

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Representative Conrad)

**PROPOSED AMENDMENTS TO
HOUSE BILL 3384**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line and insert “105.597, 137.300, 167.320, 167.322, 167.330, 167.332, 167.350 and
3 430.384.”.

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

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

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

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

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

16 “167.320. (1) A person commits the crime of animal abuse in the first de-
17 gree if, except as otherwise authorized by law, the person [*intentionally,*
18 *knowingly or*] recklessly[:]

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

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

21 “(2) Any practice of good animal husbandry is not a violation of this

1 section.

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

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

5 “(a) The person committing the animal abuse has previously been con-
6 victed of one or more of the following offenses:

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

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

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

17 “(5) When animal abuse in the first degree is a felony, the Oregon Crim-
18 inal Justice Commission shall classify the offense as crime category 6 of the
19 sentencing guidelines grid.

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

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

26 “167.322. (1) A person commits the crime of aggravated animal abuse in
27 the first degree if the person **intentionally or knowingly:**

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

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

30 “(a) **Tortures an animal; or**

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

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

5 **“(3) Notwithstanding subsection (2) of this section, the Oregon
6 Criminal Justice Commission shall classify the offense of aggravated
7 animal abuse in the first degree as crime category 7 of the sentencing
8 guidelines grid if:**

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

11 **“(A) Any offense under ORS 163.160, 163.165, 163.175, 163.185 or
12 163.187 or the equivalent laws of another jurisdiction, if the offense
13 involved domestic violence as defined in ORS 135.230 or the offense was
14 committed against a minor child; or**

15 **“(B) Any offense under this section or ORS 167.320, or the equiv-
16 alent laws of another jurisdiction; or**

17 **“(b) The person knowingly commits the animal abuse in the im-
18 mediate presence of a minor child. For purposes of this paragraph, a
19 minor child is in the immediate presence of animal abuse if the abuse
20 is seen or directly perceived in any other manner by the minor child.**

21 “[(3)] (4) As used in this section[:]

22 “[(a) ‘Maliciously’ means intentionally acting with a depravity of mind and
23 reckless and wanton disregard of life.]

24 “[(b)], ‘torture’ means an action taken for the primary purpose of inflict-
25 ing pain.

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

27 “167.330. (1) A person commits the crime of animal neglect in the first
28 degree if, except as otherwise authorized by law, the person intentionally,
29 knowingly, recklessly or with criminal negligence:

30 “(a) Fails to provide minimum care for an animal in the person’s custody

1 or control and the failure to provide care results in serious physical injury
2 or death to the animal; or

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

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

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

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

11 “(b) The offense was part of a criminal episode involving 10 or more ani-
12 mals; [or]

13 “(c) **The person committing the offense acts intentionally, know-**
14 **ingly or recklessly as to the serious physical injury or death of the**
15 **animal; or**

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

20 “(4) The Oregon Criminal Justice Commission shall classify animal neg-
21 lect in the first degree under subsection (3) of this section:

22 “(a) As crime category 6 if 10 to 40 animals were the subject of the neg-
23 lect.

24 “(b) As crime category 7 if more than 40 animals were the subject of the
25 neglect or if the offense is a felony because of circumstances described in
26 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
30 of violating ORS 167.315, 167.340 or 167.355 or of a misdemeanor under ORS

1 167.320, 167.325 or 167.330 **or this section** may not possess **or reside with**
2 any animal of the same genus against which the crime was committed or any
3 domestic animal for a period of five years following entry of the conviction.

