

Senate Bill 764

Sponsored by COMMITTEE ON JUDICIARY

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**.

Creates crime of unlawful kangaroo exchange. Punishes by maximum of 364 days' imprisonment, \$6,250 fine, or both. Adds crime to list of circumstances declared to be nuisance per se and to list of offenses for which instrumentalities of crime may be criminally forfeited.

A BILL FOR AN ACT

1
2 Relating to kangaroos; creating new provisions; and amending ORS 105.597 and 131.602.

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

4 **SECTION 1. (1) As used in this section, "kangaroo" means an *Osphranter rufus* commonly known as red kangaroo, *Macropus giganteus* commonly known as eastern grey kangaroo, *Macropus fuliginosus* commonly known as western grey kangaroo or *Osphranter robustus* commonly known as the common wallaroo.**

8 **(2) A person commits the crime of unlawful kangaroo exchange if the person purchases, receives, sells, transfers or otherwise exchanges for commercial purposes any part of a dead kangaroo or any product containing a part of a dead kangaroo.**

11 **(3) Violation of subsection (2) of this section, or any rule promulgated pursuant thereto, is a Class A misdemeanor when the offense is committed with a culpable mental state as defined in ORS 161.085.**

14 **SECTION 2. ORS 105.597 is amended to read:**

15 105.597. In addition to any places described in ORS 105.555, the following are declared to be nuisances and shall be enjoined and abated as provided in ORS 105.550 to 105.600:

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

20 (a) Causing physical injury or serious physical injury, both as defined in ORS 167.310, or cruelly causing death.

22 (b) Killing maliciously as defined in ORS 167.322 or committing torture as defined in ORS 167.322.

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

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

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

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

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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 (a) Training or keeping an animal for use in an exhibition of fighting as defined in ORS 167.355.
 2 (b) Preparing for, occupation for, promoting, conducting or participating in an exhibition of
 3 fighting as defined in ORS 167.355.
 4 (c) Possessing, keeping, breeding, training, buying, selling or offering for sale a fighting dog as
 5 defined in ORS 167.360.
 6 (d) Promoting, conducting, participating in or performing services in furtherance of a dogfight
 7 as defined in ORS 167.360.
 8 (e) Occupation, keeping or use of the place for a dogfight as defined in ORS 167.360.
 9 (f) Exchanging for commerce raw fur of a domestic cat or dog as defined in ORS 167.390, or
 10 products that include the fur of a domestic cat or dog, if the fur is obtained through a process that
 11 kills or maims the domestic cat or dog.
 12 (g) Possessing, keeping, rearing, training, buying, selling or offering for sale a fighting bird as
 13 defined in ORS 167.426.
 14 (h) Promoting, conducting, participating in or performing services in furtherance of a cockfight
 15 as defined in ORS 167.426.
 16 (i) Occupation, keeping or use of the place for a cockfight as defined in ORS 167.426.
 17 **(j) Engaging in an unlawful kangaroo exchange as defined in section 1 of this 2023 Act.**
 18 (4) Any place being used on a continuous, regular or sporadic basis for carrying out any of the
 19 following activities:
 20 (a) Sexual assault of an animal as described in ORS 167.333.
 21 (b) Possession of dogfighting paraphernalia as described under ORS 167.372.
 22 (c) Selling or offering for sale equipment other than paraphernalia described in paragraph (b)
 23 of this subsection with the intent that the equipment be used to train a fighting dog as defined in
 24 ORS 167.360.
 25 (d) Possessing, controlling or otherwise having charge at the same time of more than 50 sexually
 26 intact dogs that are two or more years of age for the primary purpose of reproduction.
 27 (e) Manufacturing, buying, selling, bartering, exchanging, possessing or offering for sale a gaff
 28 or slasher as those terms are defined in ORS 167.426, or other sharp implement designed for at-
 29 tachment to the leg of a fighting bird as defined in ORS 167.426, with the intent that the gaff, slasher
 30 or other sharp implement be used in a cockfight as defined in ORS 167.426.
 31 (f) Manufacturing, buying, selling, bartering, exchanging, possessing or offering for sale equip-
 32 ment other than equipment described in paragraph (e) of this subsection with the intent that the
 33 equipment be used to train or handle a fighting bird as defined in ORS 167.426 or to enhance the
 34 fighting ability of a fighting bird.
 35 **SECTION 3.** ORS 131.602 is amended to read:
 36 131.602. The crimes to which ORS 131.550 (12)(b) applies are:
 37 (1) Bribe giving, as defined in ORS 162.015.
 38 (2) Bribe receiving, as defined in ORS 162.025.
 39 (3) Public investment fraud, as defined in ORS 162.117.
 40 (4) Bribing a witness, as defined in ORS 162.265.
 41 (5) Bribe receiving by a witness, as defined in ORS 162.275.
 42 (6) Simulating legal process, as defined in ORS 162.355.
 43 (7) Official misconduct in the first degree, as defined in ORS 162.415.
 44 (8) Assisting another person to commit suicide, as defined in ORS 163.193.
 45 (9) Custodial interference in the second degree, as defined in ORS 163.245.

