

SENATE AMENDMENTS TO SENATE BILL 844

By COMMITTEE ON JUDICIARY

April 28

1 On page 1 of the printed bill, line 2, after “provisions;” delete the rest of the line and line 3 and
2 insert “amending ORS 609.015, 609.090, 609.095 and 609.990; and repealing ORS 609.093 and
3 609.097.”.

4 Delete lines 5 through 26 and delete pages 2 through 7 and insert:

5 **“SECTION 1. (1) As used in this section, ‘keeper’ has the meaning given that term in**
6 **ORS 609.010.**

7 **“(2) Except as provided in subsection (3) of this section, if a dog causes physical injury**
8 **to a person, the keeper of the dog is strictly liable to the person for any economic damages**
9 **resulting from the injury.**

10 **“(3) Subsection (2) of this section does not apply if a dog causes physical injury to a**
11 **person wrongfully assaulting the dog or the dog’s keeper or to a person who trespasses upon**
12 **premises from which the keeper may lawfully exclude others.**

13 **“SECTION 2. As used in ORS 609.090 and 609.990 and sections 2 to 9 of this 2005 Act:**

14 **“(1) ‘Dangerous’ means a dog that:**

15 **“(a) Without provocation and in an aggressive manner inflicts serious bodily injury on**
16 **or kills a person;**

17 **“(b) After being determined under section 4 of this 2005 Act to be potentially dangerous:**

18 **“(A) Commits any act described in subsection (3) of this section; or**

19 **“(B) Is maintained by the keeper in a manner that does not comply with the restrictions**
20 **or conditions imposed by an animal control authority or a court; or**

21 **“(c) Is used as a weapon in the commission of a crime.**

22 **“(2) ‘Keeper’ has the meaning given that term in ORS 609.010.**

23 **“(3) ‘Potentially dangerous’ means a dog that:**

24 **“(a) Without provocation and while not on property from which the keeper may lawfully**
25 **exclude others, engages in behavior that requires a person to take defensive measures to**
26 **avoid the infliction of bodily injury;**

27 **“(b) Without provocation, inflicts bodily injury on a person that is less severe than a**
28 **serious bodily injury; or**

29 **“(c) Without provocation and while not on property from which the keeper may lawfully**
30 **exclude others, inflicts injury on or kills a domestic animal.**

31 **“(4) ‘Proper enclosure’ means:**

32 **“(a) A secure confinement indoors; or**

33 **“(b) A secure confinement outdoors that:**

34 **“(A) Provides the dog with protection from wind, rain, snow or sun and has adequate**
35 **bedding to protect against cold and dampness;**

1 “(B) Prevents entry by children 12 years of age or younger;

2 “(C) Is not less than six feet wide and 12 feet long and has a fence at least six feet high;

3 **and**

4 “(D) Is enclosed on top if the enclosure contains a dog house or if the dog is capable of
5 climbing the fence.

6 “(5) ‘Serious bodily injury’ means physical damage that results in muscle tears or broken
7 bones or results in lacerations that require plastic surgery or multiple sutures.

8 “SECTION 3. (1) The keeper of a dog maintains a potentially dangerous dog if the dog
9 commits an act described in section 2 (3) of this 2005 Act.

10 “(2) Maintaining a potentially dangerous dog is punishable as described in ORS 609.990.

11 “SECTION 4. If a dog control board, county governing body or court determines that a
12 dog is a potentially dangerous dog:

13 “(1) The dog may be released from impound only if the dog is:

14 “(a) Licensed and has a current rabies vaccination;

15 “(b) Photographed;

16 “(c) Implanted with an unencrypted identifying microchip;

17 “(d) Spayed or neutered; and

18 “(e) Placed in the keeping of an adult.

19 “(2) The board, governing body or court may require that the dog be enrolled in obedience
20 training, socialization or behavior modification programs designated by the board, body or
21 court.

22 “(3) The dog must be kept in a proper enclosure. Signs must be posted near the enclosure
23 warning that the dog is potentially dangerous. The signs must be readable by a person with
24 normal vision from a distance of 30 feet.

