

House Bill 2745

Sponsored by Representatives GELSER, WITT (at the request of Scott Heiser, former Benton County District Attorney)

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**.

Allows action to enjoin or restrain nuisance if place is used for certain activities involving animals.

A BILL FOR AN ACT

1
2 Relating to proceedings against nuisance properties; amending ORS 105.555.

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

4 **SECTION 1.** ORS 105.555 is amended to read:

5 105.555. (1) The following are declared to be nuisances and shall be enjoined and abated as
6 provided in ORS 105.550 to 105.600:

7 (a) Any place that, as a regular course of business, is used for the purpose of prostitution and
8 any place where acts of prostitution or patronizing a prostitute occur[;].

9 (b) Any place that is used and maintained for profit and for the purpose of gambling or a lottery,
10 as defined in ORS 167.117, by any person, partnership or corporation organized for profit and
11 wherein take place any of the acts or wherein are kept, stored or located any of the games, devices
12 or things that are forbidden by or made punishable by ORS 167.108 to 167.164[;].

13 (c) Any place that has been determined to be not fit for use under ORS 453.876 and that has
14 not been decontaminated and certified as fit for use under ORS 453.885 within 180 days after the
15 determination under ORS 453.876[; *and*].

16 (d) Any place where activity involving the unauthorized delivery, manufacture or possession of
17 a controlled substance, as defined in ORS 475.005, occurs or any place wherein are kept, stored or
18 located any of the devices, equipment, things or substances used for unauthorized delivery, manu-
19 facture or possession of a controlled substance. As used in this paragraph, "devices, equipment,
20 things" does not include hypodermic syringes or needles. This paragraph does not apply to acts that
21 constitute violations under ORS 475.860 or 475.864.

22 (e) **Any place being used on a continuous, regular or sporadic basis for carrying out any**
23 **of the following activities involving animals, except activities and animals described under**
24 **ORS 167.335 and activities constituting good animal husbandry practices, whether or not**
25 **carried out with a particular mental state:**

26 (A) **Causing physical injury or serious physical injury, both as defined in ORS 167.310, or**
27 **cruelly causing death.**

28 (B) **Killing maliciously as defined in ORS 167.322 or committing torture as defined in ORS**
29 **167.322.**

30 (C) **Failing to provide minimum care as defined in ORS 167.310.**

31 (D) **Possession of a domestic animal as defined in ORS 167.310 by a person described un-**

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 **der ORS 167.332.**

2 **(f) Any place appearing to be vacant at which a domestic animal or equine, both as de-**
3 **defined in ORS 167.310, are present and have been left without provision for minimum care as**
4 **defined in ORS 167.310.**

5 **(g) Any place being used on a continuous, regular or sporadic basis for carrying out any**
6 **of the following activities involving animals, whether or not carried out with a particular**
7 **mental state:**

8 **(A) Training or keeping an animal for use in an exhibition of fighting as defined in ORS**
9 **167.355.**

10 **(B) Preparing for, occupation for, promoting, conducting or participating in an exhibition**
11 **of fighting as defined in ORS 167.355.**

12 **(C) Possessing, keeping, breeding, training, buying, selling or offering for sale a fighting**
13 **dog as defined in ORS 167.360.**

14 **(D) Promoting, conducting, participating in or performing services in furtherance of a**
15 **dogfight as defined in ORS 167.360.**

16 **(E) Occupation, keeping or use of the place for a dogfight as defined in ORS 167.360.**

17 **(F) Exchanging for commerce raw fur of a domestic cat or dog as defined in ORS 167.390,**
18 **or products that include the fur of a domestic cat or dog, if the fur is obtained through a**
19 **process that kills or maims the domestic cat or dog.**

20 **(G) Possessing, keeping, rearing, training, buying, selling or offering for sale a fighting**
21 **bird as defined in ORS 167.426.**

22 **(H) Promoting, conducting, participating in or performing services in furtherance of a**
23 **cockfight as defined in ORS 167.426.**

24 **(I) Occupation, keeping or use of the place for a cockfight as defined in ORS 167.426.**

25 **(h) Any place being used on a continuous, regular or sporadic basis for carrying out any**
26 **of the following activities involving animals:**

27 **(A) Sexual assault as described in ORS 167.333.**

28 **(B) Selling or offering for sale equipment for the purpose of training a fighting dog as**
29 **defined in ORS 167.360.**

30 **(C) Possession of dogfighting paraphernalia as described under ORS 167.372.**

31 **(D) Possessing, controlling or otherwise having charge at the same time of more than**
32 **50 sexually intact dogs that are two or more years of age for the primary purpose of re-**
33 **production.**

34 **(E) Manufacturing, buying, selling, bartering, exchanging, possessing or offering for sale**
35 **a gaff or slasher as those terms are defined in ORS 167.426, or other sharp implement de-**
36 **signed for attachment to the leg of a fighting bird as defined in ORS 167.426, with the intent**
37 **that the gaff, slasher or other sharp implement be used in a cockfight as defined in ORS**
38 **167.426.**

39 **(F) Manufacturing, buying, selling, bartering, exchanging, possessing or offering for sale**
40 **equipment other than equipment described in subparagraph (E) of this paragraph, with the**
41 **intent that the equipment be used to train or handle a fighting bird as defined in ORS 167.426**
42 **or to enhance the fighting ability of a fighting bird.**

43 **(2) Nothing in ORS 105.550 to 105.600, 166.715 and 167.158 applies to property to the extent that**
44 **the devices, equipment, things or substances that are used for delivery, manufacture or possession**
45 **of a controlled substance are kept, stored or located in or on the property for the purpose of lawful**

1 sale or use of these items.

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