

B-Engrossed
House Bill 2783

Ordered by the Senate May 30
Including House Amendments dated April 8 and Senate Amendments
dated May 30

Sponsored by COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Creates offense of unlawful tethering. Punishes by maximum of \$1,000 fine.

Specifies that person commits crime of animal neglect in first degree if person tethers domestic animal and tethering results in serious injury or death to animal. Specifies that person commits crime of animal neglect in second degree if person tethers domestic animal and tethering results in physical injury to animal.

Defines "adequate bedding" and "adequate shelter" for purposes of providing minimum care for domestic animals.

A BILL FOR AN ACT

1
2 Relating to unlawful tethering; creating new provisions; and amending ORS 167.310, 167.325 and
3 167.330.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 167.310 to**
6 **167.351.**

7 **SECTION 2. (1) A person commits the offense of unlawful tethering if the person tethers**
8 **a domestic animal in the person's custody or control:**

9 (a) **With a tether that is not a reasonable length given the size of the domestic animal**
10 **and available space and that allows the domestic animal to become entangled in a manner**
11 **that risks the health or safety of the domestic animal;**

12 (b) **With a collar that pinches or chokes the domestic animal when pulled;**

13 (c) **For more than 10 hours in a 24-hour period; or**

14 (d) **For more than 15 hours in a 24-hour period if the tether is attached to a running line,**
15 **pulley or trolley system.**

16 (2) **A person does not violate this section if the person tethers a domestic animal:**

17 (a) **While the domestic animal remains in the physical presence of the person who owns,**
18 **possesses, controls or otherwise has charge of the domestic animal;**

19 (b) **Pursuant to the requirements of a campground or other recreational area;**

20 (c) **For the purpose of engaging in an activity that requires licensure in this state, in-**
21 **cluding but not limited to hunting;**

22 (d) **To allow the person to transport the domestic animal; or**

23 (e) **That is a dog kept for herding, protecting livestock or dogsledding.**

24 (3) **Unlawful tethering is a Class B violation.**

25 **SECTION 3. ORS 167.310 is amended to read:**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 167.310. As used in ORS 167.310 to 167.351:

2 (1) **“Adequate bedding” means bedding of sufficient quantity and quality to permit a do-**
3 **mestic animal to remain dry and reasonably clean and maintain a normal body temperature.**

4 (2)(a) **“Adequate shelter” includes a barn, dog house or other enclosed structure suffi-**
5 **cient to protect a domestic animal from wind, rain, snow or sun, that has adequate bedding**
6 **to protect against cold and dampness and that is maintained to protect the domestic animal**
7 **from weather and physical injury.**

8 (b) **“Adequate shelter” does not include:**

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

10 (B) **The space under a vehicle;**

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

13 (D) **Shelters made from cardboard or other materials that are easily degraded by the el-**
14 **ements;**

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

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

17 (G) **Shelters surrounded by waste, debris, obstructions or impediments that could ad-**
18 **versely affect an animal’s health.**

19 [(1)] (3) **“Animal” means any nonhuman mammal, bird, reptile, amphibian or fish.**

20 [(2)] (4) **“Domestic animal” means an animal, other than livestock or equines, that is owned or**
21 **possessed by a person.**

22 [(3)] (5) **“Equine” means a horse, pony, donkey, mule, hinny, zebra or a hybrid of any of these**
23 **animals.**

24 [(4)] (6) **“Good animal husbandry” includes, but is not limited to, the dehorning of cattle, the**
25 **docking of horses, sheep or swine, and the castration or neutering of livestock, according to ac-**
26 **cepted practices of veterinary medicine or animal husbandry.**

27 [(5)] (7) **“Law enforcement animal” means a dog or horse used in law enforcement work under**
28 **the control of a corrections officer, parole and probation officer, police officer or youth correction**
29 **officer, as those terms are defined in ORS 181.610, who has successfully completed at least 360 hours**
30 **of training in the care and use of a law enforcement animal, or who has passed the demonstration**
31 **of minimum standards established by the Oregon Police Canine Association or other accredited and**
32 **recognized animal handling organization.**

33 [(6)] (8) **“Livestock” has the meaning provided in ORS 609.125.**

34 [(7)] (9) **“Minimum care” means care sufficient to preserve the health and well-being of an ani-**
35 **mal and, except for emergencies or circumstances beyond the reasonable control of the owner, in-**
36 **cludes, but is not limited to, the following requirements:**

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

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

41 (c) **For a domestic animal other than a dog engaged in herding or protecting livestock, access**
42 **to [a barn, dog house or other enclosed structure sufficient to protect the animal from wind, rain, snow**
43 **or sun and that has adequate bedding to protect against cold and dampness] adequate shelter.**

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

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

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

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

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

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

7 (A) Humane euthanasia; or

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

9 [(8)] (10) "Physical injury" means physical trauma, impairment of physical condition or sub-
10 stantial pain.

11 [(9)] (11) "Physical trauma" means fractures, cuts, punctures, bruises, burns or other wounds.

12 [(10)] (12) "Possess" has the meaning provided in ORS 161.015.

13 [(11)] (13) "Serious physical injury" means physical injury that creates a substantial risk of
14 death or that causes protracted disfigurement, protracted impairment of health or protracted loss
15 or impairment of the function of a limb or bodily organ.

16 (14)(a) **"Tethering" means to restrain a domestic animal by tying the domestic animal to
17 any object or structure by any means.**

18 (b) **"Tethering" does not include using a handheld leash for the purpose of walking a do-
19 mestic animal.**

20 **SECTION 4.** ORS 167.330 is amended to read:

21 167.330. (1) A person commits the crime of animal neglect in the first degree if, except as oth-
22 erwise authorized by law, the person intentionally, knowingly, recklessly or with criminal
23 negligence:

24 (a) Fails to provide minimum care for an animal in the person's custody or control and the
25 failure to provide care results in serious physical injury or death to the animal[.]; **or**

26 (b) **Tethers a domestic animal in the person's custody or control and the tethering re-
27 sults in serious physical injury or death to the domestic animal.**

28 (2) Animal neglect in the first degree is a Class A misdemeanor.

29 **SECTION 5.** ORS 167.325 is amended to read:

30 167.325. (1) A person commits the crime of animal neglect in the second degree if, except as
31 otherwise authorized by law, the person intentionally, knowingly, recklessly or with criminal
32 negligence:

33 (a) Fails to provide minimum care for an animal in such person's custody or control[.]; **or**

34 (b) **Tethers a domestic animal in the person's custody or control and the tethering re-
35 sults in physical injury to the domestic animal.**

36 (2) Animal neglect in the second degree is a Class B misdemeanor.

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