25 “(4) The dog, when not in a proper enclosure, must be under the control of an adult, re-
26 strained with a substantial leash not more than five feet in length and fitted with a muzzle
27 that prevents the dog from biting a person or animal.

28 “(5) The keeper of the dog is responsible for all licensing, vaccination, microchipping,
29 spaying, neutering or other costs required to allow release of the impounded dog under this
30 section. The keeper has 30 days following the determination to comply with any restrictions
31 or conditions imposed on keeping the dog.

32 “(6) The keeper shall send notice if the location at which the dog is kept changes. The
33 keeper shall, no later than two days after the change in location, send the notice by first
34 class mail to the county in which the dog is registered. If the new location is in a different
35 county, the keeper shall also send notice to the county of the new location.

36 “(7) Possession of the dog may not be transferred to a minor. If physical or legal pos-
37 session of the dog is transferred to another keeper, the transferor shall send notice of the
38 change by first class mail not later than two days after the transfer of possession. The
39 transferor shall send the notice of the transfer to the county in which the dog is registered.
40 Notice that possession of the dog has transferred may be combined with a notice sent under
41 subsection (6) of this section.

42 “(8) The county in which the dog is located shall place the dog on the registry created
43 under section 8 of this 2005 Act. The county may charge the keeper of the dog fees to cover
44 the additional registry and record keeping costs incurred by the county.

45 “(9) The keeper may petition the county to have the dog removed from the registry if,

1 during the three years following the date the dog is determined to be potentially dangerous,
2 the dog is not the subject of further action under ORS 609.090, 609.095 or 609.990.

3 **“SECTION 5. (1) The keeper of a dog maintains a dangerous dog if the dog commits an**
4 **act described in section 2 (1) of this 2005 Act or if the keeper fails to comply with restrictions**
5 **or conditions imposed by section 4 or 6 of this 2005 Act or imposed by a dog control board,**
6 **county governing body or court under ORS 609.990 or section 4 or 6 of this 2005 Act.**

7 **“(2) Maintaining a dangerous dog is punishable as described in ORS 609.990.**

8 **“SECTION 6. If a dog control board, county governing body or court determines that a**
9 **dog is a dangerous dog:**

10 **“(1) The dog shall be euthanized if the board, governing body or court determines that**
11 **release of the dog from impound would create a significant threat to the public health and**
12 **safety.**

13 **“(2) The dog shall be euthanized if the dog has killed a person or if the dog, in inflicting**
14 **serious bodily injury, demonstrated aggression of a heightened degree. As used in this sub-**
15 **section, aggression of a heightened degree includes, but is not limited to, an attack:**

16 **“(a) That demonstrates predatory behavior;**

17 **“(b) Committed against a child 12 years of age or younger; or**

18 **“(c) In which the dog was properly leashed at commencement of the attack but could not**
19 **be restrained from attacking by the keeper.**

20 **“(3) An order for euthanizing the dog may be carried out no earlier than 30 days after**
21 **the keeper receives notice of the determination by the board, body or court.**

22 **“(4) Except as provided in subsections (1) and (2) of this section, the dog may be released**
23 **subject to the same restrictions and conditions specified in section 4 (1) to (8) of this 2005**
24 **Act for release of a potentially dangerous dog and to any additional conditions imposed by**
25 **the board, governing body or court.**

26 **“(5) The keeper may petition the county to have the dog reclassified as a potentially**
27 **dangerous dog if, during the three years following the date the dog is determined to be a**
28 **dangerous dog, the dog is not the subject of further action under ORS 609.090, 609.095 or**
29 **609.990.**

30 **“SECTION 7. (1) A dog control board, county governing body or court may not determine**
31 **a dog to be a potentially dangerous dog or a dangerous dog if the dog inflicts injury on or**
32 **kills:**

33 **“(a) A person wrongfully assaulting the keeper of the dog;**

34 **“(b) A person wrongfully assaulting the dog or abusing or tormenting the dog;**

