

HB 3604 A STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 4/28, 5/5

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.
- 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.
- Defines an animal holding agency as licensed animal rescue entities, including county or municipal animal control agencies and nonprofits operating out of a physical building that is open to the public at least five days per week.
- Requires the animal holding agency to:
 - Record the identity and contact information of a person who transfers a cat to the agency;
 - 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.
 - A longer period of time, if required by local ordinance.
 - 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 the agency to keep the cat in a foster program if the cat is pregnant, nursing, or neonatal.
- 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 any lawful actions when deemed owner of a cat, such as transfer to another agency, offering the cat for adoption, and euthanasia.
- 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.

FISCAL: Has minimal fiscal impact

REVENUE: No revenue impact

HOUSE VOTE: Ayes, 45; Nays, 8

ISSUES DISCUSSED:

- Cat burglars, catnapping and cat naps
- Identification requirements
- ORS Ch. 609 framework covers dogs
- Local government ability to set longer hold times

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Animals are considered property under Oregon law. *Justice by and through Mosiman v. Vercher*, 321 Or.App. 439, 451- 457 (2022). 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. ORS 98.005. Oregon's dog control laws permit police officers and dog control officers to impound dogs found running at large where prohibited by the county. ORS 609.090. A dog without a license or tag must be held 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 or abandoned cats.