

HB 3604-1
(LC 3748)
3/7/25 (STN/ps)

Requested by Representative ANDERSEN

**PROPOSED AMENDMENTS TO
HOUSE BILL 3604**

1 On page 1 of the printed bill, line 2, delete “and 167.340”.

2 Delete lines 5 through 29 and delete pages 2 and 3 and insert:

3 **“SECTION 1. ORS 164.035 is amended to read:**

4 “164.035. (1) In a prosecution for theft it is a defense that the defendant
5 acted under an honest claim of right, in that:

6 “(a) The defendant was unaware that the property was that of another;
7 or

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

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

17 “(3) In a prosecution for theft by receiving, it is a defense that the de-
18 fendant received, retained, concealed or disposed of the property with the
19 intent of restoring it to the owner.

20 “(4) It is a defense that the property involved was that of the defendant’s
21 spouse, unless the parties were not living together as spouses in a marriage

1 and were living in separate abodes at the time of the alleged theft.

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

3 **“(a) The defendant is an animal holding agency, as defined in sec-**
4 **tion 2 of this 2025 Act, or an employee, volunteer or other agent acting**
5 **on behalf of an animal holding agency; and**

6 **“(b) The defendant complied with the provisions of section 2 of this**
7 **2025 Act.**

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

9 **“(a) ‘Animal holding agency’ means a licensed animal rescue entity,**
10 **as defined in ORS 609.415, that:**

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

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

17 **“(b) ‘Cat’ means a member of the species Felis catus or a hybrid**
18 **of that species.**

19 **“(c) ‘Nonprofit organization’ means an organization described in**
20 **section 501(c)(3) of the Internal Revenue Code that is exempt from in-**
21 **come tax under section 501(a) of the Internal Revenue Code.**

22 **“(2) An animal holding agency, or the employee, volunteer or other**
23 **agent acting on behalf of an animal holding agency, that takes pos-**
24 **session of, keeps or disposes of a cat as provided in this section is**
25 **immune from civil liability for conduct described in this section.**

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

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

30 **“(b) Verify whether the person who transferred the cat to the ani-**

1 mal holding agency believes the cat is unowned, stray or abandoned.

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

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

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

10 “(b) Within 24 hours of taking possession of the cat, post on the
11 animal holding agency’s website a description and photograph of the
12 cat and the location and date the cat was found;

13 “(c) Report to the municipal animal control agency in the area
14 where the cat was found; and

15 “(d) Take other reasonable steps to notify the owner of the cat that
16 the animal holding agency has possession of the cat, including pro-
17 viding notice as described in subsection (6) of this section, as applica-
18 ble.

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

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

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

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

29 “(6) If an animal holding agency is able to identify the owner of a
30 cat, the animal holding agency shall, as soon as is practicable, provide

1 notice to the owner that includes:

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

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

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

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

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

17 “(9)(a) An animal holding agency shall provide any necessary med-
18 ical care, including humane euthanasia, as determined by a licensed
19 veterinarian, to a cat during the holding period described in subsection
20 (5) of this section.

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

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

30 **SECTION 3.** This 2025 Act takes effect on the 91st day after the

1 **date on which the 2025 regular session of the Eighty-third Legislative**
2 **Assembly adjourns sine die.”**

3 _____