

# D R A F T

## SUMMARY

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.

## A BILL FOR AN ACT

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

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

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

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

**(a) In a location that is not free of obstructions that could cause strangulation;**

**(b) With a tether that is less than 15 feet in length;**

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

**(d)(A) For more than five hours in a 24-hour period; or**

**(B) If the tether is attached to a zipline, for more than 10 hours in a 24-hour period.**

**(2) A person does not violate this section if the tethered domestic**

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 animal remains in the physical presence of a person or the person  
2 tethers a domestic animal:

3 (a) Pursuant to the requirements of a campground or other recre-  
4 ational area;

5 (b) For the purpose of engaging in an activity that requires  
6 licensure in this state; or

7 (c) For the purpose of protecting the domestic animal from an ac-  
8 tivity related to cultivating or harvesting an agricultural or forest  
9 product.

10 (3) This section does not apply to a veterinary facility or a person  
11 that is transporting the domestic animal.

12 (4) Unlawful tethering is a Class B violation.

13 SECTION 3. ORS 167.310 is amended to read:

14 167.310. As used in ORS 167.310 to 167.351:

15 (1) "Adequate bedding" includes straw, wood shavings, blankets or  
16 other bedding made of fabric.

17 (2)(a) "Adequate shelter" includes a barn, dog house or other en-  
18 closed structure sufficient to protect an animal from wind, rain, snow  
19 or sun and that has adequate bedding to protect against cold and  
20 dampness.

21 (b) "Adequate shelter" does not include:

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

24 (B) The space under a vehicle;

25 (C) The inside of a vehicle, other than a functional climate con-  
26 trolled motor home;

27 (D) Shelters made from cardboard or other materials that are easily  
28 degraded by the elements;

29 (E) Animal carriers or crates that are designed to provide tempo-  
30 rary housing;

31 (F) Shelters with wire or chain-link floors; or

1       **(G) Shelters surrounded by waste, debris, obstructions or imped-**  
2 **iments that could adversely affect an animal's health.**

3       ~~[(1)]~~ **(3)** "Animal" means any nonhuman mammal, bird, reptile, amphibian  
4 or fish.

5       ~~[(2)]~~ **(4)** "Domestic animal" means an animal, other than livestock or  
6 equines, that is owned or possessed by a person.

7       ~~[(3)]~~ **(5)** "Equine" means a horse, pony, donkey, mule, hinny, zebra or a  
8 hybrid of any of these animals.

9       ~~[(4)]~~ **(6)** "Good animal husbandry" includes, but is not limited to, the de-  
10 horning of cattle, the docking of horses, sheep or swine, and the castration  
11 or neutering of livestock, according to accepted practices of veterinary  
12 medicine or animal husbandry.

13       ~~[(5)]~~ **(7)** "Law enforcement animal" means a dog or horse used in law  
14 enforcement work under the control of a corrections officer, parole and pro-  
15 bation officer, police officer or youth correction officer, as those terms are  
16 defined in ORS 181.610, who has successfully completed at least 360 hours  
17 of training in the care and use of a law enforcement animal, or who has  
18 passed the demonstration of minimum standards established by the Oregon  
19 Police Canine Association or other accredited and recognized animal handl-  
20 ing organization.

21       ~~[(6)]~~ **(8)** "Livestock" has the meaning provided in ORS 609.125.

22       ~~[(7)]~~ **(9)** "Minimum care" means care sufficient to preserve the health and  
23 well-being of an animal and, except for emergencies or circumstances beyond  
24 the reasonable control of the owner, includes, but is not limited to, the fol-  
25 lowing requirements:

26       (a) Food of sufficient quantity and quality to allow for normal growth or  
27 maintenance of body weight.

28       (b) Open or adequate access to potable water in sufficient quantity to  
29 satisfy the animal's needs. Access to snow or ice is not adequate access to  
30 potable water.

31       (c) For a domestic animal other than a dog engaged in herding or pro-

1 tecting livestock, access to *[a barn, dog house or other enclosed structure*  
2 *sufficient to protect the animal from wind, rain, snow or sun and that has*  
3 *adequate bedding to protect against cold and dampness]* **adequate shelter.**

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

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

7 (A) With adequate space for exercise necessary for the health of the ani-  
8 mal;

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

10 (C) Kept reasonably clean and free from excess waste or other contam-  
11 inants that could affect the animal's health.

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

13 (A) Humane euthanasia; or

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

16 [(8)] (10) "Physical injury" means physical trauma, impairment of physical  
17 condition or substantial pain.

18 [(9)] (11) "Physical trauma" means fractures, cuts, punctures, bruises,  
19 burns or other wounds.

20 [(10)] (12) "Possess" has the meaning provided in ORS 161.015.

21 [(11)] (13) "Serious physical injury" means physical injury that creates a  
22 substantial risk of death or that causes protracted disfigurement, protracted  
23 impairment of health or protracted loss or impairment of the function of a  
24 limb or bodily organ.

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

27 (b) **"Tethering" does not include using a handheld leash for the**  
28 **purpose of walking a domestic animal.**

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

30 167.330. (1) A person commits the crime of animal neglect in the first de-  
31 gree if, except as otherwise authorized by law, the person intentionally,

1 knowingly, recklessly or with criminal negligence:

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

5 (b) Tethers a domestic animal in the person's custody or control  
6 and the tethering results in serious physical injury or death to the  
7 domestic animal.

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

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

10 167.325. (1) A person commits the crime of animal neglect in the second  
11 degree if, except as otherwise authorized by law, the person intentionally,  
12 knowingly, recklessly or with criminal negligence:

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

15 (b) Tethers a domestic animal in the person's custody or control  
16 and the tethering results in physical injury to the domestic animal.

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

