



LPRO: Legislative Policy and Research Office

ANIMAL CRUELTY

BACKGROUND BRIEF

OVERVIEW

Oregon is considered a leader among states in protecting animals. In 2013, Senate Bill 6 enhanced penalties against those who commit animal abuse or neglect and provided licensing and oversight of animal care entities. The measure included findings that

“Animals are sentient beings capable of experiencing pain, stress and fear; Animals should be cared for in ways that minimize pain, stress, fear and suffering.”

There are a variety of ways in which Oregon protects animals, including criminalization of abuse or neglect, an affirmative duty for any peace officer to arrest and prosecute violators of Oregon’s animal cruelty laws, regulation of kennels and rescue organizations and enhanced enforcement authority through humane special agents and animal crime prosecutors.

CRIMES INVOLVING ANIMALS

Oregon has several statutes that provide the basic parameters for animal care and establish crimes for failure to meet animal care standards, abuse or neglect. Oregon’s animal welfare laws broadly apply to any nonhuman mammal, bird, reptile, amphibian or fish. In 2015, the Oregon Supreme Court found that

each animal abused in an animal abuse case may be counted as a separate victim for purposes of charging and sentencing ([State v Nix, 356 OR 768 \(2015\)](#) and [State v Hess, 273 Or App 26 \(2015\)](#)).

Many farm, veterinary, commercial and sport activities are excluded from abuse and neglect statutes, including good animal husbandry

practices, transportation of livestock, commercially grown poultry, animals used in rodeos, lawful hunting, fishing or trapping, wildlife management practices, lawful scientific or agricultural research, pest control and reasonable handling and training techniques. If gross negligence occurs in any of these activities, however, the abuse and neglect statutes can be applied.

Oregon puts an affirmative duty on any peace officer to arrest and prosecute violators of animal cruelty laws.

ANIMAL ABUSE

Oregon has three degrees of animal abuse crimes: animal abuse in the second degree, animal abuse in the first degree and aggravated animal abuse in the first degree. Oregon treats encouraging animal abuse and animal sexual abuse crimes as separate and distinct crimes.

A person who intentionally, knowingly or recklessly causes physical injury to an animal has committed animal abuse in the second

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degree; a misdemeanor. This crime does not include any practice of good animal husbandry, which may include dehorning, docking, castration, neutering or any other accepted practice of veterinary medicine or animal husbandry.

A person who knowingly, intentionally or recklessly causes serious physical injury to an animal such that there is a substantial risk of death or lengthy impairment or disability, or cruelly causes the death of an animal, has committed animal abuse in the first degree. As in animal abuse in the second degree, practices of good animal husbandry are not within the scope of the law. For a first offense, animal abuse in the first degree is a misdemeanor. However, if the person has a prior assault conviction involving domestic violence, or if the abuse takes place in front of a minor, the crime is a Class C felony.

Finally, Oregon makes it a Class C felony for aggravated animal abuse in the first degree. This crime is committed when a person maliciously kills an animal or intentionally or knowingly tortures an animal. Aggravated animal abuse is a Class C felony and is [a crime category 6 on the sentencing grid](#).

SEXUAL ASSAULT OF AN ANIMAL

Oregon recognizes sexual assault of an animal as a separate crime from animal abuse. Sexual assault of an animal is committed when a person, for the purpose of arousing or gratifying sexual desire, touches or contacts or causes an object or another person to contact, the mouth, anus or sex organs of an animal or animal carcass. This crime is a Class C felony. Additionally, a person who knowingly possesses or controls a visual recording of a person engaged in sexual conduct with an animal, knowing that such a visual recording involved sexual assault of an animal, has

committed encouraging sexual assault of an animal, a Class A misdemeanor.

ANIMAL NEGLECT AND ABANDONMENT

Under Oregon law, minimum care of an animal means “care sufficient to preserve the health and well-being of an animal,” and gives several requirements, including food, water, shelter, veterinary care and adequate, clean space for exercise for domestic animals.

A person who intentionally, knowingly, recklessly or with criminal negligence fails to provide minimum care to an animal in the person’s custody or control has committed animal neglect in the second degree. Additionally, injury of an animal resulting from tethering is also animal neglect in the second degree. In cases in which failure to provide minimum care or tethering leads to serious physical injury or death of an animal, the crime is elevated to animal neglect in the first degree. For a first offense, animal neglect is a Class A misdemeanor. It becomes a Class C felony if there is a prior conviction for animal neglect, the crime is committed in the presence of a minor or if 10 or more animals are involved in the crime. Additionally, the severity of the crime increases on the sentencing grid as the number of animals subject to abuse increase. In cases of 10-40 neglected animals, the crime is a category 6 on the sentencing grid. For cases involving more than 40 animals, it becomes a category 7.

