

**HB 4145 A STAFF MEASURE SUMMARY**

**Carrier:** Rep. Gomberg

**House Committee On Judiciary**

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**Action Date:** 02/15/24

**Action:** Do pass with amendments and rescind subsequent referral to Ways and Means. (Printed A-Eng.)

**Vote:** 9-0-1-0

**Yeas:** 9 - Andersen, Bynum, Chaichi, Kropf, Lewis, Reynolds, Tran, Wallan, Yunker

**Exc:** 1 - Conrad

**Fiscal:** Has minimal fiscal impact

**Revenue:** Has minimal revenue impact

**Prepared By:** Conner Egan, LPRO Analyst

**Meeting Dates:** 2/13, 2/15

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**WHAT THE MEASURE DOES:**

The measure amends aggravated animal abuse in the first degree and creates two new crimes of encouraging aggravated animal abuse in the first and second degree.

Detailed Summary

Defines key terms. Amends aggravated animal abuse in the first degree to include the act of intentionally or knowingly creating a visual recording of a person maliciously killing an animal or torturing an animal. Creates the crimes of:

- **Encouraging aggravated animal abuse in the first degree:** Criminalizes the duplication, dissemination, financing, or possessing with intent to do the same, visual recordings of maliciously killing or torturing an animal. Criminalizes knowingly bringing into Oregon for sale or distribution of the visual recordings of maliciously killing or torturing an animal with an awareness of and conscious disregard for the fact that the creation of the visual recordings involved aggravated animal abuse. Classifies the crime as a Class A Misdemeanor. Prohibits a person from possessing an animal of the same genus of the crime for 5 years after conviction.
- **Encouraging animal crushing in the second degree.** Criminalizes knowingly possessing, exchanging, or giving consideration to obtain or view a visual recording of a malicious killing or torturing of an animal with an awareness of and conscious disregard for the fact that the creation of the visual recordings involved aggravated animal abuse. Classifies the crime as a B misdemeanor. Prohibits a person from possessing an animal of the same genus of the crime for 5 years after conviction.

Adds exceptions.

**ISSUES DISCUSSED:**

- The federal case in Prineville that involved animal crushing
- The differences between the federal crime and this measure
- Free speech concerns that resulted in the -1 amendment
- Acts that are exempted from criminal prosecution

**EFFECT OF AMENDMENT:**

Replaces the measure.

**BACKGROUND:**

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 has three degrees of animal abuse crimes: animal abuse in

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the second degree, animal abuse in the first degree, and aggravated animal abuse in the first degree. Oregon treats animal neglect and sexual assault of an animal as separate and distinct crimes from animal abuse crimes.

- **Aggravated animal abuse in the first degree:** A person who maliciously kills an animal or intentionally or knowingly tortures an animal commits the crime of aggravated animal abuse in the first degree, a C felony. A person convicted of aggravated animal abuse in the first degree may not possess an animal of the same genus for fifteen years after the conviction date.
- **Animal abuse in the first degree:** A person who intentionally, knowingly, or recklessly causes serious physical injury to an animal or cruelly causes the death of an animal commits the crime of animal abuse in the first degree, an A misdemeanor. A person convicted of animal abuse in the first degree may not possess an animal of the same genus of the crime for five years after the conviction date.
- **Animal abuse in the third degree:** A person who intentionally, knowingly, or recklessly causes physical injury to an animal has committed animal abuse in the second degree, a B misdemeanor. A person convicted of animal abuse in the second degree crime may not possess an animal of the same genus of the crime for five years after the conviction date.

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.

In 2019, a federal bill, Preventing Animal Cruelty and Torture Act (PACT), revised and expanded federal criminal provisions with respect to animal crushing. PACT criminalized the act of creating or distributing an animal crushing video with the intent, or reason to know, that the video will be distributed in interstate or foreign commerce. The federal criminal classification is a D felony, punishable up to seven years in prison.