

HOUSE AMENDMENTS TO HOUSE BILL 3384

By COMMITTEE ON JUDICIARY

April 12

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and insert “105.597,
2 137.300, 167.320, 167.322, 167.330, 167.332, 167.350 and 430.384.”.

3 Delete lines 4 through 24 and delete pages 2 through 5 and insert:

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

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

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

13 “**SECTION 3.** ORS 167.320 is amended to read:

14 “167.320. (1) A person commits the crime of animal abuse in the first degree if, except as oth-
15 erwise authorized by law, the person [*intentionally, knowingly or*] recklessly[:]

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

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

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

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

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

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

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

27 “(B) Any offense under this section or ORS 167.322, or the equivalent laws of another jurisdic-
28 tion; or

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

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

34 “**(6) Notwithstanding subsection (5) of this section, when animal abuse in the first degree**
35 **is a felony because of circumstances described in subsection (4)(b) of this section, the Oregon**

1 **Criminal Justice Commission shall classify the offense as crime category 7 of the sentencing**
2 **guidelines grid.**

3 **“SECTION 4.** ORS 167.322 is amended to read:

4 **“167.322. (1) A person commits the crime of aggravated animal abuse in the first degree if the**
5 **person intentionally or knowingly:**

6 **“(a) Maliciously kills an animal; or]**

7 **“(b) Intentionally or knowingly tortures an animal.]**

8 **“(a) Tortures an animal; or**

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

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

12 **“(3) Notwithstanding subsection (2) of this section, the Oregon Criminal Justice Com-**
13 **mission shall classify the offense of aggravated animal abuse in the first degree as crime**
14 **category 7 of the sentencing guidelines grid if:**

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

17 **“(A) Any offense under ORS 163.160, 163.165, 163.175, 163.185 or 163.187 or the equivalent**
18 **laws of another jurisdiction, if the offense involved domestic violence as defined in ORS**
19 **135.230 or the offense was committed against a minor child; or**

20 **“(B) Any offense under this section or ORS 167.320, or the equivalent laws of another**
21 **jurisdiction; or**

22 **“(b) The person knowingly commits the animal abuse in the immediate presence of a**
23 **minor child. For purposes of this paragraph, a minor child is in the immediate presence of**
24 **animal abuse if the abuse is seen or directly perceived in any other manner by the minor**
25 **child.**

26 **“[(3)] (4) As used in this section[:]**

27 **“(a) ‘Maliciously’ means intentionally acting with a depravity of mind and reckless and wanton**
28 **disregard of life.]**

29 **“(b)], ‘torture’ means an action taken for the primary purpose of inflicting pain.**

30 **“SECTION 5.** ORS 167.330 is amended to read:

31 **“167.330. (1) A person commits the crime of animal neglect in the first degree if, except as oth-**
32 **erwise authorized by law, the person intentionally, knowingly, recklessly or with criminal**
33 **negligence:**

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

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

38 **“(2) Animal neglect in the first degree is a Class A misdemeanor.**

39 **“(3) Notwithstanding subsection (2) of this section, animal neglect in the first degree is a Class**
40 **C felony if:**

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

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

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

1 “(c) (d) The person knowingly commits the offense in the immediate presence of a minor child.
2 For purposes of this paragraph, a minor child is in the immediate presence of animal neglect if the
3 neglect is seen or directly perceived in any other manner by the minor child.

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

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

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

9 “**SECTION 6.** ORS 167.332 is amended to read:

10 “167.332. (1) Except as provided in subsections (3) and (4) of this section:

11 “(a) In addition to any other penalty imposed by law, a person convicted of violating ORS
12 167.315, 167.340 or 167.355 or of a misdemeanor under ORS 167.320, 167.325 or 167.330 **or this sec-**
13 **tion** may not possess **or reside with** any animal of the same genus against which the crime was
14 committed or any domestic animal for a period of five years following entry of the conviction.

15 “(b) In addition to any other penalty imposed by law, a person convicted of violating ORS
16 167.322, 167.333, 167.365 or 167.428 or of a felony under ORS 167.320, 167.325 or 167.330 may not
17 possess **or reside with** any animal of the same genus against which the crime was committed or any
18 domestic animal for a period of 15 years following entry of the conviction. [*However, the sentencing*
19 *court may reduce the prohibition period if the person successfully completes mental health treatment*
20 *approved by the court.*]

21 “(2) **Except as provided in subsection (5)(d) of this section**, a person who possesses **or re-**
22 **sides with** an animal in violation of this section commits a Class [C] B misdemeanor. When a person
23 is convicted of possessing **or residing with** an animal in violation of this section, as part of the
24 sentence the court may order the removal of that animal from the person’s **possession or** residence
25 and as a condition of the person’s probation may prohibit the person from possessing any animal of
26 the same genus that the person unlawfully possessed under this section or against which the
27 underlying violation of ORS 167.315, 167.320, 167.322, 167.325, 167.330, 167.333, 167.340, 167.355,
28 167.365 or 167.428 **or this section** was committed.