ANIMAL ABANDONMENT

Additionally, it is a Class B misdemeanor to leave a domestic animal or horse at a location without providing minimum care. This includes leaving animals at or near animal shelters or veterinarian offices.



DOG FIGHTING

Dog fighting is a Class C felony in Oregon. Dog fighting not only includes promoting or conducting a dog fight, but also owning, keeping, selling, buying or training a fighting dog, and taking payment or for allowing space to be used for dog fighting or allowing dog fighting to happen in the location. Additionally, it is a Class C felony to attend or bet on a dogfight.

EQUINE TRIPPING

Oregon law prohibits lassoing or roping a horse around the legs, intentionally causing it to trip, unless done for veterinary purposes. Equine tripping is a Class B misdemeanor.

DOG BREEDING

Oregon law specifically prohibits dog breeders from having more than 50 sexually intact dogs at any given time. People with ten or more sexually intact dogs, that are eight months old or older, are required by law to keep detailed records of the date of birth of each dog, breeding dates, litters produced and disposition of each animal. Breeders are required to provide at least one hour of exercise to each animal every day, to provide adequate kennel space and to maintain a clean environment for the animals. These requirements do not apply to boarding kennels, animal shelters, veterinary facilities or transportation services. Violation of these provisions is a Class B misdemeanor.

HUMANE SPECIAL AGENTS AND SPECIAL PROSECUTOR

In 2012, through House Bill 4021, Oregon established a new type of law enforcement officer, the Humane Special Agent. Prior to enactment of the measure, the Governor had to specifically commission officers to

investigate and enforce animal laws. The special agent is commissioned by the superintendent of the State Police and must be certified, or eligible for certification, as a police officer (see ORS 181A.355-670). Humane special agents must work in connection with local law enforcement but are employed, insured and funded by humane investigation agencies. The agents may issue citations, author search warrants and assist in investigations. The agents are not limited to a specific jurisdiction, but may operate statewide.

Additionally, Oregon has a unique animal abuse prosecutor. The “Animal Cruelty Deputy District Attorney” is tasked with assisting law enforcement across the state with investigation and prosecution of animal cruelty cases. This position has been met with praise and controversy. Many animal welfare advocates and local governments are pleased to have dedicated assistance with prosecuting animal crimes, which would otherwise tie up scarce resources. The criticism, however, comes from the funding for the position, which is funded entirely by an advocacy organization, the Animal Legal Defense Fund. The position receives no state or local funding, though it is housed within a public agency.

REGULATION OF RESCUE ENTITIES

An animal rescue entity is any person or organization that has custody or care of ten or more animals and solicits or accepts donations of any kind, but not including veterinary offices. Animal rescues include humane societies, animal control agencies, shelters and private parties or organizations. Rescue entities are required to hold a license and maintain records. Record keeping



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requirements include information on how the animal was obtained, how it was disposed of and a photo of the animal taken within 24 hours of reaching the rescue. Licenses are granted by the “enforcing agency,” which is the local dog licensing agency formed by city or county ordinance. The application for license must demonstrate that the rescue complied with all applicable laws. If a rescue does not obtain a license or fails to comply with record keeping requirements, the enforcing agency may levy civil penalties, including up to \$500 per violation, revocation of the license and impounding of the animals.

There are several avenues for inspection and/or investigation of a rescue organization:

- A representative of an enforcing agency may visit and inspect a rescue organization if there is reason to believe the rescue is operating without a license. This right to inspect is limited to the enforcing agency, i.e., the county or city dog licensing authority or the entity designated by the county to do such work.
- Law enforcement, the U.S. Department of Agriculture or the local enforcing agency may visit and inspect, at reasonable times, to determine if the rescue is in compliance with paperwork and licensing requirements. Law enforcement or the enforcing agency *must* investigate any complaint about the recordkeeping or licensing requirements that it determines are serious and credible. But in each of these investigations, the purpose is only to determine whether the rescue is in compliance with its recordkeeping and licensing requirements.
- If, in the course of the investigation into recordkeeping or licensing, the agency finds evidence of abuse or other crimes, the enforcing authority must seize the

evidence and make a report to law enforcement.

- If a state agency receives a complaint about a licensed rescue, the state agency must inform the enforcing agency.

STAFF CONTACT

Channa Newell
Legislative Policy and Research Office
503-986-1525
channa.newell@state.or.us

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