

## Oregon Statutes Related to Dogs

**609.015 Application of ORS 609.030 and 609.035 to 609.110.** (1) ORS 609.030 and 609.035 to 609.110 apply in every county except as otherwise provided by county charter or ordinance. ORS 609.030 and 609.035 to 609.110 do not limit the powers of cities and counties to adopt ordinances and regulations relating to the control of dogs.

(2) A county dog licensing and control program shall not apply within the limits of a city that has its own dog licensing and control program. [1967 c.496 §3; 1977 c.237 §1; subsection (2) enacted as 1977 c.802 §2; 1999 c.756 §16]

**609.020 Dogs as personal property.** Dogs are hereby declared to be personal property.

**609.035 Definitions for ORS 609.035 to 609.110 and 609.990.** As used in ORS 609.035 to 609.110 and 609.990:

(1) "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.

(2) "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.

(3) "Keeper" means a person who owns, possesses, controls or otherwise has charge of a dog, other than:

- (a) A licensed business primarily intended to obtain a profit from the kenneling of dogs;
- (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.

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

(5) "Potentially dangerous dog" means a dog that:

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

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

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

(6) "Running at large" means that a dog is off or outside of the premises from which the keeper of the dog may lawfully exclude others, or is not in the company of and under the control of its keeper, except if the dog is:

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

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

(c) Within any part of a vehicle.

(7) "Serious physical injury" has the meaning given that term in ORS 161.015. [2005 c.840 §4]

**609.095 Dog as public nuisance; public nuisance prohibited; complaint.** (1) A dog is a public nuisance if it:

(a) Chases persons or vehicles on premises other than premises from which the keeper of the dog may lawfully exclude others;

(b) Damages or destroys property of persons other than the keeper of the dog;

(c) Scatters garbage on premises other than premises from which the keeper of the dog may lawfully exclude others;

(d) Trespasses on private property of persons other than the keeper of the dog;

(e) Disturbs any person by frequent or prolonged noises;

(f) Is a female in heat and running at large; or

(g) Is a potentially dangerous dog, but is not a dangerous dog as defined in ORS 609.098.

(2) The keeper of a dog in a county, precinct or city that is subject to ORS 609.030 and 609.035 to 609.110 maintains a public nuisance if the dog commits an act described under subsection (1) of this section. Maintaining a dog that is a public nuisance is a violation.

(3) A keeper of a dog maintains a public nuisance if the keeper fails to comply with reasonable restrictions imposed under ORS 609.990 or if a keeper fails to provide acceptable proof of compliance to the court on or before the 10th day after issuance of the order imposing the restrictions. If the court finds the proof submitted by the keeper unacceptable, the court shall send notice of that finding to the keeper no later than five days after the proof is received.

(4) Any person who has cause to believe a keeper is maintaining a dog that is a public nuisance may complain, either orally or in writing, to the county, precinct or city. The receipt of any complaint is sufficient cause for the county, precinct or city to investigate the matter and determine whether the keeper of the dog is in violation of subsection (2) or (3) of this section. [1973 c.655 §2; 1977 c.802 §7; 1999 c.658 §8; 1999 c.756 §18; 2001 c.636 §9; 2001 c.926 §15; 2005 c.840 §7]

**609.100 Dog licenses, tags and fees.** (1) In a county, precinct or city having a dog control program under ORS 609.030, 609.035 to 609.110 and 609.405, every person keeping a dog that has a set of permanent canine teeth or is six months old, whichever comes first, shall procure a license for the dog. The license must be procured by paying a license fee to the county in which the person resides not later than March 1 of each year or within 30 days after the person becomes keeper of the dog. However, the county governing body may provide for dates other than March 1 for annual payment of fees. The fee for the license shall be determined by the county governing body in such amount as it finds necessary to carry out ORS 609.035 to 609.110. A license fee shall not be less than \$25 for each dog, except that the fee shall not be less than \$3 for each spayed female or neutered male dog for which a veterinarian's certificate of operation for the spaying or neutering of the dog is presented to the county. If the person fails to procure a license within the time provided by this section, the county governing body may prescribe a penalty in an additional sum to be set by the governing body.

