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Oregon State Legislature
House Committee on Judiciary
900 Court St. NE
Salem, Oregon 97301

Re: HB 4043 (Conrad) *Relating to Animal Cruelty* - SUPPORT

On behalf of the Animal Legal Defense Fund (ALDF) and our supporters in Oregon, thank you for this opportunity to write in favor of HB 4043 and the refinements it envisions for Oregon's nation-leading animal protection laws.

The Animal Legal Defense Fund is the nation's preeminent legal advocacy organization for animals. Our mission is to protect the lives and advance the interests of animals through the legal system. In the context of crimes committed against animals, we work with stakeholders throughout the criminal justice system to prevent animal cruelty from taking place, and—when it does—ensure that the response accounts for acknowledging and restoring animal victims, building resilience and safety in communities, and reducing the risk factors of offenders.

We respectfully urge the advancement of HB 4043. The refinements presented in this bill—most notably criminalizing interference with animal cruelty investigations, and offering a pathway for possession bans to be modified responsive to resolution of offender risk factors—will substantively improve the lives of humans and animals in Oregon

Interfering With An Animal Cruelty Investigation

Investigating alleged animal cruelty can be remarkably complex. Analogous to cases involving very young children, the animal victims of cruelty are not positioned to understand what the sudden presence of investigators means, are unable to provide statements to investigators, and are quite vulnerable to being concealed or removed from the scene by offenders or third parties.

The result can be crucial delays in victims being provided with veterinary treatment, as well as evidence being degraded or destroyed.

By specifically forbidding these sort of deliberate efforts to prevent animal victims from receiving care and the crimes against them being investigated, HB 4043 removes a significant hurdle that can be present in these cases. At the same time, by carefully limiting its prohibition to intentional or knowing interference, HB 4043 ensures, for example, that third parties who are unaware of that an investigation is on-going are not exposed to liability should an animal be placed in their care.

All our clients are innocent

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Motion to Modify Bans on Animal Possession/Cohabitation

Bans on convicted animal offenders being able to possess or reside with potential animal victims are a straight-forward and effective way to make future cruelty less likely. At their core, these laws—of which ORS 167.332 is a national exemplar—underscore that choosing to be responsible for an animal means agreeing to the legal obligations that come with having custody or control of an animal: namely, committing to provide the animal with legally minimum care and not subject the animal to unlawful abuse. Those who are unwilling to live up to this should simply not be responsible for animals, and thus should have neither custody nor control of them.

At the same time, there should be a pathway allowing offenders who have demonstrated that they are subsequently capable of being responsible for animals to do so—provided that the interests of animals in being safeguarded from unlawful suffering at human hands is prioritized. HB 4043 addresses this by setting out a process by which offenders can seek modification of a ban on possessing or residing with animals, while also appropriately ensuring that the relevant threshold is assurance that such animals will not be subject to risk of victimization. By prioritizing animal safety while also supporting offender rehabilitation, HB 4043 sets its sights on not simply raising critical bulwarks against animal cruelty, but on also addressing the risk factors that give rise to cruelty in the first place.

Oregon, known as a leader in animal protection, has the opportunity to adopt these cutting-edge improvements in animal protection law by advancing HB 4043.

Thank you for your time and consideration.

Sincerely,

Jennifer Hauge & David B. Rosengard

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