

A-Engrossed House Bill 3384

Ordered by the House April 12
Including House Amendments dated April 12

Sponsored by Representative CONRAD; Representative GOMBERG

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.

[Creates crime of aggravated animal neglect in the first degree. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both.]

Creates crime of interfering with an investigation into an offense against an animal. Punishes by maximum 364 days' imprisonment, \$6,250 fine, or both.

Establishes certain changes related to crime of animal abuse in the first degree.

Establishes certain changes related to crime of aggravated animal abuse in the first degree.

Establishes certain changes related to crime of animal neglect in the first degree.

Prohibits person convicted of violating certain animal cruelty statutes from *[owning, exerting control over or residing on same property as]* **possessing or residing with** animal of same genus against which crime was committed or domestic animal for certain period of time. **Allows person subject to prohibition to request changes to prohibition under certain circumstances.**

Requires court to impose fine of \$100 for each animal on person convicted of certain offenses against animal. Provides that moneys paid as fines must be deposited in **Criminal Fine Account for allocation to Proper Animal Husbandry Fund.**

Requires *[Department of State Police]* **Oregon State University Extension Service** to establish program for awarding grants to organizations that teach proper animal husbandry **and animal care** to youths.

Establishes Proper Animal Husbandry Fund, separate and distinct from General Fund. Appropriates moneys in Proper Animal Husbandry Fund to *[department]* **Higher Education Coordinating Commission for distribution to extension service** for purposes of grant program.

A BILL FOR AN ACT

1
2 Relating to animal cruelty; creating new provisions; and amending ORS 105.597, 137.300, 167.320,
3 167.322, 167.330, 167.332, 167.350 and 430.384.

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

5 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS 167.310 to**
6 **167.390.**

7 **SECTION 2. (1) A person commits the crime of interfering with an investigation into an**
8 **offense against an animal if the person intentionally or knowingly conceals an animal,**
9 **transports an animal or takes other action to prevent a peace officer, as defined in ORS**
10 **161.015, or a licensed veterinarian from examining an animal suspected of being the subject**
11 **of a violation under ORS 167.310 to 167.390.**

12 **(2) Interfering with an investigation into an offense against an animal is a Class A**
13 **misdemeanor.**

14 **SECTION 3. ORS 167.320 is amended to read:**

15 167.320. (1) A person commits the crime of animal abuse in the first degree if, except as other-
16 wise authorized by law, the person *[intentionally, knowingly or]* recklessly[:]

17 *[(a)]* causes serious physical injury **or death** to an animal[: or]

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 *[(b) Cruelly causes the death of an animal].*

2 (2) Any practice of good animal husbandry is not a violation of this section.

3 (3) Animal abuse in the first degree is a Class A misdemeanor.

4 (4) Notwithstanding subsection (3) of this section, animal abuse in the first degree is a Class C
5 felony if:

6 (a) The person committing the animal abuse has previously been convicted of one or more of the
7 following offenses:

8 (A) Any offense under ORS 163.160, 163.165, 163.175, 163.185 or 163.187 or the equivalent laws
9 of another jurisdiction, if the offense involved domestic violence as defined in ORS 135.230 or the
10 offense was committed against a minor child; or

11 (B) Any offense under this section or ORS 167.322, or the equivalent laws of another jurisdiction;
12 or

13 (b) The person knowingly commits the animal abuse in the immediate presence of a minor child.
14 For purposes of this paragraph, a minor child is in the immediate presence of animal abuse if the
15 abuse is seen or directly perceived in any other manner by the minor child.

16 (5) When animal abuse in the first degree is a felony, the Oregon Criminal Justice Commission
17 shall classify the offense as crime category 6 of the sentencing guidelines grid.

