

Senate Bill 913

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**.

Creates offense of trafficking in animal parts. Provides that knowing purchase, sale, offering for sale, possession with intent to sell or importation for purchase or sale in this state of ivory, rhinoceros horn, ivory products or rhinoceros horn products is offense. Creates exceptions.

Makes first offense punishable by maximum of 30 days' imprisonment and by maximum fine of \$1,250 or twice fair market value of ivory, rhinoceros horn, ivory product or rhinoceros horn product, whichever is greater. Makes second or subsequent offense punishable by maximum of 30 days' imprisonment and by maximum fine of \$6,250 or twice fair market value of ivory, rhinoceros horn, ivory product or rhinoceros horn product, whichever is greater. Directs method of disposition for ivory, rhinoceros horn, ivory product or rhinoceros horn product upon forfeiture.

A BILL FOR AN ACT

1
2 Relating to trafficking in animal parts.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Ivory" means all or part of a tusk or tooth, in raw form or worked form, from:**

6 (A) **An elephant;**

7 (B) **A hippopotamus;**

8 (C) **A mammoth;**

9 (D) **A narwhal;**

10 (E) **A walrus; or**

11 (F) **A whale.**

12 (b) **"Ivory product" means an item:**

13 (A) **Derived from or consisting in whole or in part of ivory; or**

14 (B) **Represented as being derived from or as consisting in whole or in part of ivory.**

15 (c) **"Raw form" means a polished or unpolished state that is unaltered or is minimally**
16 **altered by carving.**

17 (d) **"Rhinoceros horn" means:**

18 (A) **All or part of the horn from a member of any rhinoceros species.**

19 (B) **Powders or other items derived in whole or in part from the horn of a member of**
20 **any rhinoceros species.**

21 (e) **"Rhinoceros horn product" means an item:**

22 (A) **Consisting in whole or in part of rhinoceros horn; or**

23 (B) **Represented as consisting in whole or in part of rhinoceros horn.**

24 (f) **"Sell":**

25 (A) **Means a sale, bartering or other exchange for monetary or nonmonetary consider-**
26 **ation.**

27 (B) **Does not mean a transfer by gift, donation, devise or inheritance.**

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 (g) “Worked form” means a state that is embellished, carved, marked or otherwise al-
 2 tered to the extent of no longer being in raw form.

3 (2) Except as provided in this section, a person commits the offense of trafficking in an-
 4 imal parts if the person knowingly purchases, sells, offers for sale, possesses with the intent
 5 to sell or imports for purposes of purchase or sale in this state:

- 6 (a) Ivory;
- 7 (b) Rhinoceros horn;
- 8 (c) An ivory product; or
- 9 (d) A rhinoceros horn product.

10 (3) For purposes of subsection (2) of this section, it is prima facie evidence that ivory,
 11 rhinoceros horn, an ivory product or a rhinoceros horn product:

- 12 (a) Is being offered for sale if present at a retail or wholesale establishment in a case,
 13 counter, display or other place where the establishment displays goods offered for sale; or
- 14 (b) Is possessed with the intent to sell if present at a retail or wholesale establishment
 15 in a location where the establishment stores or secures goods awaiting sale.

16 (4) This section does not apply to:

- 17 (a) Any employee or agent of federal or state government acting within the scope of of-
 18 ficial duties;
- 19 (b) Public universities identified in ORS 352.002 or private and independent institutions
 20 of higher education as defined in ORS 352.720, if the ivory, rhinoceros horn, ivory product
 21 or rhinoceros horn product is to be used for educational, academic or research purposes; or
- 22 (c) A museum operated by a unit of government or by a historical society formed under
 23 ORS chapter 65, if the ivory, rhinoceros horn, ivory product or rhinoceros horn product is
 24 to be used for the primary purpose of the museum.

25 (5) The offense of trafficking in animal parts is an unclassified misdemeanor punishable:

- 26 (a) For a first offense, by not more than 30 days’ imprisonment and a fine equal to the
 27 greater of \$1,250 or twice the fair market value of the ivory, rhinoceros horn, ivory product
 28 or rhinoceros horn product; or
- 29 (b) For a second or subsequent offense, by not more than 30 days’ imprisonment and a
 30 fine equal to the greater of \$6,250 or twice the fair market value of the ivory, rhinoceros
 31 horn, ivory product or rhinoceros horn product.

32 (6) If a person is convicted of an offense under this section, the court shall enter an or-
 33 der of forfeiture for the ivory, rhinoceros horn, ivory product or rhinoceros horn product
 34 that was the subject of the offense. The court shall order that forfeited ivory, rhinoceros
 35 horn, ivory product or rhinoceros horn product be transferred to the State Department of
 36 Fish and Wildlife. The department may destroy the forfeited ivory, rhinoceros horn, ivory
 37 product or rhinoceros horn product or may transfer possession of the forfeited ivory,
 38 rhinoceros horn, ivory product or rhinoceros horn product without charge to a university,
 39 institution or museum for use as described in subsection (4)(b) or (c) of this section.

40 **SECTION 2.** Section 1 of this 2015 Act applies to purchases, sales, offerings, possession
 41 and imports occurring 180 or more days after the effective date of this 2015 Act.