(2) The county shall, at the time of issuing a license, supply the licensee, without charge, with a suitable identification tag, which shall be fastened by the licensee to a collar and kept on the dog at all times when not in the immediate possession of the licensee.

(3) The license fees in subsection (1) of this section do not apply to dogs that are kept primarily in kennels and are not permitted to run at large. The county governing body may establish a separate license for dogs that are kept primarily in kennels when the dogs cease to be considered inventory under ORS 307.400, the fee for which shall not exceed \$5 per dog.

(4) No license fee shall be required to be paid for any dog kept by a blind person who uses it as a guide. A license shall be issued for such dog upon the blind person's filing of an affidavit with the county showing that the dog qualifies for exemption.

(5) The county shall keep a record of dog licenses.

(6) Notwithstanding any other provision of this section or ORS 609.015, when the keeper of a dog obtains a license for the dog, that license is valid and is in lieu of a license for the dog required by any other city or county within this state, for the remainder of the license period:

(a) If the keeper of the dog changes residence to a city or county other than the city or county in which the license was issued; or

(b) If the keeper of the dog transfers the keeping of the dog to a person who resides in a city or county other than the city or county in which the license was issued. [Amended by 1953 c.27 §2; 1959 c.374 §1; 1969 c.677 §1; 1973 c.655 §4; 1977 c.189 §10; 1977 c.802 §8; 1987 c.240 §1; 1999 c.658 §§10,10a; 2001 c.753 §13]

**609.105 Exemption for assistance animals.** Notwithstanding ORS 609.015 or 609.100, a

county or city shall not charge a fee to license a dog used as an assistance animal as defined in ORS 346.680. [1979 c.366 §1; 1991 c.67 §155; 1999 c.658 §11; 2001 c.104 §238]

**609.110 Dog License Fund.** All funds derived under ORS 433.340 to 433.385 and 609.035 to 609.110 shall be turned over to the county treasurer, who shall keep them in a fund to be known as the Dog License Fund, to be expended as provided for by law. At the end of a fiscal year any amount of money in the fund determined by the county governing body to be in excess of the requirements of the Dog License Fund may be placed in the general fund of the county. [Amended by 1963 c.309 §1; 1969 c.677 §2; 1973 c.655 §5; 1977 c.189 §11]

#### ANIMAL DEALERS

**609.500 Definitions for ORS 609.500 to 609.520 and 609.994.** As used in ORS 609.500 to 609.520 and 609.994, unless the context requires otherwise:

(1) "Animal control officer" means any person operating under the authority of this state, any unit of local government or the United States Government or pursuant to an agreement with any state or local government authority, for the purpose of:

- (a) Providing shelter and other care for lost, homeless or injured animals;
- (b) Serving as an information center concerning missing and found animals;
- (c) Protecting the public from hazardous or insanitary conditions associated with animals that are running at large; or
- (d) Protecting animals from neglect, cruelty or abuse.

(2) "Animal dealer" means any person, whether or not duly licensed or registered under state or federal law, who acquires or maintains possession of a dog or cat with the intention of selling the animal to another person, but does not include:

- (a) Any research facility, retail pet store, animal control agency or animal shelter;
- (b) Any person who sells the person's companion animal or the offspring of the companion animal;
- (c) Any person who receives less than \$250 per calendar year for the sale of animals;
- (d) Any person who breeds or possesses animals solely for sale to research facilities and does not purchase or accept animals from the public or paid collectors;
- (e) Any commercial breeder or distributor who sells animals exclusively for the purpose of private pet ownership;
- (f) Any person who receives lost or injured animals for the exclusive purpose of rehabilitating the animals or placing them in private pet ownership;
- (g) Any person who breeds or possesses dogs or cats for competition, exhibition, legal sporting events, search and rescue activity or police activity; or
- (h) Any person licensed to practice veterinary medicine, surgery or dentistry under ORS chapter 686.

(3) "Animal shelter" means any person operating a facility in this or any other state for the purposes of:

- (a) Providing shelter and other care for lost, homeless or injured animals;
- (b) Serving as an information center concerning missing and found animals; or
- (c) Protecting animals from neglect, cruelty or abuse.

(4) "Companion animal" means a dog or cat possessed by a person, business or other entity for purposes of companionship, security, hunting, herding or providing assistance in relation to a physical disability.

