

## SENATE AMENDMENTS TO RESOLVE CONFLICTS TO A-ENGROSSED HOUSE BILL 4145

By COMMITTEE ON JUDICIARY

February 29

1 On page 3 of the printed A-engrossed bill, after line 18, insert:

2 **“SECTION 1a. If House Bill 4043 becomes law, section 1 of this 2024 Act (amending ORS**  
3 **167.310) is repealed and ORS 167.310 is amended to read:**

4 “167.310. As used in ORS 167.310 to 167.351:

5 “(1) ‘Adequate bedding’ means bedding of sufficient quantity and quality to permit a domestic  
6 animal to remain dry and reasonably clean and maintain a normal body temperature.

7 “(2)(a) ‘Adequate shelter’ includes a barn, doghouse or other enclosed structure sufficient to  
8 protect a domestic animal from wind, rain, snow or sun, that has adequate bedding to protect  
9 against cold and dampness and that is maintained to protect the domestic animal from weather and  
10 physical injury.

11 “(b) ‘Adequate shelter’ does not include:

12 “(A) Crawl spaces under buildings or parts of buildings, such as steps, decks or stoops;

13 “(B) The space under a vehicle;

14 “(C) The inside of a vehicle if the domestic animal is kept in the vehicle in a manner or for a  
15 length of time that is likely to be detrimental to the domestic animal’s health or safety;

16 “(D) Shelters made from cardboard or other materials that are easily degraded by the elements;

17 “(E) Animal carriers or crates that are designed to provide temporary housing;

18 “(F) Shelters with wire or chain-link floors, unless the domestic animal is a bird; or

19 “(G) Shelters surrounded by waste, debris, obstructions or impediments that could adversely af-  
20 fect an animal’s health.

21 “(3) ‘Animal’ means any nonhuman mammal, bird, reptile, amphibian or fish.

22 “(4) ‘Domestic animal’ means an animal, other than livestock or equines, that is owned or pos-  
23 sessed by a person.

24 “(5) ‘Equine’ means a horse, pony, donkey, mule, hinny, zebra or a hybrid of any of these ani-  
25 mals.

26 “(6) ‘Good animal husbandry’ includes, but is not limited to, the dehorning of cattle, the docking  
27 of horses, sheep or swine, and the castration or neutering of livestock, according to accepted prac-  
28 tices of veterinary medicine or animal husbandry.

29 “(7) ‘Law enforcement animal’ means a dog or horse used in law enforcement work under the  
30 control of a corrections officer, parole and probation officer, police officer or youth correction offi-  
31 cer, as those terms are defined in ORS 181A.355, who has successfully completed at least 360 hours  
32 of training in the care and use of a law enforcement animal, or who has passed the demonstration  
33 of minimum standards established by the Oregon Police Canine Association or other accredited and  
34 recognized animal handling organization.

35 “(8)(a) ‘Livestock,’ except as provided in paragraph (b) of this subsection, has the meaning pro-

1 vided in ORS 609.125.

2 “(b) ‘Livestock’ does not include psittacines.

3 “(9) ‘Minimum care’ means care sufficient to preserve the health and well-being of an animal  
4 and, except for emergencies or circumstances beyond the reasonable control of the owner, includes,  
5 but is not limited to, the following requirements:

6 “(a) Food of sufficient quantity and quality to allow for normal growth or maintenance of body  
7 weight.

8 “(b) Open or adequate access to potable water in sufficient quantity to satisfy the animal’s  
9 needs. Access to snow or ice is not adequate access to potable water.

10 “(c) For a domestic animal other than a dog engaged in herding or protecting livestock, access  
11 to adequate shelter.

12 “(d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from  
13 injury, neglect or disease.

14 “(e) For a domestic animal, continuous access to an area:

15 “(A) With adequate space for exercise necessary for the health of the animal;

16 “(B) With air temperature suitable for the animal; and

17 “(C) Kept reasonably clean and free from excess waste or other contaminants that could affect  
18 the animal’s health.