4 “(b) In addition to any other penalty imposed by law, a person convicted
5 of violating ORS 167.322, 167.333, 167.365 or 167.428 or of a felony under ORS
6 167.320, 167.325 or 167.330 may not possess **or reside with** any animal of the
7 same genus against which the crime was committed or any domestic animal
8 for a period of 15 years following entry of the conviction. [*However, the*
9 *sentencing court may reduce the prohibition period if the person successfully*
10 *completes mental health treatment approved by the court.*]

11 “(2) **Except as provided in subsection (5)(d) of this section,** a person
12 who possesses **or resides with** an animal in violation of this section commits
13 a Class [C] **B** misdemeanor. When a person is convicted of possessing **or**
14 **residing with** an animal in violation of this section, as part of the sentence
15 the court may order the removal of that animal from the person’s **possession**
16 **or** residence and as a condition of the person’s probation may prohibit the
17 person from possessing any animal of the same genus that the person un-
18 lawfully possessed under this section or against which the underlying vio-
19 lation of ORS 167.315, 167.320, 167.322, 167.325, 167.330, 167.333, 167.340,
20 167.355, 167.365 or 167.428 **or this section** was committed.

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

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

30 “(A) The person’s conviction leading to the [*possession*] prohibition in-

1 involved only livestock;

2 “(B) During the two years before the conviction triggering the prohibi-
3 tion, the person was the owner of a commercial livestock operation;

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

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

8 “(i) Criminal liability for the conduct of another person under ORS
9 161.155 (2)(c);

10 “(ii) Criminal liability of a corporation as described in ORS 161.170, and
11 the person is a corporation; or

12 “(iii) Animal neglect as described in ORS 167.325 or 167.330 and the
13 person’s criminal conduct was not knowing or intentional.

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

18 “(A) Continued enforcement of the prohibition against possessing **or re-**
19 **siding with** livestock would result in substantial economic hardship that
20 cannot otherwise be mitigated;

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

22 “(C) The person is capable of providing and willing to provide necessary,
23 adequate and appropriate levels of care for all livestock that would come
24 within the person’s custody or control if the petition is granted.

25 “(c) When deciding a motion filed under this subsection, the sentencing
26 court may consider the person’s financial circumstances and mental health
27 in determining whether the person is capable of adequately caring for live-
28 stock.

29 “(d) If the sentencing court grants the motion described in this sub-
30 section, the waiver of the prohibition against possessing **or residing with**

1 animals shall apply only to livestock. The sentencing court shall further or-
2 der that for five years the person must consent to reasonable inspections by
3 law enforcement and the United States Department of Agriculture to ensure
4 the welfare of the livestock under the person's custody or control. A refusal
5 to consent to a reasonable inspection described in this paragraph is contempt
6 of court and, if the person is found in contempt, shall result in the sentenc-
7 ing court revoking the waiver of the [*possession*] prohibition.

8 “(e) As used in this subsection, ‘commercial livestock operation’ means a
9 **licensed** business engaged in the raising, breeding or selling of livestock for
10 profit.

11 **“(5)(a) A person subject to a prohibition described in subsection (1)**
12 **of this section may file a motion with the sentencing court requesting**
13 **a termination of the prohibition, a reduction in the length of the pro-**
14 **hibition or an amendment of the prohibition to exclude certain cate-**
15 **gories of animals or certain specific animals, unless the underlying**
16 **conviction was for intentional or knowing conduct. The person must:**

17 **“(A) File a sworn affidavit in support of the motion stating that,**
18 **apart from the underlying offense, the person has not been previously**
19 **convicted of violating ORS 167.315, 167.333, 167.340, 167.355, 167.365 or**
20 **167.428, of a misdemeanor under ORS 167.320, 167.325 or 167.330 or of a**
21 **felony under ORS 167.320, 167.325 or 167.330, or the equivalent laws of**
22 **another jurisdiction.**

23 **“(B) Serve a copy of the motion upon the office of the prosecuting**
24 **attorney who prosecuted the offense.**

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

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

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

30 **“(C) The degree of violence and criminal intent involved in the**

1 **underlying offense;**

2 **“(D) Other criminal and relevant noncriminal behavior of the per-**
3 **son both before and after the underlying conviction;**

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

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

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

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

12 **“(A) Enter an order terminating the prohibition, reducing the**
13 **length of the prohibition, amending the prohibition to exclude certain**
14 **categories of animals or amending the prohibition to exclude certain**
15 **specific animals.**