18 **(6) Notwithstanding subsection (5) of this section, when animal abuse in the first degree**
19 **is a felony because of circumstances described in subsection (4)(b) of this section, the Oregon**
20 **Criminal Justice Commission shall classify the offense as crime category 7 of the sentencing**
21 **guidelines grid.**

22 **SECTION 4.** ORS 167.322 is amended to read:

23 167.322. (1) A person commits the crime of aggravated animal abuse in the first degree if the
24 person **intentionally or knowingly**:

25 *[(a) Maliciously kills an animal; or]*

26 *[(b) Intentionally or knowingly tortures an animal.]*

27 **(a) Tortures an animal; or**

28 **(b) Causes serious physical injury or death to an animal.**

29 (2) Aggravated animal abuse in the first degree is a Class C felony and the Oregon Criminal
30 Justice Commission shall classify the offense as crime category 6 of the sentencing guidelines grid.

31 **(3) Notwithstanding subsection (2) of this section, the Oregon Criminal Justice Commis-**
32 **sion shall classify the offense of aggravated animal abuse in the first degree as crime cate-**
33 **gory 7 of the sentencing guidelines grid if:**

34 **(a) The person committing the animal abuse has previously been convicted of one or**
35 **more of the following offenses:**

36 **(A) Any offense under ORS 163.160, 163.165, 163.175, 163.185 or 163.187 or the equivalent**
37 **laws of another jurisdiction, if the offense involved domestic violence as defined in ORS**
38 **135.230 or the offense was committed against a minor child; or**

39 **(B) Any offense under this section or ORS 167.320, or the equivalent laws of another ju-**
40 **risdiction; or**

41 **(b) The person knowingly commits the animal abuse in the immediate presence of a mi-**
42 **nor child. For purposes of this paragraph, a minor child is in the immediate presence of an-**
43 **imal abuse if the abuse is seen or directly perceived in any other manner by the minor child.**

44 *[(3)] (4) As used in this section[:]*

45 *[(a) "Maliciously" means intentionally acting with a depravity of mind and reckless and wanton*

1 *disregard of life.]*

2 [(b)], “torture” means an action taken for the primary purpose of inflicting pain.

3 **SECTION 5.** ORS 167.330 is amended to read:

4 167.330. (1) A person commits the crime of animal neglect in the first degree if, except as oth-
5 erwise authorized by law, the person intentionally, knowingly, recklessly or with criminal
6 negligence:

7 (a) Fails to provide minimum care for an animal in the person’s custody or control and the
8 failure to provide care results in serious physical injury or death to the animal; or

9 (b) Tethers a domestic animal in the person’s custody or control and the tethering results in
10 serious physical injury or death to the domestic animal.

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

12 (3) Notwithstanding subsection (2) of this section, animal neglect in the first degree is a Class
13 C felony if:

14 (a) The person committing the offense has previously been convicted of one or more offenses
15 under this section, ORS 167.325 or the equivalent laws of another jurisdiction;

16 (b) The offense was part of a criminal episode involving 10 or more animals; [or]

17 **(c) The person committing the offense acts intentionally, knowingly or recklessly as to
18 the serious physical injury or death of the animal; or**

19 [(c)] **(d)** The person knowingly commits the offense in the immediate presence of a minor child.
20 For purposes of this paragraph, a minor child is in the immediate presence of animal neglect if the
21 neglect is seen or directly perceived in any other manner by the minor child.

22 (4) The Oregon Criminal Justice Commission shall classify animal neglect in the first degree
23 under subsection (3) of this section:

24 (a) As crime category 6 if 10 to 40 animals were the subject of the neglect.

25 (b) As crime category 7 if more than 40 animals were the subject of the neglect or if the offense
26 is a felony because of circumstances described in subsection (3)(a) or [(c)] **(d)** of this section.

27 **SECTION 6.** ORS 167.332 is amended to read:

28 167.332. (1) Except as provided in subsections (3) and (4) of this section:

29 (a) In addition to any other penalty imposed by law, a person convicted of violating ORS 167.315,
30 167.340 or 167.355 or of a misdemeanor under ORS 167.320, 167.325 or 167.330 **or this section** may
31 not possess **or reside with** any animal of the same genus against which the crime was committed
32 or any domestic animal for a period of five years following entry of the conviction.