(5) "Person" means a human being, corporation, nonprofit corporation, association, partnership, sole proprietorship or other legal entity.

(6) "Research facility" means any person who:

- (a) Investigates or gives instruction concerning the structure or functions of living organisms, the causes, prevention, control or cure of diseases or abnormal conditions of human beings or animals, or the effects of substances on human beings or animals; or

(b) Manufactures or sells products to be used in the prevention, control or cure of diseases or abnormal conditions of human beings or animals, or in the testing of the effects of substances on human beings or animals. [1991 c.837 §2]

**609.505 Unlawfully obtaining dog or cat.** (1) A person commits the crime of unlawfully obtaining a dog or cat if the person:

(a) Is an animal dealer; and

(b) Obtains a companion animal or the offspring of a companion animal from a person who has not raised the companion animal or the offspring of the companion animal on the person's own premises.

(2) Unlawfully obtaining a dog or cat is a Class A misdemeanor.

(3) It is an affirmative defense to a charge of violating subsections (1) and (2) of this section that an animal dealer, having received a companion animal or the offspring of a companion animal in violation of subsections (1) and (2) of this section, delivers the companion animal or the offspring of the companion animal to an animal shelter within 24 hours of acquisition. [1991 c.837 §§3,4]

**609.510 Animal dealers required to keep records; report to State Department of Agriculture; fee; public inspection of records.** (1) Every animal dealer shall establish and maintain records on each dog or cat and the dog's or cat's offspring in the dealer's possession or control, including:

(a) The species, gender, approximate age, color and distinctive markings and breed of the dog or cat;

(b) A photograph of the dog or cat made within 24 hours of acquisition or birth;

(c) The name, address and driver license number or other official state identification number of the person providing the dog or cat;

(d) The date of acquisition or birth of the dog or cat;

(e) The date and nature of disposition of the dog or cat; and

(f) The intended destination of the dog or cat at release.

(2) Within 24 hours of the acquisition or birth of a dog or cat in the possession of any animal dealer, the dealer shall forward, by first class mail or any more expeditious method, the information required by subsection (1) of this section to the State Department of Agriculture and a fee of \$1 for each dog or cat reported.

(3) The department shall maintain the reports and provide for public inspection of, and telephone inquiries concerning, the reports during normal business hours. [1991 c.837 §5]

**609.515 Required period of possession of animal by dealer.** Every animal dealer shall maintain possession of each dog or cat received for a period of at least 10 days after initial receipt of the dog or cat, unless the dealer:

(1) Returns the dog or cat to its rightful owner; or

(2) Delivers the dog or cat to an animal shelter. [1991 c.837 §6]

**609.520 Inspection of dealer records; procedure for obtaining animal held by dealer; penalty for failure to turn over animal; inspection of dealer facilities.** (1)(a) An animal dealer shall permit inspection during normal business hours of companion animal records and the location at which companion animals are kept. The dealer may require documentation that a person seeking to inspect the location is the owner of a companion animal. When making the inspection, the person may be accompanied by an animal control officer. A person may demand inspection only if it is for the purpose of seeking the person's own companion animal. A person is allowed no more than three inspections per week for up to six weeks following the disappearance of the person's companion animal.

(b) The person may prove ownership of a companion animal by providing the dealer with:

- (A) Photographs clearly showing the companion animal and any distinguishing markings;
- (B) Licensing information;
- (C) Veterinary records;
- (D) Registration records;
- (E) Microchip-implantation records; or
- (F) Tattooing records.

(2)(a) When a person claims to be the owner of a companion animal being held by an animal dealer, the animal dealer shall:

(A) Upon proof of ownership and payment by the person of actual direct expenses incurred by the animal dealer in obtaining and caring for the dog or cat, turn the dog or cat over to the person; or

(B) If the animal dealer disputes the identification, or if the amount of expenses cannot be agreed upon, turn the dog or cat over to an animal shelter pending resolution of the dispute.