- 1 (10) Custodial interference in the first degree, as defined in ORS 163.257.
- 2 (11) Buying or selling a person under 18 years of age, as defined in ORS 163.537.
- 3 (12) Using a child in a display of sexually explicit conduct, as defined in ORS 163.670.
- 4 (13) Encouraging child sexual abuse in the first degree, as defined in ORS 163.684.
- 5 (14) Encouraging child sexual abuse in the second degree, as defined in ORS 163.686.
- 6 (15) Encouraging child sexual abuse in the third degree, as defined in ORS 163.687.
- 7 (16) Possession of materials depicting sexually explicit conduct of a child in the first degree, as
- 8 defined in ORS 163.688.
- 9 (17) Possession of materials depicting sexually explicit conduct of a child in the second degree,
- 10 as defined in ORS 163.689.
- 11 (18) Theft in the second degree, as defined in ORS 164.045.
- 12 (19) Theft in the first degree, as defined in ORS 164.055.
- 13 (20) Aggravated theft in the first degree, as defined in ORS 164.057.
- 14 (21) Extortion, as defined in ORS 164.075.
- 15 (22) Theft by deception, as defined in ORS 164.085, if it is a felony or a Class A misdemeanor.
- 16 (23) Theft by receiving, as defined in ORS 164.095, if it is a felony or a Class A misdemeanor.
- 17 (24) Theft of services, as defined in ORS 164.125, if it is a felony or a Class A misdemeanor.
- 18 (25) Unauthorized use of a vehicle, as defined in ORS 164.135.
- 19 (26) Mail theft or receipt of stolen mail, as defined in ORS 164.162.
- 20 (27) Laundering a monetary instrument, as defined in ORS 164.170.
- 21 (28) Engaging in a financial transaction in property derived from unlawful activity, as defined
- 22 in ORS 164.172.
- 23 (29) Burglary in the second degree, as defined in ORS 164.215.
- 24 (30) Burglary in the first degree, as defined in ORS 164.225.
- 25 (31) Possession of a burglary tool or theft device, as defined in ORS 164.235.
- 26 (32) Unlawful entry into a motor vehicle, as defined in ORS 164.272.
- 27 (33) Arson in the second degree, as defined in ORS 164.315.
- 28 (34) Arson in the first degree, as defined in ORS 164.325.
- 29 (35) Computer crime, as defined in ORS 164.377.
- 30 (36) Robbery in the third degree, as defined in ORS 164.395.
- 31 (37) Robbery in the second degree, as defined in ORS 164.405.
- 32 (38) Robbery in the first degree, as defined in ORS 164.415.
- 33 (39) Unlawful labeling of a sound recording, as defined in ORS 164.868.
- 34 (40) Unlawful recording of a live performance, as defined in ORS 164.869.
- 35 (41) Unlawful labeling of a videotape recording, as defined in ORS 164.872.
- 36 (42) A violation of ORS 164.886.
- 37 (43)(a) Endangering aircraft in the first degree, as defined in ORS 164.885.
- 38 (b) Endangering aircraft in the second degree, as defined in ORS 164.885.
- 39 (44) Interference with agricultural operations, as defined in ORS 164.887.
- 40 (45) Forgery in the second degree, as defined in ORS 165.007.
- 41 (46) Forgery in the first degree, as defined in ORS 165.013.
- 42 (47) Criminal possession of a forged instrument in the second degree, as defined in ORS 165.017.
- 43 (48) Criminal possession of a forged instrument in the first degree, as defined in ORS 165.022.
- 44 (49) Criminal possession of a forgery device, as defined in ORS 165.032.
- 45 (50) Criminal simulation, as defined in ORS 165.037.