33 (b) In addition to any other penalty imposed by law, a person convicted of violating ORS 167.322,
34 167.333, 167.365 or 167.428 or of a felony under ORS 167.320, 167.325 or 167.330 may not possess **or**
35 **reside with** any animal of the same genus against which the crime was committed or any domestic
36 animal for a period of 15 years following entry of the conviction. [*However, the sentencing court may*
37 *reduce the prohibition period if the person successfully completes mental health treatment approved by*
38 *the court.*]

39 (2) **Except as provided in subsection (5)(d) of this section,** a person who possesses **or resides**
40 **with** an animal in violation of this section commits a Class [C] **B** misdemeanor. When a person is
41 convicted of possessing **or residing with** an animal in violation of this section, as part of the sen-
42 tence the court may order the removal of that animal from the person’s **possession or** residence
43 and as a condition of the person’s probation may prohibit the person from possessing any animal of
44 the same genus that the person unlawfully possessed under this section or against which the
45 underlying violation of ORS 167.315, 167.320, 167.322, 167.325, 167.330, 167.333, 167.340, 167.355,

1 167.365 or 167.428 **or this section** was committed.

2 (3) The [*animal possession*] prohibition described in subsection (1) of this section does not apply
3 to a person's first conviction if the person is the owner of a commercial livestock operation and the
4 underlying violation of ORS 167.315, 167.320, 167.322, 167.325, 167.330, 167.333, 167.340, 167.355,
5 167.365 or 167.428 was committed against livestock.

6 (4)(a) A person subject to [*an animal possession*] a prohibition described in subsection (1) of this
7 section may file a motion with the sentencing court requesting a waiver of the prohibition. The
8 person must file a sworn affidavit in support of the motion stating that:

9 (A) The person's conviction leading to the [*possession*] prohibition involved only livestock;

10 (B) During the two years before the conviction triggering the prohibition, the person was the
11 owner of a commercial livestock operation;

12 (C) The person has not been convicted, in the previous five years, of a crime involving animals
13 or domestic violence or a crime where the victim was under 18 years of age; and

14 (D) The person's conviction was the result of:

15 (i) Criminal liability for the conduct of another person under ORS 161.155 (2)(c);

16 (ii) Criminal liability of a corporation as described in ORS 161.170, and the person is a corpo-
17 ration; or

18 (iii) Animal neglect as described in ORS 167.325 or 167.330 and the person's criminal conduct
19 was not knowing or intentional.

20 (b) When a person files a motion and affidavit described in paragraph (a) of this subsection, the
21 sentencing court shall hold a hearing. At the hearing, the sentencing court shall grant the motion
22 if the person proves by clear and convincing evidence that:

23 (A) Continued enforcement of the prohibition against possessing **or residing with** livestock
24 would result in substantial economic hardship that cannot otherwise be mitigated;

25 (B) The person no longer poses any risk to animals; and

26 (C) The person is capable of providing and willing to provide necessary, adequate and appro-
27 priate levels of care for all livestock that would come within the person's custody or control if the
28 petition is granted.

29 (c) When deciding a motion filed under this subsection, the sentencing court may consider the
30 person's financial circumstances and mental health in determining whether the person is capable of
31 adequately caring for livestock.

32 (d) If the sentencing court grants the motion described in this subsection, the waiver of the
33 prohibition against possessing **or residing with** animals shall apply only to livestock. The sentenc-
34 ing court shall further order that for five years the person must consent to reasonable inspections
35 by law enforcement and the United States Department of Agriculture to ensure the welfare of the
36 livestock under the person's custody or control. A refusal to consent to a reasonable inspection de-
37 scribed in this paragraph is contempt of court and, if the person is found in contempt, shall result
38 in the sentencing court revoking the waiver of the [*possession*] prohibition.

39 (e) As used in this subsection, "commercial livestock operation" means a **licensed** business en-
40 gaged in the raising, breeding or selling of livestock for profit.

