

## HB 3571 -2 STAFF MEASURE SUMMARY

### House Committee On Judiciary

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**Meeting Dates:** 3/21, 4/3

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#### **WHAT THE MEASURE DOES:**

Requires an animal holding agency, upon taking possession of a cat or dog, to: verify that the person transferring the cat or dog to the agency believes the cat or dog to be lost, stray, or abandoned; keep it in a facility approved for that purpose; post information and a photo of the animal on the agency's website within 24 hours of taking possession; and take other reasonable steps to notify the owner. Specifies additional notice requirements if an owner is identified. Sets minimum number of business days that the agency must keep a cat or dog as five days if the animal has a license, identification tag or microchip, and three days if it does not; if no owner appears during that time, the agency becomes the owner and may offer the animal for adoption or euthanize the animal. Permits euthanasia of the cat or dog within the holding period if deemed necessary by a licensed veterinarian, after the agency has exhausted all reasonable steps to notify the owner. Provides that an animal holding agency taking possession of, keeping or disposing of a cat or dog does not commit theft in the first degree and is immune from prosecution or civil liability for the act, if the agency complied with requirements in the measure. Requires the agency to keep certain related records for at least one year. Takes effect 91st day following adjournment sine die.

#### **ISSUES DISCUSSED:**

- Have to hold stray cats for 90 days before rehoming them
- Dogs are already regulated with impoundment statute
- Avoiding creation of cat-at-large law
- Search and seizure procedure for animals

#### **EFFECT OF AMENDMENT:**

-2 Removes references to dogs; applies only to cats. Establishes defense to crime of theft of a cat for an animal holding agency or its employee or agent that complies with the measure, and defense to crime of animal abandonment of a cat if an animal holding agency returns the cat to where it was found. Creates immunity from civil liability for an animal holding agency to take possession of, keep or dispose of a cat as provided in the measure. Specifies that an agency must verify whether the person who transfers the cat to the agency believes the cat is unowned, stray or abandoned. Permits transfer of ownership of the cat to the agency if the owner does not redeem the cat during the holding period. Provides additional actions that the agency may take as owner of a cat to include transferring the cat to another agency, returning the cat to its previous owner, or returning the cat to where it was found. Defines animal holding agency as a nonprofit operating out of a physical building that is open to the public at least five days per week. Specifies that it is required rather than permissible for the agency to provide necessary medical care and preventative care to the cat during the holding period.

#### **BACKGROUND:**

Animals are considered property under Oregon law. Finders of lost property are required to take reasonable measures to restore the property to the owner. A person who finds money or goods valued at \$250 or more must give notice to a county clerk, publish a notice in the newspaper once a week for two consecutive weeks, and may become the owner of the property if the money or goods are not claimed within three months. Oregon's dog control laws permit police officers and dog control officers to impound dogs found running at large where prohibited by the county. A dog with a license or tag must be impounded for at least three days and otherwise must be kept for five days, and reasonable efforts must be made to notify the dog's keeper. If the keeper does not

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redeem the dog within that time, the dog control board or county can rehome or euthanize the dog. There are no similar laws applicable to stray cats.

House Bill 3571 immunizes animal holding agencies from criminal prosecution and civil liability for taking possession of a cat or dog, requires the agencies to make certain postings and notifications and hold the cat or dog for a minimum number of days, and transfers ownership of the animal to the agency if no owner has appeared within that time and the agency took all reasonable notification steps.