

A-Engrossed
House Bill 3604

Ordered by the House April 15
Including House Amendments dated April 15

Sponsored by Representative ANDERSEN; Representative GOMBERG

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act protects some animal entities from civil and criminal laws if they accept, hold or get rid of cats as required by the Act. (Flesch Readability Score: 63.0).

[Establishes defenses to the crimes of theft and animal abandonment, and immunity for civil liability, for an entity that takes possession, keeps or disposes of a cat as provided by the Act.]

Establishes a defense to prosecution for theft, and immunity from civil liability, for an entity that takes possession of, keeps or disposes of a cat as provided in the Act.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to animal rescue entities; creating new provisions; amending ORS 164.035; and prescribing
3 an effective date.

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

5 **SECTION 1.** ORS 164.035 is amended to read:

6 164.035. (1) In a prosecution for theft it is a defense that the defendant acted under an honest
7 claim of right, in that:

8 (a) The defendant was unaware that the property was that of another; or

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

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

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

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

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

22 **(a) The defendant is an animal holding agency, as defined in section 2 of this 2025 Act,**
23 **or an employee, volunteer or other agent acting on behalf of an animal holding agency; and**

24 **(b) The defendant complied with the provisions of section 2 of this 2025 Act.**

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 (a) "Animal holding agency" means a licensed animal rescue entity, as defined in ORS
2 609.415, that:

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

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

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

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

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

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

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

17 (b) Verify whether the person who transferred the cat to the animal holding agency be-
18 lieves the cat is unowned, stray or abandoned.

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

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

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

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

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

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

34 (5)(a) An animal holding agency shall keep a cat in accordance with the following mini-
35 mum holding periods:

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

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

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

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

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

45 (b) The procedures for redeeming the cat, including any reasonable fees established by

1 **the animal holding agency; and**

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

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

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

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

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

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

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

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