

SENATE AMENDMENTS TO SENATE BILL 913

By COMMITTEE ON JUDICIARY

April 24

- 1 On page 1 of the printed bill, delete lines 4 through 27 and delete page 2 and insert:
- 2 **“SECTION 1. (1) As used in this section:**
- 3 **“(a) ‘Ivory’ means all or part of a tusk or tooth, in raw form or worked form, from an**
4 **elephant or a mammoth.**
- 5 **“(b) ‘Ivory product’ means an item:**
- 6 **“(A) Derived from or consisting in whole or in part of ivory; or**
7 **“(B) Represented as being derived from or as consisting in whole or in part of ivory.**
- 8 **“(c) ‘Raw form’ means a polished or unpolished state that is unaltered or is minimally**
9 **altered by carving.**
- 10 **“(d) ‘Rhinoceros horn’ means:**
- 11 **“(A) All or part of the horn from a member of any rhinoceros species.**
12 **“(B) Powders or other items derived in whole or in part from the horn of a member of**
13 **any rhinoceros species.**
- 14 **“(e) ‘Rhinoceros horn product’ means an item:**
- 15 **“(A) Consisting in whole or in part of rhinoceros horn; or**
16 **“(B) Represented as consisting in whole or in part of rhinoceros horn.**
- 17 **“(f) ‘Sell’:**
- 18 **“(A) Means to transact a sale, barter or other exchange for monetary or nonmonetary**
19 **consideration.**
- 20 **“(B) Does not mean a transfer by gift, donation, devise or inheritance.**
- 21 **“(g) ‘Worked form’ means a state that is embellished, carved, marked or otherwise al-**
22 **tered to the extent of no longer being in raw form.**
- 23 **“(2) Except as otherwise provided in this section, a person commits the offense of traf-**
24 **ficking in animal parts if the person knowingly purchases, sells, offers for sale, possesses**
25 **with the intent to sell or imports for purposes of purchase or sale in this state:**
- 26 **“(a) Ivory;**
- 27 **“(b) Rhinoceros horn;**
- 28 **“(c) An ivory product; or**
- 29 **“(d) A rhinoceros horn product.**
- 30 **“(3) For the purposes of subsection (2) of this section, it is prima facie evidence that**
31 **ivory, rhinoceros horn, an ivory product or a rhinoceros horn product:**
- 32 **“(a) Is being offered for sale if present at a retail or wholesale establishment in a case,**
33 **counter, display or other place where the establishment displays goods offered for sale; or**
- 34 **“(b) Is possessed with the intent to sell if present at a retail or wholesale establishment**
35 **in a location where the establishment stores or secures goods awaiting sale.**

1 **“(4) This section does not apply to:**
2 **“(a) Any employee or agent of federal or state government acting within the scope of**
3 **official duties;**
4 **“(b) Activity that is expressly authorized by federal law;**
5 **“(c) Public universities listed in ORS 352.002 or private and independent institutions of**
6 **higher education as defined in ORS 352.720, if the ivory, rhinoceros horn, ivory product or**
7 **rhinoceros horn product is to be used for educational, academic or research purposes;**
8 **“(d) A museum operated by a unit of government or by a historical society formed under**
9 **ORS chapter 65, if the ivory, rhinoceros horn, ivory product or rhinoceros horn product is**
10 **to be used for the primary purpose of the museum;**
11 **“(e) A zoo that is operated by a unit of government and is certified under standards that**
12 **equal or exceed the certification standards of the Association of Zoos and Aquariums in ef-**
13 **fect on the effective date of this 2015 Act, if the ivory, rhinoceros horn, ivory product or**
14 **rhinoceros horn product is to be used for the primary purpose of the zoo;**
15 **“(f) Transactions regarding a gun or knife that contains ivory or ivory product if:**
16 **“(A) The ivory or ivory product is less than 20 percent of the gun or knife by volume;**
17 **and**
18 **“(B) The seller or prospective seller establishes by documentation that the gun or knife**
19 **was manufactured before 1976; or**
20 **“(g) Transactions regarding a musical instrument, or a pick, bow or other item designed**
21 **for playing a musical instrument, that contains ivory or ivory product if:**
22 **“(A) The ivory or ivory product is less than 20 percent of the musical instrument or item**
23 **by volume; and**
24 **“(B) The seller or prospective seller establishes by documentation that the musical in-**
25 **strument or item:**
26 **“(i) Was manufactured on or before January 18, 1990, if it contains ivory or ivory product**
27 **from an elephant; or**
28 **“(ii) Was manufactured on or before the effective date of this 2015 Act, if it contains**
29 **ivory or ivory product only from a mammoth.**
30 **“(5) The offense of trafficking in animal parts is an unclassified misdemeanor punishable:**
31 **“(a) For a first offense, by not more than 30 days’ imprisonment and a fine equal to the**
32 **greater of \$1,250 or twice the fair market value of the ivory, rhinoceros horn, ivory product**
33 **or rhinoceros horn product; or**
34 **“(b) For a second or subsequent offense, by not more than 30 days’ imprisonment and a**
35 **fine equal to the greater of \$6,250 or twice the fair market value of the ivory, rhinoceros**
36 **horn, ivory product or rhinoceros horn product.**
37 **“(6) If a person is convicted of an offense under this section, the court shall enter an**
38 **order of forfeiture for the ivory, rhinoceros horn, ivory product or rhinoceros horn product**
39 **that was the subject of the offense. The court shall order that forfeited ivory, rhinoceros**
40 **horn, ivory product or rhinoceros horn product be transferred to the State Department of**
41 **Fish and Wildlife. The department may destroy the forfeited ivory, rhinoceros horn, ivory**
42 **product or rhinoceros horn product or may transfer possession of the forfeited ivory,**
43 **rhinoceros horn, ivory product or rhinoceros horn product without charge to a university,**
44 **institution, museum or zoo described in subsection (4)(c) to (e) of this section for use as**
45 **described in subsection (4)(c) to (e) of this section.**

1 **“SECTION 2. Section 1 of this 2015 Act applies to purchases, sales, offerings, possession**
2 **and imports occurring on or after January 1, 2017.”.**
3 _____