29 “(3) The [*animal possession*] prohibition described in subsection (1) of this section does not apply
30 to a person’s first conviction if the person is the owner of a commercial livestock operation and the
31 underlying violation of ORS 167.315, 167.320, 167.322, 167.325, 167.330, 167.333, 167.340, 167.355,
32 167.365 or 167.428 was committed against livestock.

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

36 “(A) The person’s conviction leading to the [*possession*] prohibition involved only livestock;

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

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

41 “(D) The person’s conviction was the result of:

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

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

45 “(iii) Animal neglect as described in ORS 167.325 or 167.330 and the person’s criminal conduct

1 was not knowing or intentional.

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

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

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

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

11 “(c) When deciding a motion filed under this subsection, the sentencing court may consider the
12 person’s financial circumstances and mental health in determining whether the person is capable of
13 adequately caring for livestock.

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

21 “(e) As used in this subsection, ‘commercial livestock operation’ means a **licensed** business en-
22 gaged in the raising, breeding or selling of livestock for profit.

23 “(5)(a) **A person subject to a prohibition described in subsection (1) of this section may**
24 **file a motion with the sentencing court requesting a termination of the prohibition, a re-**
25 **duction in the length of the prohibition or an amendment of the prohibition to exclude cer-**
26 **tain categories of animals or certain specific animals, unless the underlying conviction was**
27 **for intentional or knowing conduct. The person must:**

28 “(A) **File a sworn affidavit in support of the motion stating that, apart from the under-**
29 **lying offense, the person has not been previously convicted of violating ORS 167.315, 167.333,**
30 **167.340, 167.355, 167.365 or 167.428, of a misdemeanor under ORS 167.320, 167.325 or 167.330 or**
31 **of a felony under ORS 167.320, 167.325 or 167.330, or the equivalent laws of another jurisdic-**
32 **tion.**

33 “(B) **Serve a copy of the motion upon the office of the prosecuting attorney who prose-**
34 **cuted the offense.**

35 “(b) **When a person files a motion described in paragraph (a) of this subsection, the**
36 **sentencing court shall hold a hearing. At the hearing, the sentencing court shall consider:**

37 “(A) **The nature of the underlying offense;**

38 “(B) **The number of animals in the underlying offense;**

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

40 “(D) **Other criminal and relevant noncriminal behavior of the person both before and af-**
41 **ter the underlying conviction;**

42 “(E) **The period of time during which the person has not reoffended;**

43 “(F) **Whether the person has successfully completed a court-approved treatment program**
44 **related to animal care and welfare; and**

45 “(G) **Any other relevant factors.**

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

4 “(A) Enter an order terminating the prohibition, reducing the length of the prohibition,
5 amending the prohibition to exclude certain categories of animals or amending the prohibi-
6 tion to exclude certain specific animals.

7 “(B) Order that, for five years, the person must consent to reasonable inspections by law
8 enforcement and the United States Department of Agriculture to ensure the welfare of any
9 animals under the person’s custody or control. A refusal to consent to a reasonable in-
10 spection described in this subparagraph constitutes contempt of court and, if the person is
11 found in contempt, shall result in the sentencing court revoking the order described in sub-
12 paragraph (A) of this paragraph.

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

18 “**SECTION 7.** ORS 167.350 is amended to read:

19 “167.350. (1)(a) In addition to and not in lieu of any other sentence it may impose, a court
20 [may] shall require a defendant convicted under ORS 167.315 to 167.333, 167.340, 167.355 or 167.365
21 to forfeit any rights of the defendant in the animal subjected to the violation, and to repay the
22 reasonable costs incurred by a government agency, a humane investigation agency or its agent or
23 a person prior to judgment in caring for each animal associated with the criminal proceeding.

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

28 “(2)(a) When the court orders the defendant’s rights in the animal to be forfeited, the court may
29 further order that those rights be given over to an appropriate person or agency demonstrating a
30 willingness to accept and care for the animal or to the county or an appropriate animal care agency
31 for further disposition in accordance with accepted practices for humane treatment of animals. The
32 court may not transfer the defendant’s rights in the animal to any person who resides with the de-
33 fendant.

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

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

43 “(4) Notwithstanding ORS 161.625 and 161.635, in addition to and not in lieu of any other
44 sentence of fine or imprisonment it may impose, a court shall require a person convicted
45 under ORS 167.310 to 167.390 to pay a fine of \$100 for each animal involved in the offense for

1 **which the person was convicted.**

2 “[4] (5) A court may order a person convicted under ORS 167.315 to 167.333, 167.340, 167.355,
3 167.365 or 167.428 to participate in available animal cruelty prevention programs or education pro-
4 grams, or both, or to obtain psychological counseling for treatment of mental health disorders that,
5 in the court’s judgment, contributed to the commission of the crime. The person shall bear any costs
6 incurred by the person for participation in counseling or treatment programs under this subsection.