35 **“(c) A person committing a trespass on premises from which the keeper of the dog may**
36 **lawfully exclude others;**

37 **“(d) A person or domestic animal while the dog is performing duties as a law enforcement**
38 **animal as defined in ORS 167.310; or**

39 **“(e) A domestic animal while the dog is acting as a hunting dog, herding dog or predator**
40 **control dog on the property of the keeper, if the domestic animal was of a type the dog would**
41 **be expected to hunt, herd or control.**

42 **“(2) The restrictions and conditions described in sections 4 and 6 of this 2005 Act do not**
43 **apply to a person keeping the dog at:**

44 **“(a) A licensed business primarily intended to obtain a profit from the kenneling of dogs;**

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

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

2 “(d) A veterinary facility.

3 “**SECTION 8.** Each county shall establish a registry of dogs located in the county that
4 have been determined by a dog control board, county governing body or court to be poten-
5 tially dangerous dogs or dangerous dogs. The county shall determine appropriate fees in
6 amounts that are sufficient to cover the cost to the county of establishing and maintaining
7 the registry. The county shall charge the fees to the keepers of the registered potentially
8 dangerous dogs and dangerous dogs. The registry shall, at a minimum, contain the informa-
9 tion contained on the microchip implanted in the dog. A county shall make the information
10 contained in the registry accessible by the public without charge.

11 “**SECTION 9.** (1) Before a dog control board or county governing body makes a determi-
12 nation under ORS 609.090 (8) whether a dog is a potentially dangerous dog or a dangerous
13 dog, the board or governing body shall give notice to the keeper, if known, by personal ser-
14 vice or by certified mail with return receipt requested. The notice shall include:

15 “(a) A description of the probable cause for believing the dog is a potentially dangerous
16 dog or a dangerous dog.

17 “(b) A description of the possible disposition of the dog and restrictions on and conditions
18 for keeping the dog if the dog is determined to be a potentially dangerous dog or a dangerous
19 dog.

20 “(c) A statement that the keeper may request a hearing on the matter by delivery of a
21 hearing request to the board or governing body no later than five days after the keeper re-
22 ceives the notice.

23 “(2) Notwithstanding subsection (1) of this section, if the board or governing body makes
24 a good faith attempt to give notice under subsection (1) of this section both by personal
25 service and by certified mail with return receipt requested, and is unable to provide notice
26 to the keeper, the board or governing body may give the notice by mailing the notice by first
27 class mail. If notice is sent to the keeper under this subsection, the keeper is conclusively
28 presumed to have received the notice on the third day following the date of mailing.

29 “(3) If the time period for a keeper to request a hearing under this section has expired,
30 the board or governing body may determine whether the dog is a potentially dangerous dog
31 or a dangerous dog. If the keeper requests a hearing, the hearing must be held no earlier
32 than five days and no later than 10 days after delivery of the hearing request. If the dog is
33 determined to be a potentially dangerous dog, disposition of the dog is subject to section 4
34 of this 2005 Act. If the dog is determined to be a dangerous dog, disposition of the dog is
35 subject to section 6 of this 2005 Act.

36 “(4) A keeper who requests a hearing under this section may appeal a determination to
37 the circuit court for the county no later than 30 days after the keeper receives notice of the
38 determination. If the keeper files an appeal, the dog shall be kept in impound pending the
39 appeal. If the determination is upheld on appeal, the keeper may be required to pay the cost
40 of boarding the impounded dog during the appeal.

41 “**SECTION 10.** ORS 609.015 is amended to read:

42 “609.015. (1) ORS 609.030 and 609.040 to 609.110 apply in every county except as otherwise
43 provided by county charter or ordinance. ORS 609.030 and 609.040 to 609.110 do not limit the powers
44 of cities and counties to adopt ordinances and regulations relating to the control of dogs.

45 “(2) A county dog licensing and control program [shall] **may** not apply within the limits of a city

1 that has its own dog licensing and control program.