16 **“(B) Order that, for five years, the person must consent to reason-**
17 **able inspections by law enforcement and the United States Department**
18 **of Agriculture to ensure the welfare of any animals under the person’s**
19 **custody or control. A refusal to consent to a reasonable inspection**
20 **described in this subparagraph constitutes contempt of court and, if**
21 **the person is found in contempt, shall result in the sentencing court**
22 **revoking the order described in subparagraph (A) of this paragraph.**

23 **“(d) A person whose motion under this subsection has been granted**
24 **and who possesses or resides with an animal in violation of an order**
25 **described in paragraph (c)(A) of this subsection commits a Class A**
26 **misdemeanor. If a person is convicted of a violation described in this**
27 **paragraph, as part of the sentence the sentencing court may order the**
28 **removal of the animal from the person’s possession or residence.**

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

30 **“167.350. (1)(a) In addition to and not in lieu of any other sentence it may**

1 impose, a court [*may*] **shall** require a defendant convicted under ORS 167.315
2 to 167.333, 167.340, 167.355 or 167.365 to forfeit any rights of the defendant
3 in the animal subjected to the violation, and to repay the reasonable costs
4 incurred by a government agency, a humane investigation agency or its
5 agent or a person prior to judgment in caring for each animal associated
6 with the criminal proceeding.

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

12 “(2)(a) When the court orders the defendant’s rights in the animal to be
13 forfeited, the court may further order that those rights be given over to an
14 appropriate person or agency demonstrating a willingness to accept and care
15 for the animal or to the county or an appropriate animal care agency for
16 further disposition in accordance with accepted practices for humane treat-
17 ment of animals. The court may not transfer the defendant’s rights in the
18 animal to any person who resides with the defendant.

19 “(b) This subsection does not limit the right of the person or agency to
20 whom rights are granted to resell or otherwise make disposition of the ani-
21 mal. A transfer of rights under this subsection constitutes a transfer of
22 ownership. The court shall require a person to whom rights are granted to
23 execute an agreement to provide minimum care to the animal. The agreement
24 must indicate that allowing the defendant to possess the animal constitutes
25 a crime.

26 “(3) In addition to and not in lieu of any other sentence it may impose,
27 a court may order the owner or person having custody of an animal to repay
28 any reasonable costs incurred by a government agency, a humane investi-
29 gation agency or its agent or a person in providing minimum care to the
30 animal that are not included in a repayment order under subsection (1) of

1 this section.

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

7 “[4] (5) A court may order a person convicted under ORS 167.315 to
8 167.333, 167.340, 167.355, 167.365 or 167.428 to participate in available animal
9 cruelty prevention programs or education programs, or both, or to obtain
10 psychological counseling for treatment of mental health disorders that, in
11 the court’s judgment, contributed to the commission of the crime. The person
12 shall bear any costs incurred by the person for participation in counseling
13 or treatment programs under this subsection.

14 “[5] (6) ORS 131.550 to 131.600 do not apply to the forfeiture of an ani-
15 mal subjected to a violation of ORS 167.315 to 167.333, 167.340, 167.355,
16 167.365 or 167.428. Any such animal is subject to forfeiture as provided in
17 **ORS 167.347 and** subsections (1) to (3) of this section or, if the animal is a
18 fighting bird, as provided in ORS 167.435.

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

20 “137.300. (1) The Criminal Fine Account is established in the General
21 Fund. Except as otherwise provided by law, all amounts collected in state
22 courts as monetary obligations in criminal actions shall be deposited by the
23 courts in the account. All moneys in the account are continuously appro-
24 priated to the Department of Revenue to be distributed by the Department
25 of Revenue as provided in this section. The Department of Revenue shall
26 keep a record of moneys transferred into and out of the account.

27 “(2) The Legislative Assembly shall first allocate moneys from the Crim-
28 inal Fine Account for the following purposes, in the following order of pri-
29 ority:

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

1 “(b) Allocations for criminal injuries compensation and assistance to
2 victims of crime and children reasonably suspected of being victims of crime.