19 “(f) For a livestock animal that cannot walk or stand without assistance:

20 “(A) Humane euthanasia; or

21 “(B) The provision of immediate and ongoing care to restore the animal to an ambulatory state.

22 “(10) ‘Physical injury’ means physical trauma, impairment of physical condition or substantial  
23 pain.

24 “(11) ‘Physical trauma’ means fractures, cuts, punctures, bruises, burns or other wounds.

25 “(12) ‘Possess’ has the meaning provided in ORS 161.015.

26 “(13) ‘Serious physical injury’ means physical injury that creates a substantial risk of death or  
27 that causes protracted disfigurement, protracted impairment of health or protracted loss or impair-  
28 ment of the function of a limb or bodily organ.

29 “(14)(a) ‘Tethering’ means to restrain a domestic animal by tying the domestic animal to any  
30 object or structure by any means.

31 “(b) ‘Tethering’ does not include using a handheld leash for the purpose of walking a domestic  
32 animal.

33 “(15) ‘Visual recording’ includes, but is not limited to, photographs, films, videotapes and  
34 computer and other digital pictures, regardless of the manner in which the recording is  
35 stored.”.

36 After line 31, insert:

37 “**SECTION 2a. If House Bill 4043 becomes law, section 2 of this 2024 Act (amending ORS**  
38 **167.322) is repealed and ORS 167.322, as amended by section 4, chapter \_\_, Oregon Laws 2024**  
39 **(Enrolled House Bill 4043), is amended to read:**

40 “167.322. (1) A person commits the crime of aggravated animal abuse in the first degree if, ex-  
41 cept as otherwise authorized by law, the person intentionally or knowingly:

42 “(a) Tortures an animal; [or]

43 “(b) Causes serious physical injury or death to an animal[.]; or

44 “(c) **Creates a visual recording of an act described in paragraph (a) or (b) of this sub-**  
45 **section.**

1           “(2) Any practice of good animal husbandry is not a violation of this section.  
2           “(3) Aggravated animal abuse in the first degree is a Class C felony and the Oregon Criminal  
3 Justice Commission shall classify the offense as crime category 6 of the sentencing guidelines grid.  
4           “(4) Notwithstanding subsection (3) of this section, the Oregon Criminal Justice Commission  
5 shall classify the offense of aggravated animal abuse in the first degree as crime category 7 of the  
6 sentencing guidelines grid if:  
7           “(a) The person committing the animal abuse has previously been convicted of one or more of  
8 the following offenses:  
9           “(A) Any offense under ORS 163.160, 163.165, 163.175, 163.185 or 163.187 or the equivalent laws  
10 of another jurisdiction, if the offense involved domestic violence as defined in ORS 135.230 or the  
11 offense was committed against a minor child; or  
12           “(B) Any offense under this section or ORS 167.320, or the equivalent laws of another jurisdic-  
13 tion; or  
14           “(b) The person knowingly commits the animal abuse in the immediate presence of a minor child.  
15 For purposes of this paragraph, a minor child is in the immediate presence of animal abuse if the  
16 abuse is seen or directly perceived in any other manner by the minor child.  
17           “(5) As used in this section, ‘torture’ means an action taken for the primary purpose of inflicting  
18 pain.”.  
19           On page 7, after line 24, insert:  
20           “**SECTION 8a. If House Bill 4043 becomes law, section 8 of this 2024 Act (amending ORS**  
21 **105.597) is repealed.**”.  
22           After line 30, insert:  
23           “**SECTION 9a.** If House Bill 4043 becomes law, section 9 of this 2024 Act is amended to read:  
24           “**Sec. 9.** Sections 4 and 5 of this 2024 Act and the amendments to ORS [105.597,] 167.310, 167.322,  
25 167.332 and 167.335 by sections [1] **1a**, [2] **2a**, [and] 6 [to 8] **and 7** of this 2024 Act apply to conduct  
26 occurring on or after the effective date of this 2024 Act.”.  
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