2 **“(3) Notwithstanding subsection (1) of this section, regardless of any contrary provision**
3 **in a county charter or ordinance, ORS 609.090 (1), (4), (8) and (9) apply in every county.**

4 **“SECTION 11.** ORS 609.090 is amended to read:

5 *“609.090. [(1) When a dog is found running at large in a county, precinct or city that is subject to*
6 *ORS 609.040 to 609.110 or when a dog is a public nuisance described by ORS 609.095 or subsection*
7 *(5) of this section, a constable, sheriff, deputy, police officer or dog control officer shall impound it or*
8 *cite the keeper to court or do both.]*

9 **“(1) A law enforcement officer or dog control officer may impound a dog if:**

10 **“(a) The dog is found running at large in a county, precinct or city that is subject to ORS**
11 **609.040 to 609.110;**

12 **“(b) The dog is a public nuisance described by ORS 609.095;**

13 **“(c) The officer has probable cause to believe that the dog is a potentially dangerous dog**
14 **or a dangerous dog; or**

15 **“(d) The officer has probable cause to believe the keeper of the dog is failing to comply**
16 **with restrictions or conditions described in section 4 or 6 of this 2005 Act or imposed by or-**
17 **der of a dog control board, county governing body or court under ORS 609.990 or section 4**
18 **or 6 of this 2005 Act.**

19 **“(2) All dogs impounded under this section and ORS 609.030 shall be held in an adequate and**
20 **sanitary pound to be provided by the county governing body from the general fund or out of funds**
21 **obtained from dog licenses and from the redemption of dogs so impounded. However, in lieu of the**
22 **establishment of a dog pound, the county governing body may contract for the care of the dogs.**
23 **Unless claimed by its keeper, a dog shall be impounded for at least three days if the dog is without**
24 **a license or identification tag and for at least five days if it has a license or identification tag. A**
25 **reasonable effort shall be made to notify the keeper of a dog before the dog is removed from**
26 **impoundment.**

27 **“(3) Except as provided in subsections (8) and (9) of this section and unless the dog control**
28 **board or county governing body provides otherwise, if the keeper appears and redeems the dog, the**
29 **keeper shall pay a sum of not less than \$10 for the first impoundment and not less than \$20 for each**
30 **subsequent impoundment and also pay the expense of keeping the dog during the time it was**
31 **impounded. If the dog is unlicensed the keeper shall also purchase a license and pay the applicable**
32 **penalty for failure to have a license. If the keeper is not the owner of the dog, the keeper may re-**
33 **quest that a license purchased by the keeper under this subsection be issued in the name of the dog**
34 **owner.**

35 **“(4) In addition to any probable cause described in subsection (1) of this section, if the**
36 **dog has been impounded for running at large and the dog has previously been impounded**
37 **within the preceding 12 months for running at large, the dog control board or county gov-**
38 **erning body has probable cause to believe that the dog is potentially dangerous or dangerous.**

39 **“[(4)] (5) In addition to any payment required pursuant to subsection (3) of this section, a dog**
40 **control board or county governing body may require as a condition for redeeming the dog that the**
41 **keeper agree to reasonable restrictions on the keeping of the dog. The keeper must pay the cost of**
42 **complying with the reasonable restrictions. As used in this subsection, ‘reasonable restrictions’ may**
43 **include, but is not limited to, sterilization.**

44 **“[(5)] (6) A keeper of a dog maintains a public nuisance if the keeper fails to comply with rea-**
45 **sonable restrictions imposed under subsection [(4)] (5) of this section. If a keeper fails to provide**

1 acceptable proof of compliance to the dog control board or county governing body on or before the
2 10th day after issuance of the order imposing the restrictions, there is a rebuttable presumption that
3 the keeper has failed to comply. If the board or governing body finds the proof submitted by the
4 keeper unacceptable, the board or governing body shall send notice of that finding to the keeper
5 no later than five days after the proof is received.

6 “[~~(6)~~] (7) If no keeper appears to redeem a dog within the allotted time, the dog may be killed
7 in a humane manner. The dog control board or county governing body may release the dog to a
8 responsible person upon receiving assurance that the person will properly care for the dog and upon
9 payment of a sum established by the county governing body plus cost of keep during its impounding,
10 and purchase of a license if required. The person shall thereafter be liable as owner of the dog as
11 provided by ORS 609.040 to 609.110.