- 1 (51) Fraudulently obtaining a signature, as defined in ORS 165.042.
- 2 (52) Fraudulent use of a credit card, as defined in ORS 165.055.
- 3 (53) Negotiating a bad check, as defined in ORS 165.065.
- 4 (54) Possessing a fraudulent communications device, as defined in ORS 165.070.
- 5 (55) Unlawful factoring of a payment card transaction, as defined in ORS 165.074.
- 6 (56) Falsifying business records, as defined in ORS 165.080.
- 7 (57) Sports bribery, as defined in ORS 165.085.
- 8 (58) Sports bribe receiving, as defined in ORS 165.090.
- 9 (59) Misapplication of entrusted property, as defined in ORS 165.095.
- 10 (60) Issuing a false financial statement, as defined in ORS 165.100.
- 11 (61) Obtaining execution of documents by deception, as defined in ORS 165.102.
- 12 (62) A violation of ORS 165.543.
- 13 (63) Cellular counterfeiting in the third degree, as defined in ORS 165.577.
- 14 (64) Cellular counterfeiting in the second degree, as defined in ORS 165.579.
- 15 (65) Cellular counterfeiting in the first degree, as defined in ORS 165.581.
- 16 (66) Identity theft, as defined in ORS 165.800.
- 17 (67) A violation of ORS 166.190.
- 18 (68) Unlawful use of a weapon, as defined in ORS 166.220.
- 19 (69) A violation of ORS 166.240.
- 20 (70) Unlawful possession of a firearm, as defined in ORS 166.250.
- 21 (71) A violation of ORS 166.270.
- 22 (72) Unlawful possession of a machine gun, short-barreled rifle, short-barreled shotgun or
- 23 firearms silencer, as defined in ORS 166.272.
- 24 (73) A violation of ORS 166.275.
- 25 (74) Unlawful possession of armor piercing ammunition, as defined in ORS 166.350.
- 26 (75) A violation of ORS 166.370.
- 27 (76) Unlawful possession of a destructive device, as defined in ORS 166.382.
- 28 (77) Unlawful manufacture of a destructive device, as defined in ORS 166.384.
- 29 (78) Possession of a hoax destructive device, as defined in ORS 166.385.
- 30 (79) A violation of ORS 166.410.
- 31 (80) Providing false information in connection with a transfer of a firearm, as defined in ORS
- 32 166.416.
- 33 (81) Improperly transferring a firearm, as defined in ORS 166.418.
- 34 (82) Unlawfully purchasing a firearm, as defined in ORS 166.425.
- 35 (83) A violation of ORS 166.429.
- 36 (84) A violation of ORS 166.470.
- 37 (85) A violation of ORS 166.480.
- 38 (86) A violation of ORS 166.635.
- 39 (87) A violation of ORS 166.638.
- 40 (88) Unlawful paramilitary activity, as defined in ORS 166.660.
- 41 (89) A violation of ORS 166.720.
- 42 (90) Prostitution, as defined in ORS 167.007.
- 43 (91) Commercial sexual solicitation, as defined in ORS 167.008.
- 44 (92) Promoting prostitution, as defined in ORS 167.012.
- 45 (93) Compelling prostitution, as defined in ORS 167.017.

