

Senate Bill 698

Sponsored by COMMITTEE ON JUDICIARY

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 **as introduced**.

Specifies that commission of animal neglect in first degree is punishable by five years' imprisonment, \$125,000 fine, or both, if certain aggravating factors exist.

Expands, for persons who commit certain offenses against animals, prohibition against possession of domestic animal to prohibition against possession of domestic animal, equine or animal of same genus against which offense was committed.

A BILL FOR AN ACT

1
2 Relating to offenses against animals; creating new provisions; and amending ORS 167.330 and
3 167.332.

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

5 **SECTION 1.** ORS 167.330 is amended to read:

6 167.330. (1) A person commits the crime of animal neglect in the first degree if, except as oth-
7 erwise authorized by law, the person intentionally, knowingly, recklessly or with criminal negligence
8 fails to provide minimum care for an animal in the person's custody or control and the failure to
9 provide care results in serious physical injury or death to the animal.

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

11 **(3) Notwithstanding subsection (2) of this section, animal neglect in the first degree is a**
12 **Class C felony if the person commits the crime of animal neglect in the first degree and:**

13 **(a) The person has previously been convicted of animal neglect in the first degree or the**
14 **equivalent law of another jurisdiction or animal neglect in the second degree or the equiv-**
15 **alent law of another jurisdiction;**

16 **(b) The commission of the crime is part of a criminal episode involving 10 or more ani-**
17 **mals; or**

18 **(c) The person knows that a minor is seeing or otherwise directly perceiving the crime.**

19 **SECTION 2.** ORS 167.332 is amended to read:

20 167.332. (1) In addition to any other penalty imposed by law, a person convicted of violating ORS
21 167.315, 167.325, 167.330, 167.333, 167.340 or 167.355 or of a misdemeanor under ORS 167.320, may
22 not possess a domestic animal, **an equine or any animal of the same genus against which the**
23 **crime was committed** for a period of five years following entry of the conviction.

24 (2) In addition to any other penalty imposed by law, a person convicted of violating ORS 167.322,
25 167.365 or 167.428 or of a felony under ORS 167.320, may not possess a domestic animal, **an equine**
26 **or any animal of the same genus against which the crime was committed** for a period of 15
27 years following entry of the conviction.

28 (3) A person who possesses [*a domestic*] **an** animal in violation of this section commits a Class
29 C misdemeanor. When a person is convicted of possessing [*a domestic*] **an** animal in violation of this
30 section, the court may order the removal of [*domestic*] animals from the person's residence.

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 **SECTION 3.** The amendments to ORS 167.330 and 167.332 by sections 1 and 2 of this 2013
2 Act apply to conduct occurring on or after the effective date of this 2013 Act.
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