(b) If the person claiming to be the owner and the animal dealer cannot resolve the dispute within a reasonable length of time, the circuit court for the area in which the dog or cat is located may, upon petition, designate a third party to serve as an impartial adjudicator of the issue. The decision of the third party is final and the dog or cat shall be released accordingly. If the decision is in favor of the person claiming to be the owner, that person shall pay the animal dealer the amount of the actual direct expenses incurred by the animal dealer in obtaining and caring for the dog or cat while the dog or cat was in the possession of the animal dealer. The party losing the dispute shall pay the expenses incurred by the animal shelter in caring for the dog or cat during the pendency of the dispute. No filing or other fees shall apply to the petition to the circuit court. The court shall process the matter as informally and as expeditiously as possible.

(c) An animal dealer who fails to turn a dog or cat over as required by this subsection commits a Class A misdemeanor.

(3) Law enforcement officers or animal control officers may conduct routine inspections of animal dealer facilities during normal business hours to insure compliance with animal control statutes, ordinances and regulations. [1991 c.837 §7; 1995 c.658 §110]

## MISCELLANEOUS

**609.805 Misrepresentation of pedigree; mutilation of certificate or proof of pedigree; violation.** (1) No person shall:

(a) By any false representation and with intent to defraud, obtain from any corporation, club, association, society or company organized in whole or in part for the purpose of improving breeds of cattle, horses, sheep, swine or other domestic animals, a false certificate of registration of any such animal in their herd register or other register, or obtain the transfer of any such certificate.

(b) Knowingly and with intent to defraud, give a false pedigree of any such animal.

(c) During the existence of any mortgage on or lien or charge against any such animal, spoliage, mutilate or destroy the registration certificates or proofs of pedigree, or so encumber the same that the animal covered thereby cannot, in connection with the records, rules and regulations of the corporation, club, association, society or company under which the animal is registered, be directly designated thereby.

(2) Violation of this section is a Class B misdemeanor. [Formerly 605.040]

**596.341 Examination, testing or treatment of livestock before entry into state; permit requirements; conditions and exemptions.** (1) In addition to the permit required by subsection (2) of this section, the State Department of Agriculture may cause livestock to be tested, treated or examined as a condition of entry into this state and may, as evidence of that test, treatment or examination, require the presentation of a certificate of an official of the state of origin designated by the department or of a veterinary inspector of the federal government.

(2) The department shall require a written permit authorizing entry into this state of any

livestock or other animals subject to the disease control law and not exempt under subsection (3) of this section. The permit shall be issued upon condition that:

(a) The consignee, owner or purchaser hold the imported livestock upon the arrival of the livestock in this state subject to direction of the department pending completion of the testing, treatment or examination of the livestock;

(b) The livestock be disposed of in accordance with the laws of this state and the rules of the department, if the livestock is found to be infected with, exposed to, or a carrier of, a disease;

(c) The consignee, owner or purchaser complies with the rules promulgated by the department to enforce the intent of this chapter; and

(d) If the imported livestock are female cattle that are being imported for any purpose other than slaughter or to a registered dry feedlot, the animals have been vaccinated against brucellosis as evidenced by an official vaccination tattoo in the right ear of each animal.

(3) The department may exempt the following classes of livestock or other animals subject to the disease control law from the requirements of this section:

(a) Livestock that is consigned to and will be slaughtered by a licensed slaughterer within eight days after entry into this state.

(b) Livestock in uninterrupted transit through the state, provided that stops may be made for feed, water and rest.

(c) Except for the requirements of subsection (2)(d) of this section, livestock consigned to an Oregon auction market licensed under ORS chapter 599 where approved veterinary inspection is in force.

(d) Brucellosis nonvaccinated female cattle of proven genetic advantage for purposes of preserving or developing breeding improvements. Those cattle may be admitted on a case by case basis with specific approval of, and under conditions deemed appropriate by, the State Veterinarian. Breed registration papers or other documentation of improved genetics may be required for the approval. The cattle shall be exempt from ORS 596.331 (3) and (4) and 596.460 (2) and (3) and subsection (2)(d) of this section.

(e) Dogs, cats or small caged birds traveling in a family vehicle as part of that social entity.

(f) Any animals that the department determines do not pose a disease threat.