41 **(5)(a) A person subject to a prohibition described in subsection (1) of this section may file**
42 **a motion with the sentencing court requesting a termination of the prohibition, a reduction**
43 **in the length of the prohibition or an amendment of the prohibition to exclude certain cate-**
44 **gories of animals or certain specific animals, unless the underlying conviction was for in-**
45 **tentional or knowing conduct. The person must:**

1 (A) File a sworn affidavit in support of the motion stating that, apart from the underly-
2 ing offense, the person has not been previously convicted of violating ORS 167.315, 167.333,
3 167.340, 167.355, 167.365 or 167.428, of a misdemeanor under ORS 167.320, 167.325 or 167.330 or
4 of a felony under ORS 167.320, 167.325 or 167.330, or the equivalent laws of another jurisdic-
5 tion.

6 (B) Serve a copy of the motion upon the office of the prosecuting attorney who prose-
7 cuted the offense.

8 (b) When a person files a motion described in paragraph (a) of this subsection, the sen-
9 tencing court shall hold a hearing. At the hearing, the sentencing court shall consider:

10 (A) The nature of the underlying offense;

11 (B) The number of animals in the underlying offense;

12 (C) The degree of violence and criminal intent involved in the underlying offense;

13 (D) Other criminal and relevant noncriminal behavior of the person both before and after
14 the underlying conviction;

15 (E) The period of time during which the person has not reoffended;

16 (F) Whether the person has successfully completed a court-approved treatment program
17 related to animal care and welfare; and

18 (G) Any other relevant factors.

19 (c) If, after a hearing described in paragraph (b) of this subsection, the sentencing court
20 is satisfied by clear and convincing evidence that the person no longer poses any risk to
21 animals under the person's custody or control, the sentencing court shall:

22 (A) Enter an order terminating the prohibition, reducing the length of the prohibition,
23 amending the prohibition to exclude certain categories of animals or amending the prohibi-
24 tion to exclude certain specific animals.

25 (B) Order that, for five years, the person must consent to reasonable inspections by law
26 enforcement and the United States Department of Agriculture to ensure the welfare of any
27 animals under the person's custody or control. A refusal to consent to a reasonable in-
28 spection described in this subparagraph constitutes contempt of court and, if the person is
29 found in contempt, shall result in the sentencing court revoking the order described in sub-
30 paragraph (A) of this paragraph.

31 (d) A person whose motion under this subsection has been granted and who possesses
32 or resides with an animal in violation of an order described in paragraph (c)(A) of this sub-
33 section commits a Class A misdemeanor. If a person is convicted of a violation described in
34 this paragraph, as part of the sentence the sentencing court may order the removal of the
35 animal from the person's possession or residence.

36 **SECTION 7.** ORS 167.350 is amended to read:

37 167.350. (1)(a) In addition to and not in lieu of any other sentence it may impose, a court [*may*]
38 **shall** require a defendant convicted under ORS 167.315 to 167.333, 167.340, 167.355 or 167.365 to
39 forfeit any rights of the defendant in the animal subjected to the violation, and to repay the rea-
40 sonable costs incurred by a government agency, a humane investigation agency or its agent or a
41 person prior to judgment in caring for each animal associated with the criminal proceeding.

42 (b) If a government agency or a humane investigation agency or its agent provides care and
43 treatment for impounded or seized animals, a court that orders a defendant to repay reasonable
44 costs of care under paragraph (a) of this subsection may not reduce the incurred cost amount based
45 on the agency having received donations or other funding for the care.

1 (2)(a) When the court orders the defendant's rights in the animal to be forfeited, the court may
2 further order that those rights be given over to an appropriate person or agency demonstrating a
3 willingness to accept and care for the animal or to the county or an appropriate animal care agency
4 for further disposition in accordance with accepted practices for humane treatment of animals. The
5 court may not transfer the defendant's rights in the animal to any person who resides with the de-
6 fendant.

