

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO RESOLVE CONFLICTS TO  
A-ENGROSSED HOUSE BILL 4145**

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

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3 **Act (amending ORS 167.310) is repealed and ORS 167.310 is amended to**  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

5 “167.310. As used in ORS 167.310 to 167.351:

6 “(1) ‘Adequate bedding’ means bedding of sufficient quantity and quality  
7 to permit a domestic animal to remain dry and reasonably clean and main-  
8 tain a normal body temperature.

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

14 “(b) ‘Adequate shelter’ does not include:

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

17 “(B) The space under a vehicle;

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

21 “(D) Shelters made from cardboard or other materials that are easily de-

1 graded by the elements;

2 “(E) Animal carriers or crates that are designed to provide temporary  
3 housing;

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

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

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

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

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

14 “(6) ‘Good animal husbandry’ includes, but is not limited to, the dehorn-  
15 ing of cattle, the docking of horses, sheep or swine, and the castration or  
16 neutering of livestock, according to accepted practices of veterinary medicine  
17 or animal husbandry.

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

26 “(8)(a) ‘Livestock,’ except as provided in paragraph (b) of this subsection,  
27 has the meaning provided in ORS 609.125.

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

29 “(9) ‘Minimum care’ means care sufficient to preserve the health and  
30 well-being of an animal and, except for emergencies or circumstances beyond

1 the reasonable control of the owner, includes, but is not limited to, the fol-  
2 lowing requirements:

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

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

8 “(c) For a domestic animal other than a dog engaged in herding or pro-  
9 tecting livestock, access to adequate shelter.

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

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

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

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

16 “(C) Kept reasonably clean and free from excess waste or other contam-  
17 inants that could affect the animal’s health.

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

19 “(A) Humane euthanasia; or

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

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

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

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

27 “(13) ‘Serious physical injury’ means physical injury that creates a sub-  
28 stantial risk of death or that causes protracted disfigurement, protracted  
29 impairment of health or protracted loss or impairment of the function of a  
30 limb or bodily organ.

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

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

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

8 After line 31, insert:

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

13 “167.322. (1) A person commits the crime of aggravated animal abuse in  
14 the first degree if, except as otherwise authorized by law, the person inten-  
15 tionally or knowingly:

16 “(a) Tortures an animal; [*or*]

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

18 **“(c) Creates a visual recording of an act described in paragraph (a)**  
19 **or (b) of this subsection.**

20 “(2) Any practice of good animal husbandry is not a violation of this  
21 section.

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

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

28 “(a) The person committing the animal abuse has previously been con-  
29 victed of one or more of the following offenses:

30 “(A) Any offense under ORS 163.160, 163.165, 163.175, 163.185 or 163.187

1 or the equivalent laws of another jurisdiction, if the offense involved do-  
2 mestic violence as defined in ORS 135.230 or the offense was committed  
3 against a minor child; or

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

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

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

12 On page 7, after line 24, insert:

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

15 After line 30, insert:

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

18 **“Sec. 9.** Sections 4 and 5 of this 2024 Act and the amendments to ORS  
19 [105.597,] 167.310, 167.322, 167.332 and 167.335 by sections [1] **1a**, [2] **2a**,  
20 [and] 6 [to 8] **and 7** of this 2024 Act apply to conduct occurring on or after  
21 the effective date of this 2024 Act.”.

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