(4) As used in subsection (2)(d) of this section, "registered dry feedlot" means a cattle feeding operation that is approved and registered by the department and that has facilities surrounded by permanent fencing wherein all feed and water are artificially supplied. [1955 c.557 §16 (596.341, 596.351 and 596.361 enacted in lieu of 596.350); 1973 c.2 §1; 1975 c.572 §1; 1983 c.101 §3; 1985 c.91 §2; 1987 c.909 §2; 1991 c.420 §3; 1999 c.102 §§3,3a; 2001 c.22 §3]

**498.102 Use of dogs to hunt or track game mammals or birds.** (1) Any dog that is not wearing a collar with a license number thereon in compliance with ORS 609.100 that is found unlawfully hunting, running or tracking any game mammal or game bird may be killed at such time by any person authorized to enforce the wildlife laws.

(2) If a dog that is found unlawfully hunting, running or tracking any game mammal or game bird is wearing a collar with a license number thereon in compliance with ORS 609.100, the owner of the dog shall be notified by any person authorized to enforce the wildlife laws. If the owner or reputed owner of the dog disclaims ownership of the dog, the dog may be killed at such time by a person authorized to enforce the wildlife laws.

(3) If the owner of a dog has been notified that the dog has been found unlawfully hunting, running or tracking game mammals or game birds and thereafter fails to prevent the dog from unlawfully hunting, running or tracking game mammals or game birds, such dog may be killed by any person authorized to enforce the wildlife laws.

(4) No person shall permit any dog the person owns to unlawfully hunt, run or track any game mammal or game bird. [1973 c.723 §84]

**498.106 Competitive field trials for hunting dogs.** Competitive field trials for hunting dogs

may be held at such times and places and under such conditions as the State Fish and Wildlife Commission may prescribe by rule. [1973 c.723 §85]

**498.112 Use of live birds for competitive shooting prohibited.** No person shall use any live bird as a target for the purpose of competitive shooting. [1973 c.723 §86]

#### RABIES CONTROL

**433.340 Definitions for ORS 433.340 to 433.390.** As used in ORS 433.340 to 433.390 unless the context requires otherwise:

(1) "Animal" means a dog or other animal of a species susceptible to rabies.

(2) "Owner" means any person having a right of property in an animal or who harbors an animal or who has it in the care of the person, or acts as its custodian, or who knowingly permits an animal to remain on or about any premises occupied by the person. "Owner" does not include veterinarians or kennel operators temporarily maintaining on their premises animals owned by other persons for a period of not more than 30 days. [1971 c.413 §1]

**433.345 Report of animal bites; rules; handling and disposition of animals.** (1) If an animal bites a person and the bite causes a break in the skin, or if an animal is suspected of rabies or has been in close contact with an animal suspected of rabies, the facts shall be immediately reported to the local health officer by any person having direct knowledge.

(2) The Department of Human Services, in consultation with the State Department of Agriculture, shall promulgate rules relating to the handling and disposition of animals that have bitten a person or are suspected of rabies or that have been in close contact with an animal suspected of rabies. Such rules may include requirements for confinement, isolation and inoculation. Owners or persons in possession of animals subject to such rules, shall handle or dispose or allow the handling or disposal of such animals strictly in accordance with such rules. [1971 c.413 §2; 1977 c.189 §4; 2001 c.636 §2]

**433.350 Authority to take possession and order destruction of animal.** When confinement and observation of an animal for purposes of determining infection with rabies will not avoid the necessity of the application of painful or possibly dangerous preventative treatment to a person who has been bitten or scratched by such animal, the Director of Human Services may order possession of the animal to be immediately relinquished to the director or to the authorized representative of the director and may order the animal destroyed for examination of its bodily tissues. [1971 c.413 §3]

**433.355 Procedure to force compliance with ORS 433.350.** (1) In the event of the refusal of the owner or person in possession of an animal to comply with an order of the Director of Human Services under ORS 433.350, the Director of Human Services or the authorized representative of the director may petition the circuit court of the county in which such animal is located for an order requiring such owner or person to comply with such order.

(2) The petition shall be verified and shall set forth the facts relative to the refusal to comply with the order. A copy of the petition shall be served upon the owner or person in possession of the animal in the manner provided for service of summons in civil actions. Such owner or person in possession shall appear and answer the petition at a time and place set by the court in an order, a copy of which shall be served with the petition, directing the defendant to appear at such time and place, and to then and there show cause, if any, why an order directing compliance with the order of the Director of Human Services should not be granted. The time set by the court for the hearing to show cause shall be made with due regard for the circumstances of the person or persons who have been subjected to the bite or scratch of the animal and whose health or life may be in jeopardy.