7 (b) This subsection does not limit the right of the person or agency to whom rights are granted
8 to resell or otherwise make disposition of the animal. A transfer of rights under this subsection
9 constitutes a transfer of ownership. The court shall require a person to whom rights are granted to
10 execute an agreement to provide minimum care to the animal. The agreement must indicate that
11 allowing the defendant to possess the animal constitutes a crime.

12 (3) In addition to and not in lieu of any other sentence it may impose, a court may order the
13 owner or person having custody of an animal to repay any reasonable costs incurred by a govern-
14 ment agency, a humane investigation agency or its agent or a person in providing minimum care to
15 the animal that are not included in a repayment order under subsection (1) of this section.

16 **(4) Notwithstanding ORS 161.625 and 161.635, in addition to and not in lieu of any other**
17 **sentence of fine or imprisonment it may impose, a court shall require a person convicted**
18 **under ORS 167.310 to 167.390 to pay a fine of \$100 for each animal involved in the offense for**
19 **which the person was convicted.**

20 [(4)] (5) A court may order a person convicted under ORS 167.315 to 167.333, 167.340, 167.355,
21 167.365 or 167.428 to participate in available animal cruelty prevention programs or education pro-
22 grams, or both, or to obtain psychological counseling for treatment of mental health disorders that,
23 in the court's judgment, contributed to the commission of the crime. The person shall bear any costs
24 incurred by the person for participation in counseling or treatment programs under this subsection.

25 [(5)] (6) ORS 131.550 to 131.600 do not apply to the forfeiture of an animal subjected to a vio-
26 lation of ORS 167.315 to 167.333, 167.340, 167.355, 167.365 or 167.428. Any such animal is subject to
27 forfeiture as provided in **ORS 167.347 and** subsections (1) to (3) of this section or, if the animal is
28 a fighting bird, as provided in ORS 167.435.

29 **SECTION 8.** ORS 137.300 is amended to read:

30 137.300. (1) The Criminal Fine Account is established in the General Fund. Except as otherwise
31 provided by law, all amounts collected in state courts as monetary obligations in criminal actions
32 shall be deposited by the courts in the account. All moneys in the account are continuously appro-
33 priated to the Department of Revenue to be distributed by the Department of Revenue as provided
34 in this section. The Department of Revenue shall keep a record of moneys transferred into and out
35 of the account.

36 (2) The Legislative Assembly shall first allocate moneys from the Criminal Fine Account for the
37 following purposes, in the following order of priority:

38 (a) Allocations for public safety standards, training and facilities.

39 (b) Allocations for criminal injuries compensation and assistance to victims of crime and chil-
40 dren reasonably suspected of being victims of crime.

41 (c) Allocations for the forensic services provided by the Oregon State Police, including, but not
42 limited to, services of the Chief Medical Examiner.

43 (d) Allocations for the maintenance and operation of the Law Enforcement Data System.

44 (3) After making allocations under subsection (2) of this section, the Legislative Assembly shall
45 allocate moneys from the Criminal Fine Account for the following purposes:

1 (a) Allocations to the Law Enforcement Medical Liability Account established under ORS
2 414.815.

3 (b) Allocations to the State Court Facilities and Security Account established under ORS 1.178.

4 (c) Allocations to the Department of Corrections for the purpose of planning, operating and
5 maintaining county juvenile and adult corrections programs and facilities and drug and alcohol
6 programs.

7 (d) Allocations to the Oregon Health Authority for the purpose of grants under ORS 430.345 for
8 the establishment, operation and maintenance of alcohol and drug abuse prevention, early inter-
9 vention and treatment services provided through a county.

10 (e) Allocations to the Oregon State Police for the purpose of the enforcement of the laws relat-
11 ing to driving under the influence of intoxicants.

12 (f) Allocations to the Arrest and Return Account established under ORS 133.865.

13 (g) Allocations to the Intoxicated Driver Program Fund established under ORS 813.270.

14 (h) Allocations to the State Court Technology Fund established under ORS 1.012.

