

Enrolled
House Bill 3604

Sponsored by Representative ANDERSEN; Representative GOMBERG

CHAPTER

AN ACT

Relating to animal rescue entities; creating new provisions; amending ORS 164.035; and prescribing an effective date.

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

SECTION 1. ORS 164.035 is amended to read:

164.035. (1) In a prosecution for theft it is a defense that the defendant acted under an honest claim of right, in that:

- (a) The defendant was unaware that the property was that of another; or
- (b) The defendant reasonably believed that the defendant was entitled to the property involved or had a right to acquire or dispose of it as the defendant did.

(2) In a prosecution for extortion committed by instilling in the victim a fear that the victim or another person would be charged with a crime, it is a defense that the defendant reasonably believed the threatened charge to be true and that the sole purpose of the defendant was to compel or induce the victim to take reasonable action to make good the wrong which was the subject of the threatened charge.

(3) In a prosecution for theft by receiving, it is a defense that the defendant received, retained, concealed or disposed of the property with the intent of restoring it to the owner.

(4) It is a defense that the property involved was that of the defendant's spouse, unless the parties were not living together as spouses in a marriage and were living in separate abodes at the time of the alleged theft.

(5) In a prosecution for theft, it is a defense that:

- (a) The defendant is an animal holding agency, as defined in section 2 of this 2025 Act, or an employee, volunteer or other agent acting on behalf of an animal holding agency; and**
- (b) The defendant complied with the provisions of section 2 of this 2025 Act.**

SECTION 2. (1) As used in this section:

(a) "Animal holding agency" means a licensed animal rescue entity, as defined in ORS 609.415, that:

(A) Is a nonprofit organization that operates out of a physical building, with a published address, that is open to the public at least five days per week; or

(B) Is designated by a county or municipal animal control agency by contract to accept, hold or dispose of cats on behalf of the county or municipality.

(b) "Cat" means a member of the species *Felis catus* or a hybrid of that species.

(c) "Nonprofit organization" means an organization described in section 501(c)(3) of the Internal Revenue Code that is exempt from income tax under section 501(a) of the Internal Revenue Code.

(2) An animal holding agency, or the employee, volunteer or other agent acting on behalf of an animal holding agency, that takes possession of, keeps or disposes of a cat as provided in this section is immune from civil liability for conduct described in this section.

(3) Upon taking possession of a cat, an animal holding agency shall:

(a) Record the identity and contact information for the person who transferred the cat to the animal holding agency; and

(b) Verify whether the person who transferred the cat to the animal holding agency believes the cat is unowned, stray or abandoned.

(4) If the person who transferred a cat to the animal holding agency believes the cat is unowned, stray or abandoned, the animal holding agency:

(a)(A) Shall keep the cat in a facility operated by the animal holding agency that meets the requirements established by the State Department of Agriculture by rule for that type of facility; or

(B) May keep the cat in a foster program operated by the animal holding agency, if the cat is pregnant, nursing or neonatal;

(b) Shall, within 24 hours of taking possession of the cat, post on the animal holding agency's website a description and photograph of the cat and the location and date the cat was found;

(c) Shall report to the municipal animal control agency in the area where the cat was found; and

(d) Shall take other reasonable steps to notify the owner of the cat that the animal holding agency has possession of the cat, including providing notice as described in subsection (6) of this section, as applicable.

(5)(a) An animal holding agency shall keep a cat in accordance with the following minimum holding periods:

(A) If the cat is without a license, identification tag or microchip, at least three business days, or a longer period of time if required by a local ordinance.

(B) If the cat has a license, identification tag or microchip, at least five business days, or a longer period of time if required by a local ordinance.

(b) For purposes of this subsection, a business day is a day the animal holding agency is open to the public.

(6) If an animal holding agency is able to identify the owner of a cat, the animal holding agency shall, as soon as is practicable, provide notice to the owner that includes:

(a) The address of the facility where the cat is being kept;

(b) The procedures for redeeming the cat, including any reasonable fees established by the animal holding agency; and

(c) The consequences for failure to timely redeem the cat.

(7) Notwithstanding ORS 98.005, if the owner of a cat does not redeem the cat during the holding period required by subsection (5) of this section, and the animal holding agency provided notice as required by subsection (6) of this section, if the animal holding agency was able to identify the owner, the animal holding agency shall be the owner of the cat after the expiration of the holding period.

(8) Upon taking ownership of a cat as described in subsection (7) of this section, an animal holding agency may dispose of the cat through any lawful means, including but not limited to offering the cat for adoption, transferring the cat to another agency or euthanizing the cat.

(9)(a) An animal holding agency shall provide any necessary medical care, including humane euthanasia, as determined by a licensed veterinarian, to a cat during the holding period described in subsection (5) of this section.

(b) An animal holding agency shall provide species-appropriate preventative health care, as directed by a licensed veterinarian, including implementing protocols that strengthen resistance to disease and minimize exposure to disease.

(10) An animal holding agency shall keep, for a period of at least one year, all records required by ORS 609.415 applicable to a cat that an animal holding agency keeps or makes disposition of under this section, as well as a record of the location where a cat was found and the name and address, if known, of the individual who found the cat.

SECTION 3. This 2025 Act takes effect on the 91st day after the date on which the 2025 regular session of the Eighty-third Legislative Assembly adjourns sine die.

Passed by House April 22, 2025

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Julie Fahey, Speaker of House

Passed by Senate May 15, 2025

.....
Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

.....
Tobias Read, Secretary of State