 2024 Act (amending ORS 167.322) is repealed and ORS 167.322, as amended by section 4, chapter ___, Oregon Laws 2024 (Enrolled House Bill 4043), is amended to read:

“167.322. (1) A person commits the crime of aggravated animal abuse in the first degree if, except as otherwise authorized by law, the person intentionally or knowingly:

“(a) Tortures an animal; [or]

“(b) Causes serious physical injury or death to an animal[.]; or

“(c) Creates a visual recording of an act described in paragraph (a) or (b) of this subsection.
“(2) Any practice of good animal husbandry is not a violation of this section.

“(3) Aggravated animal abuse in the first degree is a Class C felony and the Oregon Criminal Justice Commission shall classify the offense as crime category 6 of the sentencing guidelines grid.

“(4) Notwithstanding subsection (3) of this section, the Oregon Criminal Justice Commission shall classify the offense of aggravated animal abuse in the first degree as crime category 7 of the sentencing guidelines grid if:

“(a) The person committing the animal abuse has previously been convicted of one or more of the following offenses:

“(A) Any offense under ORS 163.160, 163.165, 163.175, 163.185 or 163.187 or the equivalent laws of another jurisdiction, if the offense involved domestic violence as defined in ORS 135.230 or the offense was committed against a minor child; or

“(B) Any offense under this section or ORS 167.320, or the equivalent laws of another jurisdiction; or

“(b) The person knowingly commits the animal abuse in the immediate presence of a minor child. For purposes of this paragraph, a minor child is in the immediate presence of animal abuse if the abuse is seen or directly perceived in any other manner by the minor child.

“(5) As used in this section, ‘torture’ means an action taken for the primary purpose of inflicting pain.”.

On page 7, after line 24, insert:

“SECTION 8a. If House Bill 4043 becomes law, section 8 of this 2024 Act (amending ORS 105.597) is repealed.”.

After line 30, insert:

“SECTION 9a. If House Bill 4043 becomes law, section 9 of this 2024 Act is amended to read:

“Sec. 9. Sections 4 and 5 of this 2024 Act and the amendments to ORS 105.597, 167.310, 167.322, 167.332 and 167.335 by sections [1] 1a, [2] 2a, [and] 6 [to 8] and 7 of this 2024 Act apply to conduct occurring on or after the effective date of this 2024 Act.”.