(3) If the owner or person in possession fails to appear or the court either with or without

such appearance finds the allegations of the petition are true and the order of the Director of Human Services is necessary under ORS 433.350, the court shall enter its order requiring the owner or person in possession of such animal to comply with the order of the Director of Human Services.

(4) The sheriff of the county in which the animal is located shall execute such order by serving upon the owner or person in possession a copy thereof duly certified to by the clerk of the circuit court and by enforcing the provisions thereof. [1971 c.413 §4]

**433.360 Report of rabies cases; quarantine.** (1) Whenever a case of animal rabies occurs, the fact shall be reported to the Director of Human Services and to the State Department of Agriculture immediately.

(2) The State Department of Agriculture in consultation with the Director of Human Services shall establish such quarantine under ORS chapter 596 as the State Department of Agriculture and the Director of Human Services may deem necessary.

(3) The State Department of Agriculture and the Director of Human Services may contract with counties for the purpose of carrying out the provisions of ORS 433.350, 433.355 and subsection (2) of this section. [1971 c.413 §5; 1975 c.750 §1; 1977 c.189 §5]

**433.365 Inoculation against rabies; rules; exception; costs.** (1) A dog that has permanent canine teeth or that is six months of age or older must be inoculated against rabies, unless specifically exempted by rule of the Department of Human Services or the State Department of Agriculture.

(2) Unless pursuant to conditions specified in ORS 430.357, any rules of the State Department of Agriculture or the Director of Human Services with respect to inoculation shall:

(a) Not apply to animals brought temporarily into the state for periods of less than 30 days but may require that the animals be kept under strict supervision by the owners of the animals.

(b) Not apply to dogs or to any other animal specifically exempted from the inoculation requirement by rule of the Department of Human Services or the State Department of Agriculture.

(3) The costs of all such required inoculations shall be borne by the owners of the animal. [1971 c.413 §7; 1975 c.750 §2; 2001 c.636 §3]

**433.367 Department to establish vaccination clinics; payment of costs by dog owners.** The Department of Human Services shall be responsible for development and coordination of vaccination clinics at sufficient and reasonable times at various locations throughout the state for the inoculation of dogs against rabies. Costs of vaccination shall be borne by the dog owner. [1977 c.189 §2]

**433.370 Inoculation certificate.** Every veterinarian inoculating an animal against rabies shall supply to the owner evidence of inoculation which shall consist of a certificate issued and signed by the veterinarian. The form of the certificate shall be prescribed by the Department of Human Services. [1971 c.413 §8; 1975 c.750 §3; 1977 c.189 §6; 1985 c.793 §1]

**433.375 Filing of inoculation certificate; certificate required for license; issuance of tag.** (1) The owner of the animal shall present by mail or otherwise the inoculation certificate, together with the fee fixed pursuant to ORS 433.380, if any, to the clerk of the county in which the owner resides.

(2) The county shall upon receipt of the fee and presentation of the certificate issue to the owner a serial-numbered tag, legibly identifying its expiration date as such date is determined in accordance with rules of the Department of Human Services relating to intervals of inoculation. The tag shall be designed for and shall be attached to a collar or harness which shall be worn by the dog for which the tag and certificate is issued at all times when off or outside the premises of

the owner. Whenever an original tag is lost, mutilated or destroyed, upon application and payment of the fee prescribed under ORS 433.380, if any, a replacement tag, to be dated, designed and worn as the original, shall be issued.

(3) No official of any county shall issue a license for a dog until the official has been shown a proper certification, or its equivalent, of a rabies inoculation.

(4) If the county files the certificate upon which a tag is issued, it shall be cross-referenced to the tag number. If the certificate is not filed, the county shall keep an appropriate record of the expiration date and number, if any, of the certificate cross-referenced to the tag number. Notwithstanding ORS 205.320 (1), a fee is not required for filing the certificate.

(5) Unexpired tags shall be honored in all counties when the animal is in transit or where the owner has established a new residence.