7 “[5] (6) ORS 131.550 to 131.600 do not apply to the forfeiture of an animal subjected to a vio-
8 lation of ORS 167.315 to 167.333, 167.340, 167.355, 167.365 or 167.428. Any such animal is subject to
9 forfeiture as provided in **ORS 167.347 and** subsections (1) to (3) of this section or, if the animal is
10 a fighting bird, as provided in ORS 167.435.

11 **“SECTION 8.** ORS 137.300 is amended to read:

12 “137.300. (1) The Criminal Fine Account is established in the General Fund. Except as otherwise
13 provided by law, all amounts collected in state courts as monetary obligations in criminal actions
14 shall be deposited by the courts in the account. All moneys in the account are continuously appro-
15 priated to the Department of Revenue to be distributed by the Department of Revenue as provided
16 in this section. The Department of Revenue shall keep a record of moneys transferred into and out
17 of the account.

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

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

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

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

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

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

28 “(a) Allocations to the Law Enforcement Medical Liability Account established under ORS
29 414.815.

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

31 “(c) Allocations to the Department of Corrections for the purpose of planning, operating and
32 maintaining county juvenile and adult corrections programs and facilities and drug and alcohol
33 programs.

34 “(d) Allocations to the Oregon Health Authority for the purpose of grants under ORS 430.345
35 for the establishment, operation and maintenance of alcohol and drug abuse prevention, early
36 intervention and treatment services provided through a county.

37 “(e) Allocations to the Oregon State Police for the purpose of the enforcement of the laws re-
38 lating to driving under the influence of intoxicants.

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

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

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

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

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

45 “(b) **Allocate all moneys deposited into the Criminal Fine Account as payment of fines**

1 **imposed under ORS 167.350 (4) to the Proper Animal Husbandry Fund established under**
2 **section 10 of this 2023 Act.**

3 “(5) It is the intent of the Legislative Assembly that allocations from the Criminal Fine Account
4 under subsection (3) of this section be consistent with historical funding of the entities, programs
5 and accounts listed in subsection (3) of this section from monetary obligations imposed in criminal
6 proceedings. Amounts that are allocated under subsection (3)(c) of this section shall be distributed
7 to counties based on the amounts that were transferred to counties by circuit courts during the
8 2009-2011 biennium under the provisions of ORS 137.308, as in effect January 1, 2011.

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

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

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

17 **“SECTION 9. (1) The Oregon State University Extension Service shall establish a pro-**
18 **gram for awarding grants to organizations that teach proper animal husbandry and animal**
19 **care to youths.**

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

23 **“SECTION 10. The Proper Animal Husbandry Fund is established in the State Treasury,**
24 **separate and distinct from the General Fund. The Proper Animal Husbandry Fund consists**
25 **of moneys allocated to the fund for payment of fines imposed under ORS 167.350 (4), moneys**
26 **appropriated or otherwise transferred to the fund by the Legislative Assembly and other**
27 **amounts deposited in the fund from any source. Moneys in the fund are continuously ap-**
28 **propriated to the Higher Education Coordinating Commission for distribution to the Oregon**
29 **State University Extension Service for purposes described in section 9 of this 2023 Act.**

30 **“SECTION 11.** ORS 430.384 is amended to read:

31 **“430.384. (1) The Drug Treatment and Recovery Services Fund is established in the State**
32 **Treasury, separate and distinct from the General Fund. Interest earned by the Drug Treatment and**
33 **Recovery Services Fund shall be credited to the fund.**

34 **“(2) The Drug Treatment and Recovery Services Fund shall consist of:**

35 **“(a) Moneys deposited into the fund pursuant to ORS 305.231;**

36 **“(b) Moneys appropriated or otherwise transferred to the fund by the Legislative Assembly;**

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

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

39 **“(e) All other moneys deposited into the fund from any source.**

40 **“(3) Moneys in the fund shall be continuously appropriated to the Oregon Health Authority for**
41 **the purposes set forth in ORS 430.389.**

42 **“(4)(a) Pursuant to subsection (2)(b) of this section, the Legislative Assembly shall appropriate**
43 **or transfer to the fund an amount sufficient to fully fund the grants program required by ORS**
44 **430.389.**

45 **“(b) The total amount deposited and transferred into the fund shall not be less than \$57 million**

1 for the first year chapter 2, Oregon Laws 2021, is in effect.

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

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

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

8 “**SECTION 12.** ORS 105.597 is amended to read:

9 “105.597. In addition to any places described in ORS 105.555, the following are declared to be
10 nuisances and shall be enjoined and abated as provided in ORS 105.550 to 105.600:

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

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

16 “(b) [*Killing maliciously as defined in ORS 167.322 or*] Committing torture as defined in ORS
17 167.322.

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

19 “(d) Possession of a domestic animal as defined in ORS 167.310 by a person described under ORS
20 167.332.

21 “(2) Any place appearing to be vacant at which a domestic animal or equine, both as defined in
22 ORS 167.310, are present and have been left without provision for minimum care as defined in ORS
23 167.310.

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

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

27 “(b) Preparing for, occupation for, promoting, conducting or participating in an exhibition of
28 fighting as defined in ORS 167.355.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14