15 (4) Notwithstanding subsections (2) and (3) of this section, the Legislative Assembly shall:

16 (a) Allocate all moneys deposited into the Criminal Fine Account as payment of fines on Class
17 E violations to the Drug Treatment and Recovery Services Fund established under ORS 430.384.

18 (b) **Allocate all moneys deposited into the Criminal Fine Account as payment of fines**
19 **imposed under ORS 167.350 (4) to the Proper Animal Husbandry Fund established under**
20 **section 10 of this 2023 Act.**

21 (5) It is the intent of the Legislative Assembly that allocations from the Criminal Fine Account
22 under subsection (3) of this section be consistent with historical funding of the entities, programs
23 and accounts listed in subsection (3) of this section from monetary obligations imposed in criminal
24 proceedings. Amounts that are allocated under subsection (3)(c) of this section shall be distributed
25 to counties based on the amounts that were transferred to counties by circuit courts during the
26 2009-2011 biennium under the provisions of ORS 137.308, as in effect January 1, 2011.

27 (6) Moneys in the Criminal Fine Account may not be allocated for the payment of debt service
28 obligations.

29 (7) The Department of Revenue shall deposit in the General Fund all moneys remaining in the
30 Criminal Fine Account after the distributions listed in subsections (2), (3) and (4) of this section have
31 been made.

32 (8) The Department of Revenue shall establish by rule a process for distributing moneys in the
33 Criminal Fine Account. The department may not distribute more than one-eighth of the total
34 biennial allocation to an entity during a calendar quarter.

35 **SECTION 9. (1) The Oregon State University Extension Service shall establish a program**
36 **for awarding grants to organizations that teach proper animal husbandry and animal care**
37 **to youths.**

38 (2) **The extension service shall establish criteria for awarding grants, keep records of**
39 **grants awarded and establish requirements for reporting on the use of grant moneys by**
40 **grantees.**

41 **SECTION 10. The Proper Animal Husbandry Fund is established in the State Treasury,**
42 **separate and distinct from the General Fund. The Proper Animal Husbandry Fund consists**
43 **of moneys allocated to the fund for payment of fines imposed under ORS 167.350 (4), moneys**
44 **appropriated or otherwise transferred to the fund by the Legislative Assembly and other**
45 **amounts deposited in the fund from any source. Moneys in the fund are continuously ap-**

1 **propriated to the Higher Education Coordinating Commission for distribution to the Oregon**
2 **State University Extension Service for purposes described in section 9 of this 2023 Act.**

3 **SECTION 11.** ORS 430.384 is amended to read:

4 430.384. (1) The Drug Treatment and Recovery Services Fund is established in the State Treas-
5 ury, separate and distinct from the General Fund. Interest earned by the Drug Treatment and Re-
6 covery Services Fund shall be credited to the fund.

7 (2) The Drug Treatment and Recovery Services Fund shall consist of:

8 (a) Moneys deposited into the fund pursuant to ORS 305.231;

9 (b) Moneys appropriated or otherwise transferred to the fund by the Legislative Assembly;

10 (c) Moneys allocated from the Oregon Marijuana Account, pursuant to ORS 475C.726 (3)(b);

11 (d) Moneys allocated from the Criminal Fine Account pursuant to ORS 137.300 (4)(a); and

12 (e) All other moneys deposited into the fund from any source.

13 (3) Moneys in the fund shall be continuously appropriated to the Oregon Health Authority for
14 the purposes set forth in ORS 430.389.

15 (4)(a) Pursuant to subsection (2)(b) of this section, the Legislative Assembly shall appropriate
16 or transfer to the fund an amount sufficient to fully fund the grants program required by ORS
17 430.389.

18 (b) The total amount deposited and transferred into the fund shall not be less than \$57 million
19 for the first year chapter 2, Oregon Laws 2021, is in effect.

