

A-Engrossed Senate Bill 733

Ordered by the House May 7
Including House Amendments dated May 7

Sponsored by Senator GELSER BLOUIN; Representative BOICE (Presession filed.)

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: The Act expands the definition of the term "potentially dangerous dog" in dog control. The Act says that the term includes a dog that harms livestock. (Flesch Readability Score: 66.7).

Expands the definition of the term "potentially dangerous dog," for dog control purposes, to include a dog that inflicts serious injury on or kills livestock.

A BILL FOR AN ACT

Relating to dogs harming livestock; amending ORS 609.035 and 609.125.

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

SECTION 1. ORS 609.035 is amended to read:

609.035. As used in ORS 609.035 to 609.110 and 609.990:

(1) "Boarding kennel":

(a) Means, except as provided in paragraph (b) of this subsection, a facility that provides care for a fee to dogs that stay at the facility an average of less than 30 days.

(b) Does not mean a facility that is subject to ORS 167.374 or 167.376.

(2) "Dog control board" means a group of persons whose duties include, but need not be limited to, fulfilling the duties of a dog control district board of supervisors as described in ORS 609.030.

(3) "Dog control officer" means a person whose duties include, but need not be limited to, enforcing the dog control laws for a dog control district.

(4) "Domestic animal" means an animal, other than livestock or equines, that is owned or possessed by a person.

~~[(4)]~~ **(5)** "Keeper" means a person who owns, possesses, controls or otherwise has charge of a dog, other than:

(a) A boarding kennel;

(b) A humane society or other nonprofit animal shelter;

(c) A facility impounding dogs on behalf of a city or county; or

(d) A veterinary facility.

(6) "Livestock" means ratites, horses, hinnies, mules, donkeys, cattle, llamas, alpacas, sheep, goats, swine, domesticated fowl and any fur-bearing animal bred and maintained commercially or otherwise, within pens, cages or hutches.

~~[(5)]~~ **(7)** "Menaces" means lunging, growling, snarling or other behavior by a dog that would cause a reasonable person to fear for the person's safety.

~~[(6)]~~ **(8)** "Potentially dangerous dog" means a dog that:

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) Without provocation and while not on premises from which the keeper may lawfully exclude
2 others, menaces a person;

3 (b) Without provocation, inflicts physical injury on a person that is less severe than a serious
4 physical injury; or

5 (c) Without provocation and while not on premises from which the keeper may lawfully exclude
6 others, inflicts physical injury on or kills **livestock or** a domestic animal [*as defined in ORS*
7 *167.310*].

8 [(7)] (9) “Running at large” means that a dog is off or outside of the premises from which the
9 keeper of the dog may lawfully exclude others, or is not in the company of and under the control
10 of its keeper, except if the dog is:

11 (a) Being used to legally hunt, chase or tree wildlife while under the supervision of the keeper;

12 (b) Being used to control or protect livestock or for other activities related to agriculture; or

13 (c) Within any part of a vehicle.

14 [(8)] (10) “Serious physical injury” has the meaning given that term in ORS 161.015.

15 **SECTION 2.** ORS 609.125 is amended to read:

16 609.125. As used in ORS 609.135 to 609.190, “livestock” means ratites, psittacines, horses,
17 **hinnies**, mules, [*jackasses*] **donkeys**, cattle, llamas, alpacas, sheep, goats, swine, domesticated fowl
18 and any fur-bearing animal bred and maintained commercially or otherwise, within pens, cages and
19 hutches.
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