12 “[~~(7)~~] *If the keeper of a dog is not charged with violating ORS 609.095 (2) or (3), upon finding that*
13 *the dog has menaced or chased a person when on premises other than the premises occupied exclusively*
14 *by the keeper or has bitten a person, the dog control board or county governing body may order that*
15 *the dog be killed in a humane manner. Before ordering that the dog be killed, the board or governing*
16 *body shall consider the factors described in ORS 609.093 and issue written findings on those factors.*
17 *Notwithstanding ORS 34.030, if the disposition order issued by the board or governing body provides*
18 *that the dog is to be killed, a petition by the keeper for a writ of review must be filed no later than the*
19 *10th day after the dog control board or county governing body sends notice of the order to the keeper.*
20 *Notwithstanding ORS 19.270, 19.330 and 34.070, the order for the killing of the dog may not be carried*
21 *out during the period that the order is subject to review or appeal. If the dog is not killed, the board*
22 *or governing body may impose reasonable restrictions on the keeping of the dog. The keeper must pay*
23 *the cost of complying with the reasonable restrictions.]*

24 “[~~(8)~~] *If the keeper of a dog is charged with violating ORS 609.095 (2) or (3), upon conviction of the*
25 *keeper the court may determine the disposition of the dog as provided under ORS 609.990.]*

26 “[~~(9)~~] *Notwithstanding the provisions of subsections (2), (3), (6), (7) and (8) of this section, any dog*
27 *impounded for biting a person shall be held for not less than 10 days before redemption or destruction*
28 *to determine if the dog is rabid.]*

29 “**(8) If probable cause exists to believe a dog is a potentially dangerous dog or dangerous**
30 **dog, and a keeper of the dog is not charged under section 3 or 5 of this 2005 Act with main-**
31 **taining a potentially dangerous dog or maintaining a dangerous dog, the dog control board**
32 **or county governing body may determine whether the dog is a potentially dangerous dog or**
33 **dangerous dog. Before making the determination, the board or governing body shall send**
34 **notice to the keeper, if known, as provided in section 9 of this 2005 Act.**

35 “**(9) If a keeper of a dog is charged under section 3 of this 2005 Act with maintaining a**
36 **potentially dangerous dog or under section 5 of this 2005 Act with maintaining a dangerous**
37 **dog, upon conviction of the keeper the court shall determine the disposition of the dog as**
38 **provided under ORS 609.990 and sections 4 and 6 of this 2005 Act.**

39 “(10) A dog control board or county governing body may impose lesser fees or penalties under
40 subsections (3) and [~~(6)~~] (7) of this section for certain senior citizens under certain circumstances.
41 **This subsection does not allow a board or governing body to avoid making a determination**
42 **required under subsection (8) of this section.**

43 “**SECTION 12.** ORS 609.095 is amended to read:

44 “609.095. (1) A dog is a public nuisance if it:

45 “[*(a) Bites a person;*]

1 “(b) Chases or menaces persons or chases vehicles on premises other than premises occupied ex-
2 clusively by the keeper of the dog;]

3 “(a) **Chases vehicles on premises other than premises from which the keeper may law-
4 fully exclude others;**

5 “[(c)] (b) Damages or destroys property of persons other than the keeper of the dog;

6 “[(d)] (c) Scatters garbage on premises other than premises [*occupied exclusively by the keeper
7 of the dog;*] **from which the keeper may lawfully exclude others;**

8 “[(e)] (d) Trespasses on private property of persons other than the keeper of the dog;

9 “[(f)] (e) Disturbs any person by frequent or prolonged noises; **or**

10 “[(g)] (f) Is a female in heat and running at large.[: or]

11 “[(h) *Injures or kills a domestic animal as defined in ORS 167.310.*]

