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Measure Description:

Creates the crime of interfering with an investigation into an offense against an animal, a Class A misdemeanor. Amends the crime of animal abuse in the first degree and the crime of aggravated animal abuse in the first degree.

Government Unit(s) Affected:

Department of Agriculture, Cities, Counties, Criminal Justice Commission, Department of Corrections, Department of Justice, Department of State Police, District Attorneys, Judicial Department, Oregon Youth Authority, Public Defense Services Commission, Higher Education Coordinating Commission

Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

Analysis:

The measure makes modifications to crimes involving animals, including animal abuse, aggravated animal abuse, animal neglect, and possessing or residing with an animal after conviction of a crime against animals. The measure creates the crime of interfering with an investigation into an offense against an animal, a Class A misdemeanor, if a person intentionally or knowingly conceals an animal, transports an animal, or takes other action to prevent a peace officer or licensed veterinarian from examining an animal suspected of a violation of animal cruelty laws. The measure authorizes courts to impose a \$100 fine, in addition to any other sentence of fine or imprisonment, for each animal involved in specified crimes related to animals for which someone was convicted. These funds are deposited into the Criminal Fines Account (CFA).

The measure establishes the Proper Animal Husbandry Fund (PAHF), separate and distinct from the General Fund, and continuously appropriates monies in the fund to the Higher Education Coordinating Commission for distribution to the Oregon State University (OSU) Extension Service. The measure directs OSU to use the funds to establish a program for awarding grants to organizations that teach proper animal husbandry and animal care to youths. Finally, the measure expands the CFA statutes to provide that all monies deposited from the payment of the \$100-per-animal fine noted above be allocated to the PAHF. The measure is effective January 1, 2024.

Public Defense Services Commission (PDSC)

The fiscal impact to PDSC is indeterminate. The new crimes created by the measure and the elevation of misdemeanor crimes and changes to crime elements may result in higher public defense costs. PDSC is unable to estimate the impact of the measure at this time, but the measure is anticipated to increase public defense costs once actual caseloads are identified.

Higher Education Coordinating Commission (HECC)

The fiscal impact to HECC is indeterminate. The measure requires HECC to distribute funds deposited into the PAHF to the OSU Extension Service for awarding grants to organizations that teach proper animal husbandry and animal care to youths; however, the amount of funds that may be deposited is unknown. HECC would require Other Funds expenditure limitation to distribute any funds out of the PAHF.

There is a minimal fiscal impact to the Oregon Judicial Department, Department of Justice, Criminal Justice Commission, Public Universities, counties, and cities for the changes to crimes involving animals.

There is no fiscal impact for the Department of Corrections, Oregon Department of Agriculture, Department of State Police, Oregon Youth Authority, or District Attorneys.

Criminal Fines Account

The Legislative Fiscal Office notes that section 10 of the measure directs that all fines imposed under ORS 167.350 (4) must be allocated from the CFA to the PAHF. This provision creates in statute an unspecified priority allocation from CFA that would occur before other existing statutory allocations.

This measure establishes a new continuously appropriated fund, creates a new CFA allocation, and requires the establishment of an Other Funds expenditure limitation. For these reasons, the measure warrants a subsequent referral to the Joint Committee on Ways and Means for consideration.