

**A-Engrossed**  
**House Bill 4050**

Ordered by the House February 19  
Including House Amendments dated February 19

Sponsored by Representative BARKER (Pre-session filed.)

**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.

Consolidates provisions prohibiting commercial transactions related to cockfighting equipment.  
**Provides that exemption of certain activities from provisions dealing with offenses against animals does not exempt activities from animal possession prohibition.**

**A BILL FOR AN ACT**

1  
2 Relating to animals; creating new provisions; and amending ORS 167.335, 167.428 and 167.431.

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

4 **SECTION 1.** ORS 167.428 is amended to read:

5 167.428. (1) A person commits the crime of cockfighting if the person knowingly:

6 (a) Owns, possesses, keeps, rears, trains, buys, sells or advertises or otherwise offers to sell a  
7 fighting bird.

8 (b) Promotes or participates in, or performs services in furtherance of, the conducting of a  
9 cockfight. As used in this paragraph, "services in furtherance" includes, but is not limited to,  
10 transporting spectators to a cockfight, handling fighting birds, organizing, advertising or refereeing  
11 a cockfight and providing, or acting as stakeholder for, money wagered on a cockfight.

12 (c) Keeps, uses or manages, or accepts payment of admission to, a place for the conducting of  
13 a cockfight.

14 (d) Suffers or permits a place in the possession or control of the person to be occupied, kept or  
15 used for the conducting of a cockfight.

16 *[(e) Manufactures, buys, sells, barter, exchanges, possesses, advertises or otherwise offers to sell*  
17 *a gaff, slasher or other sharp implement designed for attachment to a fighting bird with the intent that*  
18 *the gaff, slasher or other sharp implement be used in cockfighting.]*

19 (2) Subsection (1)(a) of this section does not apply to the owning, possessing, keeping, rearing,  
20 buying, selling, advertising or otherwise offering for sale of a bird for purposes other than training  
21 the bird as a fighting bird, using or intending to use the bird in cockfighting or supplying the bird  
22 knowing that the bird is intended to be used in cockfighting.

23 (3) Cockfighting is a Class C felony.

24 **SECTION 2.** ORS 167.431 is amended to read:

25 167.431. (1) A person commits the crime of participation in cockfighting if the person knowingly:

26 (a) Attends a cockfight or pays admission at any location to view or bet on a cockfight; or

27 (b) Manufactures, buys, sells, barter, exchanges, possesses, advertises or otherwise offers to sell  
28 **a gaff, slasher or other sharp implement designed for attachment to a fighting bird, or other**

**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 equipment, with the intent that the **gaff, slasher, implement or** equipment be used in training or  
2 handling a fighting bird or for enhancing the fighting ability of a fighting bird. [*This paragraph does*  
3 *not apply to a gaff, slasher or other sharp implement designed for attachment to a fighting bird.*]

4 (2) Participation in cockfighting is a Class C felony.

5 **SECTION 3. The amendments to ORS 167.428 and 167.431 by sections 1 and 2 of this 2018**  
6 **Act apply to conduct engaged in on or after the effective date of this 2018 Act. The amend-**  
7 **ments to ORS 167.428 by section 1 of this 2018 Act do not exempt any person from prose-**  
8 **cution or from criminal penalties provided for in ORS 167.428, as set forth in the 2017 Edition**  
9 **of Oregon Revised Statutes, with regard to conduct occurring prior to the effective date of**  
10 **this 2018 Act.**

11 **SECTION 4.** ORS 167.335 is amended to read:

12 167.335. (1) **Except as provided in subsection (2) of this section,** unless gross negligence can  
13 be shown, the provisions of ORS 167.315 to 167.333 do not apply to:

14 [(1)] (a) The treatment of livestock being transported by owner or common carrier;

15 [(2)] (b) Animals involved in rodeos or similar exhibitions;

16 [(3)] (c) Commercially grown poultry;

17 [(4)] (d) Animals subject to good animal husbandry practices;

18 [(5)] (e) The killing of livestock according to the provisions of ORS 603.065;

19 [(6)] (f) Animals subject to good veterinary practices as described in ORS 686.030;

20 [(7)] (g) Lawful fishing, hunting and trapping activities;

21 [(8)] (h) Wildlife management practices under color of law;

22 [(9)] (i) Lawful scientific or agricultural research or teaching that involves the use of animals;

23 [(10)] (j) Reasonable activities undertaken in connection with the control of vermin or pests; and

24 [(11)] (k) Reasonable handling and training techniques.

25 **(2) Subsection (1) of this section does not create an exemption from ORS 167.332.**

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