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

5 “(d) Allocations for the maintenance and operation of the Law Enforce-
6 ment Data System.

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

10 “(a) Allocations to the Law Enforcement Medical Liability Account es-
11 tablished under ORS 414.815.

12 “(b) Allocations to the State Court Facilities and Security Account es-
13 tablished under ORS 1.178.

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

17 “(d) Allocations to the Oregon Health Authority for the purpose of grants
18 under ORS 430.345 for the establishment, operation and maintenance of al-
19 cohool and drug abuse prevention, early intervention and treatment services
20 provided through a county.

21 “(e) Allocations to the Oregon State Police for the purpose of the
22 enforcement of the laws relating to driving under the influence of
23 intoxicants.

24 “(f) Allocations to the Arrest and Return Account established under ORS
25 133.865.

26 “(g) Allocations to the Intoxicated Driver Program Fund established un-
27 der ORS 813.270.

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

30 “(4) Notwithstanding subsections (2) and (3) of this section, the Legisla-

1 tive Assembly shall:

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

5 “(b) **Allocate all moneys deposited into the Criminal Fine Account**
6 **as payment of fines imposed under ORS 167.350 (4) to the Proper Ani-**
7 **mal Husbandry Fund established under section 10 of this 2023 Act.**

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

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

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

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

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

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

1 **“SECTION 10. The Proper Animal Husbandry Fund is established**
2 **in the State Treasury, separate and distinct from the General**
3 **Fund. The Proper Animal Husbandry Fund consists of moneys allo-**
4 **cated to the fund for payment of fines imposed under ORS 167.350 (4),**
5 **moneys appropriated or otherwise transferred to the fund by the Leg-**
6 **islative Assembly and other amounts deposited in the fund from any**
7 **source. Moneys in the fund are continuously appropriated to the**
8 **Higher Education Coordinating Commission for distribution to the**
9 **Oregon State University Extension Service for purposes described in**
10 **section 9 of this 2023 Act.**

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

12 “430.384. (1) The Drug Treatment and Recovery Services Fund is estab-
13 lished in the State Treasury, separate and distinct from the General Fund.
14 Interest earned by the Drug Treatment and Recovery Services Fund shall be
15 credited to the fund.

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

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

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

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

22 “(d) Moneys allocated from the Criminal Fine Account pursuant to ORS
23 137.300 (4)(a); and

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

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

27 “(4)(a) Pursuant to subsection (2)(b) of this section, the Legislative As-
28 sembly shall appropriate or transfer to the fund an amount sufficient to fully
29 fund the grants program required by ORS 430.389.

30 “(b) The total amount deposited and transferred into the fund shall not

1 be less than \$57 million for the first year chapter 2, Oregon Laws 2021, is in
2 effect.

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

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

10 “(B) The annual increase, if any, in moneys distributed pursuant to ORS
11 475C.726 (3)(b).

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

13 “105.597. In addition to any places described in ORS 105.555, the following
14 are declared to be nuisances and shall be enjoined and abated as provided
15 in ORS 105.550 to 105.600:

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

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

22 “(b) [*Killing maliciously as defined in ORS 167.322 or*] Committing torture
23 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 per-
26 son described under ORS 167.332.

27 “(2) Any place appearing to be vacant at which a domestic animal or
28 equine, both as defined in ORS 167.310, are present and have been left with-
29 out provision for minimum care as defined in ORS 167.310.

30 “(3) Any place being used on a continuous, regular or sporadic basis for

1 carrying out any of the following activities, whether or not carried out with
2 a particular mental state:

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

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

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

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

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

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

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

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

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

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

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

26 “(b) Possession of dogfighting paraphernalia as described under ORS
27 167.372.

28 “(c) Selling or offering for sale equipment other than paraphernalia de-
29 scribed in paragraph (b) of this subsection with the intent that the equipment
30 be used to train a fighting dog as defined in ORS 167.360.

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

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

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

14