20 (c) In each subsequent year, the minimum transfer amount set forth in paragraph (b) of this
21 subsection shall be increased by not less than the sum of:

22 (A) \$57 million multiplied by the percentage, if any, by which the monthly averaged U.S. City
23 Average Consumer Price Index for the 12 consecutive months ending August 31 of the prior calendar
24 year exceeds the monthly index for the fourth quarter of the calendar year 2020; and

25 (B) The annual increase, if any, in moneys distributed pursuant to ORS 475C.726 (3)(b).

26 **SECTION 12.** ORS 105.597 is amended to read:

27 105.597. In addition to any places described in ORS 105.555, the following are declared to be
28 nuisances and shall be enjoined and abated as provided in ORS 105.550 to 105.600:

29 (1) Any place being used on a continuous, regular or sporadic basis for carrying out any of the
30 following activities, except with regard to activities and animals described under ORS 167.335,
31 whether or not carried out with a particular mental state:

32 (a) Causing physical injury or serious physical injury, both as defined in ORS 167.310, or
33 [*cruelly*] causing death.

34 (b) [*Killing maliciously as defined in ORS 167.322 or*] Committing torture as defined in ORS
35 167.322.

36 (c) Failing to provide minimum care as defined in ORS 167.310.

37 (d) Possession of a domestic animal as defined in ORS 167.310 by a person described under ORS
38 167.332.

39 (2) Any place appearing to be vacant at which a domestic animal or equine, both as defined in
40 ORS 167.310, are present and have been left without provision for minimum care as defined in ORS
41 167.310.

42 (3) Any place being used on a continuous, regular or sporadic basis for carrying out any of the
43 following activities, whether or not carried out with a particular mental state:

44 (a) Training or keeping an animal for use in an exhibition of fighting as defined in ORS 167.355.

45 (b) Preparing for, occupation for, promoting, conducting or participating in an exhibition of

1 fighting as defined in ORS 167.355.

2 (c) Possessing, keeping, breeding, training, buying, selling or offering for sale a fighting dog as
3 defined in ORS 167.360.

4 (d) Promoting, conducting, participating in or performing services in furtherance of a dogfight
5 as defined in ORS 167.360.

6 (e) Occupation, keeping or use of the place for a dogfight as defined in ORS 167.360.

7 (f) Exchanging for commerce raw fur of a domestic cat or dog as defined in ORS 167.390, or
8 products that include the fur of a domestic cat or dog, if the fur is obtained through a process that
9 kills or maims the domestic cat or dog.

10 (g) Possessing, keeping, rearing, training, buying, selling or offering for sale a fighting bird as
11 defined in ORS 167.426.

12 (h) Promoting, conducting, participating in or performing services in furtherance of a cockfight
13 as defined in ORS 167.426.

14 (i) Occupation, keeping or use of the place for a cockfight as defined in ORS 167.426.

15 (4) Any place being used on a continuous, regular or sporadic basis for carrying out any of the
16 following activities:

17 (a) Sexual assault of an animal as described in ORS 167.333.

18 (b) Possession of dogfighting paraphernalia as described under ORS 167.372.

19 (c) Selling or offering for sale equipment other than paraphernalia described in paragraph (b)
20 of this subsection with the intent that the equipment be used to train a fighting dog as defined in
21 ORS 167.360.

22 (d) Possessing, controlling or otherwise having charge at the same time of more than 50 sexually
23 intact dogs that are two or more years of age for the primary purpose of reproduction.

24 (e) Manufacturing, buying, selling, bartering, exchanging, possessing or offering for sale a gaff
25 or slasher as those terms are defined in ORS 167.426, or other sharp implement designed for at-
26 tachment to the leg of a fighting bird as defined in ORS 167.426, with the intent that the gaff, slasher
27 or other sharp implement be used in a cockfight as defined in ORS 167.426.

28 (f) Manufacturing, buying, selling, bartering, exchanging, possessing or offering for sale equip-
29 ment other than equipment described in paragraph (e) of this subsection with the intent that the
30 equipment be used to train or handle a fighting bird as defined in ORS 167.426 or to enhance the
31 fighting ability of a fighting bird.

32