12 “(2) The keeper of a dog in a county, precinct or city that is subject to ORS 609.030 and 609.040
13 to 609.110 maintains a public nuisance if the dog commits an act described under subsection (1) of
14 this section or the keeper does not comply with reasonable restrictions as described in subsection
15 (3) of this section. [*Except as provided under ORS 609.990 (3), maintaining a dog that is a public
16 nuisance is a violation.*]

17 “(3) A keeper of a dog maintains a public nuisance if the keeper fails to comply with reasonable
18 restrictions imposed under ORS [609.990] **609.090 (5) or 609.990 (2)**. If a keeper fails to provide ac-
19 ceptable proof of compliance to the court on or before the 10th day after issuance of [*the*] **an** order
20 imposing [*the*] restrictions **under ORS 609.990 (2)**, there is a rebuttable presumption that the keeper
21 has failed to comply. If the court finds the proof submitted by the keeper unacceptable, the court
22 shall send notice of that finding to the keeper no later than five days after the proof is received.

23 “(4) Any person who has cause to believe a keeper is maintaining a dog that is a public nuisance
24 may complain, either orally or in writing, to the county, precinct or city. The receipt of any com-
25 plaint is sufficient cause for the county, precinct or city to investigate the matter and determine
26 whether the keeper of the dog is in violation of [*subsection (2) or (3) of*] this section.

27 “**SECTION 13.** ORS 609.990 is amended to read:

28 “609.990. (1) Violation of ORS 609.060 (2), 609.100 or 609.169 is a Class B violation.

29 “[(2) *If a dog is a public nuisance for a reason or reasons not including chasing or menacing a
30 person on premises other than premises occupied exclusively by the keeper of the dog or biting a per-
31 son, maintaining a public nuisance in violation of ORS 609.095 (2) or (3) is punishable by a fine of
32 not more than \$250.*]

33 “[(3) *Except as provided in this subsection, if a dog is a public nuisance because the dog chases
34 or menaces a person on premises other than premises occupied exclusively by the keeper of the dog or
35 because the dog bites a person, maintaining the public nuisance in violation of ORS 609.095 (2) or (3)
36 is punishable by a fine of not more than \$500. If a dog is a public nuisance because the dog chases
37 or menaces a person on premises other than premises occupied exclusively by the keeper of the dog or
38 because the dog bites a person, a dog keeper maintaining the public nuisance in violation of ORS
39 609.095 (2) or (3) commits a Class C misdemeanor if the keeper has previously been convicted of a vi-
40 olation or crime because of any dog chasing or menacing a person on premises other than premises
41 occupied exclusively by the keeper of the dog or because of any dog biting a person.*]

42 “[(4) *Except as provided in subsection (5) of this section, in addition to any fine or sentence im-
43 posed or restitution ordered of the keeper under this section, the court may impose reasonable re-
44 strictions on the keeping of the dog to ensure the safety or health of the public. The keeper must pay
45 the cost of complying with reasonable restrictions. As used in this subsection, ‘reasonable restrictions’*]

1 may include, but is not limited to, sterilization.]

2 “[(5) In addition to any fine or sentence imposed or restitution ordered of the keeper under this
3 section, the court may order that a dog be killed in a humane manner if the dog has menaced or chased
4 a person when on premises other than the premises occupied exclusively by the keeper or has bitten a
5 person. In determining whether a dog is to be killed, the court must give consideration to the factors
6 described in ORS 609.093 and issue written findings on those factors. If the dog is not killed, the
7 court:]

8 “[(a) Shall order that the dog undergo sterilization. The sterilization procedure shall be at the ex-
9 pense of the keeper of the dog; and]

10 “[(b) May impose reasonable restrictions on the keeping of the dog. The keeper must pay the cost
11 of complying with the reasonable restrictions. If the keeper maintains a public nuisance as described
12 in ORS 609.095 (3) by failing to comply with reasonable restrictions imposed pursuant to this para-
13 graph, the court may reconsider the determination made under this subsection and upon reconsideration
14 may include the failure to comply as evidence regarding the ability and inclination of the keeper to
15 prevent the dog from chasing or menacing another person on premises other than premises occupied
16 exclusively by the keeper or from biting another person.]