(6) The provisions of this section apply to a city, rather than a county, in a city which has a dog licensing program. [1971 c.413 §9; 1975 c.750 §4; 1977 c.189 §6a; 1985 c.793 §2; 1991 c.230 §34]

**433.377 Issuance of license as verification of inoculation; issuance of tag not required.**

Notwithstanding ORS 433.375 or any other provision of law, a county or city may consider issuance of a license for a dog as verification of there being a certificate of inoculation on file and need not issue a tag pursuant to ORS 433.375 (2). [1977 c.189 §3]

**433.379 Disposal of inoculation certificates.** Notwithstanding ORS 192.001 to 192.170, the county or city may dispose of certificates of inoculation upon their expiration date. [1977 c.189 §12]

**433.380 Tag fee; status of fee.** A fee for the tag and replacement tag may be fixed in each county by the governing body of the county in such amount as it finds necessary to enable the county to carry out the provisions of ORS 433.365, 433.370 and 433.380 to 433.390 and the regulations promulgated hereunder and shall not be considered a license or tax within the meaning of ORS 609.100. [1971 c.413 §10]

**433.385 Impoundment of animals; notice to owner; redeeming animal; disposition of animals.** (1) Any animal in violation of ORS 433.365 shall be apprehended and impounded.

(2) All animals apprehended and impounded under this section shall be held in adequate and sanitary pounds to be established or contracted for in each county by the governing body of the county. All animals so impounded shall be given proper care and maintenance.

(3) When an animal is apprehended and impounded, the owner, if known, shall be given notice of not less than five days from the date of such impounding before the animal is destroyed or otherwise disposed of. An owner appearing to redeem the animal may do so if the provisions of ORS 433.365 are complied with and if the owner pays the expense of keeping the animal during the time it was impounded and in addition thereto, the sum established by the county governing body. If the animal is subject to any other impounding law the requirements for release under that law shall also be met except that the expense of keeping the animal shall be payable only once for the period of impoundment. If the owner does not appear to redeem the animal after the notice provided for herein, or otherwise, after five days, or if the owner is not known, after three days, the governing body of the county may provide for animals impounded to be released to any other person upon the conditions outlined in this subsection or otherwise disposed of in a humane manner.

(4) If the owner desires to redeem an animal impounded pursuant to this section or the animal is to be released to any other person as provided in subsection (3) of this section, the person shall post a \$20 deposit with the county and obtain possession of the animal for the purpose of complying with ORS 433.365. The county shall refund the deposit to a person who, on or before the eighth day after obtaining possession of the animal, demonstrates proof of rabies inoculation or exemption from the inoculation requirement and, if applicable, proof of purchase

of a license as required under ORS 609.100. Failure to demonstrate proof of rabies inoculation or exemption and proof of licensing within the prescribed time shall forfeit the deposit to the county.

(5) The governing body of the county shall designate persons responsible for the enforcement of this section. [1971 c.413 §11; 1977 c.189 §7; 2001 c.636 §4]

**433.390 County dog control fund; sources and uses.** (1) All moneys received by a county under ORS 433.340 to 433.390 and 433.990 (5) shall be paid to the county dog control fund.

(2) The governing body of the county may, in the event of a rabies outbreak within the county, use such portion of the dog control fund as it deems necessary to purchase rabies vaccine for administration to animals under the direction of the state and local health officers. [1971 c.413 §12; 1977 c.189 §8; 1987 c.158 §78; 1987 c.905 §22; 2001 c.104 §156]

## OFFENSES AGAINST ANIMALS

**167.310 Definitions for ORS 167.310 to 167.351.** As used in ORS 167.310 to 167.351:

(1) "Animal" means any nonhuman mammal, bird, reptile, amphibian or fish.

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

(3) "Good animal husbandry" includes, but is not limited to, the dehorning of cattle, the docking of horses, sheep or swine, and the castration or neutering of livestock, according to accepted practices of veterinary medicine or animal husbandry.

(4) "Law enforcement animal" means a dog or horse used in law enforcement work under the control of a corrections officer, parole and probation officer, police officer or youth correction officer, as those terms are defined in ORS 181.610, who has successfully completed at least 360 hours of training in the care and use of a law enforcement animal, or who has passed the demonstration of minimum standards established by the Oregon Police Canine Association or other accredited and recognized animal handling organization.