- 1 (94) Exhibiting an obscene performance to a minor, as defined in ORS 167.075.
- 2 (95) Unlawful gambling in the second degree, as defined in ORS 167.122.
- 3 (96) Unlawful gambling in the first degree, as defined in ORS 167.127.
- 4 (97) Possession of gambling records in the second degree, as defined in ORS 167.132.
- 5 (98) Possession of gambling records in the first degree, as defined in ORS 167.137.
- 6 (99) Possession of a gambling device, as defined in ORS 167.147.
- 7 (100) Possession of a gray machine, as defined in ORS 167.164.
- 8 (101) Cheating, as defined in ORS 167.167.
- 9 (102) Tampering with drug records, as defined in ORS 167.212.
- 10 (103) A violation of ORS 167.262.
- 11 (104) Research and animal interference, as defined in ORS 167.312.
- 12 (105) Animal abuse in the first degree, as defined in ORS 167.320.
- 13 (106) Aggravated animal abuse in the first degree, as defined in ORS 167.322.
- 14 (107) Animal neglect in the first degree, as defined in ORS 167.330.
- 15 (108) Interfering with an assistance, a search and rescue or a therapy animal, as defined in ORS
16 167.352.
- 17 (109) Involvement in animal fighting, as defined in ORS 167.355.
- 18 (110) Dogfighting, as defined in ORS 167.365.
- 19 (111) Participation in dogfighting, as defined in ORS 167.370.
- 20 (112) Unauthorized use of a livestock animal, as defined in ORS 167.385.
- 21 (113) Interference with livestock production, as defined in ORS 167.388.
- 22 (114) A violation of ORS 167.390.
- 23 (115) Participation in cockfighting, as defined in ORS 167.431.
- 24 (116) A violation of ORS 471.410.
- 25 (117) Failure to report missing precursor substances, as defined in ORS 475.955.
- 26 (118) Illegally selling drug equipment, as defined in ORS 475.960.
- 27 (119) Providing false information on a precursor substances report, as defined in ORS 475.965.
- 28 (120) Unlawful delivery of an imitation controlled substance, as defined in ORS 475.912.
- 29 (121) A violation of ORS 475.752, if it is a felony or a Class A misdemeanor.
- 30 (122) A violation of ORS 475.914, if it is a felony or a Class A misdemeanor.
- 31 (123) A violation of ORS 475.916.
- 32 (124) A violation of ORS 475.906, if it is a felony or a Class A misdemeanor.
- 33 (125) A violation of ORS 475.904.
- 34 (126) A violation of ORS 475C.337, if it is a felony or a Class A misdemeanor.
- 35 (127) A violation of ORS 475C.341, if it is a felony or a Class A misdemeanor.
- 36 (128) A violation of ORS 475C.345, if it is a felony or a Class A misdemeanor.
- 37 (129) A violation of ORS 475C.349, if it is a felony or a Class A misdemeanor.
- 38 (130) A violation of ORS 475C.229.
- 39 (131) Misuse of an identification card, as defined in ORS 807.430.
- 40 (132) Unlawful production of identification cards, licenses, permits, forms or camera cards, as
41 defined in ORS 807.500.
- 42 (133) Transfer of documents for the purposes of misrepresentation, as defined in ORS 807.510.
- 43 (134) Using an invalid license, as defined in ORS 807.580.
- 44 (135) Permitting misuse of a license, as defined in ORS 807.590.
- 45 (136) Using another's license, as defined in ORS 807.600.

- 1 (137) Criminal driving while suspended or revoked, as defined in ORS 811.182.
- 2 (138) Aggravated driving while suspended or revoked, as defined in ORS 163.196.
- 3 (139) Driving while under the influence of intoxicants, as defined in ORS 813.010, when it is a
- 4 felony.
- 5 (140) Unlawful distribution of cigarettes, as defined in ORS 323.482.
- 6 (141) Unlawful distribution of tobacco products, as defined in ORS 323.632.
- 7 (142) A violation of ORS 180.440 (2) or 180.486 (2).
- 8 (143) A violation described in ORS 475.806 to 475.894, if it is a felony.
- 9 (144) Subjecting another person to involuntary servitude in the first degree, as defined in ORS
- 10 163.264.
- 11 (145) Subjecting another person to involuntary servitude in the second degree, as defined in ORS
- 12 163.263.
- 13 (146) Trafficking in persons, as defined in ORS 163.266.
- 14 (147) Luring a minor, as defined in ORS 167.057.
- 15 (148) Online sexual corruption of a child in the second degree, as defined in ORS 163.432.
- 16 (149) Online sexual corruption of a child in the first degree, as defined in ORS 163.433.
- 17 (150) An attempt, conspiracy or solicitation to commit a crime in subsections (1) to (149) of this
- 18 section if the attempt, conspiracy or solicitation is a felony or a Class A misdemeanor.
- 19 **(151) Unlawful kangaroo exchange, as defined in section 1 of this 2023 Act.**

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