17 “[(6) Notwithstanding ORS 19.270 and 19.330, subject to periodic advance payment of the cost of
18 keeping the dog in impoundment, the killing of a dog pursuant to an order under this section may not
19 be carried out during the period that the order is subject to the appeal process. Unless otherwise or-
20 dered by the Court of Appeals, the dog may be killed during the appeal period if the keeper fails to
21 maintain advance payment of the cost of keeping the dog impounded.]

22 “[(7) If a circuit court orders a dog killed and the keeper does not make the dog available for that
23 purpose, the court may issue a search warrant for a property upon probable cause to believe that the
24 dog is located at that property.]

25 **“(2) Maintaining a public nuisance as described in ORS 609.095 is a Class B violation. In
26 addition to any fine or sentence imposed or restitution ordered, the court may impose rea-
27 sonable restrictions on the keeping of the dog to ensure the safety or health of the public.
28 The keeper must pay the cost of complying with reasonable restrictions. Reasonable re-
29 strictions imposed under this subsection may include, but are not limited to, sterilization.**

30 **“(3) Except as provided in subsection (4) of this section, maintaining a potentially dan-
31 gerous dog in violation of section 3 of this 2005 Act is a Class B violation. In addition to any
32 restrictions and conditions authorized by section 4 of this 2005 Act, the court may impose
33 reasonable restrictions or conditions on the keeping of a potentially dangerous dog to ensure
34 the safety or health of the public.**

35 **“(4) Maintaining a potentially dangerous dog is a Class C misdemeanor if the keeper acts
36 knowingly and has a previous conviction in a separate criminal episode for maintaining a
37 potentially dangerous dog or for maintaining a dangerous dog.**

38 **“(5) Except as provided in subsection (6) of this section, maintaining a dangerous dog in
39 violation of section 5 of this 2005 Act is a Class B violation. The court may also prohibit a
40 person convicted of maintaining a dangerous dog from keeping any dog for a period of up to
41 three years if the court finds that allowing the person to keep a dog would create a signif-
42 icant threat to public health and safety. The court shall determine the disposition of the dog
43 in accordance with section 6 of this 2005 Act. In addition to any restrictions and conditions
44 authorized by section 6 of this 2005 Act, a court may impose reasonable restrictions or con-
45 ditions on the keeping of a dangerous dog to ensure the safety or health of the public.**

1 **“(6) Maintaining a dangerous dog is a Class A misdemeanor if the keeper acts knowingly**
2 **and has a previous conviction in a separate criminal episode for maintaining a potentially**
3 **dangerous dog or for maintaining a dangerous dog.**

4 “[(8)] (7) Violation of ORS 609.405 [*constitutes*] is a Class C misdemeanor.

5 **“SECTION 14. (1) Section 1 of this 2005 Act applies to economic damages arising from a**
6 **physical injury that is caused by a dog on or after the effective date of this 2005 Act.**

7 **“(2) Sections 2 to 9 of this 2005 Act and the amendments to ORS 609.015, 609.090, 609.095**
8 **and 609.990 by sections 10 to 13 of this 2005 Act apply to acts by a dog that occur on or after**
9 **the effective date of this 2005 Act.**

10 **“(3) The amendments to ORS 609.015, 609.090, 609.095 and 609.990 by sections 10 to 13 of**
11 **this 2005 Act and the repeal of ORS 609.093 and 609.097 by section 15 of this 2005 Act do not**
12 **affect any adjudication of a person pending on the effective date of this 2005 Act or affect**
13 **any determination pending on the effective date of this 2005 Act regarding the disposition**
14 **of a dog. Any adjudication or determination described in this subsection shall be in accord-**
15 **ance with ORS 609.015, 609.090, 609.093, 609.095, 609.097 and 609.990 as set forth in the 2003**
16 **Edition of Oregon Revised Statutes.**

17 **“SECTION 15. ORS 609.093 and 609.097 are repealed.”.**