

HB 3604 -1 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Tisha Pascone, LPRO Analyst

Meeting Dates: 3/11, 4/9

WHAT THE MEASURE DOES:

The measure allows an animal holding agency to become an owner of an unowned, stray, or abandoned cat if the agency satisfies posting, notification, holding, and care requirements. The measure immunizes an animal holding agency from criminal prosecution and civil liability if the agency acted in compliance with the measure.

Detailed Summary:

- Establishes a defense to the crime of theft of a cat for an animal holding agency or its employee or agent that complies with the measure.
- Creates a defense to the crime of animal abandonment of a cat if an animal holding agency returns the cat to where it was found.
- Provides immunity from civil liability for an animal holding agency that takes possession of, keeps or disposes of a cat if in compliance with the measure.
- Requires the animal holding agency to:
 - Verify whether the person who transfers the cat to the agency believes the cat is unowned, stray or abandoned;
 - Keep the cat in a facility approved for that purpose for:
 - Three business days if the cat is without a license, identification tag or microchip, or
 - Five business days if the cat has a license, identification tag or microchip.
 - Post information and a photo of the animal on the agency's website within 24 hours of taking possession;
 - Take other reasonable steps to notify the owner; and
 - Comply with additional notice requirements if an owner is identified, including providing the agency's address, procedures for redeeming the cat, and consequences for failure to redeem the cat.
- Permits transfer of ownership of the cat to the agency if the owner does not redeem the cat during the holding period.
- Allows the agency to take additional actions when deemed owner of a cat, including transfer to another agency, returning the cat to its previous owner, or returning the cat to where it was found.
- Defines an animal holding agency as a nonprofit operating out of a physical building that is open to the public at least five days per week.
- Requires the agency to provide necessary medical and preventative care to the cat during the holding period.
- Takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Background of Marion County shelter decisions to stop taking cats
- Liability concerns and lack of guidance
- Oregon Humane Society statistics on average of days that cats are redeemed within
- Existing laws regarding dogs
- Shelters have discretion whether to accept cats

EFFECT OF AMENDMENT:

-1 The amendment removes the abandonment defense, refines and adds definitions and requirements, and allows local law to require longer minimum holding times.

Detailed Summary

HB 3604 -1 STAFF MEASURE SUMMARY

- Removes the criminal abandonment defense from the measure and removes returning the cat to where it was found from the list of things an animal holding agency may do once it becomes the owner.
- Refines the definition of animal holding agency to apply only to licensed animal rescue entities and adds county or municipal animal control agencies to the definition.
- Requires the animal holding agency to record the identity and contact information of a person who transfers a cat to the agency.
- Permits the agency to keep the cat in a foster program if the cat is pregnant, nursing, or neonatal.
- Allows local ordinances to extend the minimum holding period in that jurisdiction.
- Removes the requirement that the agency first exhaust all reasonable steps to notify the owner if a licensed veterinarian deems euthanasia necessary during the holding period.

BACKGROUND:

Animals are considered property under Oregon law. Finders of lost property are required to take reasonable measures to restore the property to the owner. A person who finds money or goods valued at \$250 or more must give notice to a county clerk, publish a notice in the newspaper once a week for two consecutive weeks, and may become the owner of the property if the money or goods are not claimed within three months. Oregon's dog control laws permit police officers and dog control officers to impound dogs found running at large where prohibited by the county. A dog without a license or tag must be impounded for at least three days and otherwise must be kept for five days, and reasonable efforts must be made to notify the dog's keeper. If the keeper does not redeem the dog within that time, the dog control board or county can rehome or euthanize the dog. There are no similar laws applicable to stray cats. The introduced version of House Bill 3604 is a redraft of a proposed amendment to House Bill 3571 (2023), which remained in committee upon adjournment.