(5) "Livestock" has the meaning provided in ORS 609.125.

(6) "Minimum care" means care sufficient to preserve the health and well-being of an animal and, except for emergencies or circumstances beyond the reasonable control of the owner, includes, but is not limited to, the following requirements:

(a) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.

(b) Open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Access to snow or ice is not adequate access to potable water.

(c) For a domestic animal other than a dog engaged in herding or protecting livestock, access to a barn, dog house or other enclosed structure sufficient to protect the animal from wind, rain, snow or sun and that has adequate bedding to protect against cold and dampness.

(d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.

(e) For a domestic animal, continuous access to an area:

(A) With adequate space for exercise necessary for the health of the animal;

(B) With air temperature suitable for the animal; and

(C) Kept reasonably clean and free from excess waste or other contaminants that could affect the animal's health.

(f) For a livestock animal that cannot walk or stand without assistance:

(A) Humane euthanasia; or

(B) The provision of immediate and ongoing care to restore the animal to an ambulatory state.

(7) "Physical injury" means physical trauma, impairment of physical condition or substantial pain.

(8) "Physical trauma" means fractures, cuts, punctures, bruises, burns or other wounds.

(9) "Possess" has the meaning provided in ORS 161.015.

(10) "Serious physical injury" means physical injury that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of a limb or bodily organ. [1985 c.662 §1; 1995 c.663 §3; 1999 c.756 §13; 2001 c.926 §7; 2003 c.543 §6; 2003 c.549 §1; 2005 c.264 §18]

**167.312 Research and animal interference.** (1) A person commits the crime of research and animal interference if the person:

(a) With the intent to interfere with research, releases, steals or otherwise causes the death, injury or loss of any animal at or from an animal research facility.

(b) With the intent to interfere with research, damages, vandalizes or steals any property in or on an animal research facility.

(c) With the intent to interfere with research, obtains access to an animal research facility to perform acts not authorized by that facility.

(d) Obtains or exerts unauthorized control over records, data, materials, equipment or animals of any animal research facility with the intent to interfere with research by concealing, abandoning or destroying such records, data, materials, equipment or animals.

(e) With the intent to interfere with research, possesses or uses equipment or animals that the person reasonably believes have been obtained by theft or deception from an animal research facility or without the authorization of an animal research facility.

(2) For the purposes of this section, "animal research facility" means any facility engaging in legal scientific research or teaching involving the use of animals.

(3) Research and animal interference is a:

(a) Class C felony if damage to the animal research facility is \$2,500 or more; or

(b) Class A misdemeanor if there is no damage to the facility or if damage to the animal research facility is less than \$2,500.

(4) Determination of damages to an animal research facility shall be made by the court. In making its determination, the court shall consider the reasonable costs of:

(a) Replacing lost, injured or destroyed animals;

(b) Restoring the animal research facility to the approximate condition of the facility before the damage occurred; and

(c) Replacing damaged or missing records, data, material or equipment.

(5) In addition to any other penalty imposed for violation of this section, a person convicted of such violation is liable:

(a) To the owner of the animal for damages, including the costs of restoring the animal to confinement and to its health condition prior to commission of the acts constituting the violation;

(b) For damages to real and personal property caused by acts constituting the violation; and

(c) For the costs of repeating an experiment, including the replacement of the animals, labor and materials, if acts constituting the violation cause the failure of an experiment. [1991 c.843 §2; 2001 c.147 §2; 2001 c.554 §1]

**167.315 Animal abuse in the second degree.** (1) A person commits the crime of animal abuse in the second degree if, except as otherwise authorized by law, the person intentionally, knowingly or recklessly causes physical injury to an animal.

(2) Any practice of good animal husbandry is not a violation of this section.

(3) Animal abuse in the second degree is a Class B misdemeanor. [1985 c.662 §2]

**167.320 Animal abuse in the first degree.** (1) A person commits the crime of animal abuse in the first degree if, except as otherwise authorized by law, the person intentionally, knowingly or recklessly:

(a) Causes serious physical injury to an animal; or

- (b) Cruelly causes the death of an animal.
- (2) Any practice of good animal husbandry is not a violation of this section.
- (3) Animal abuse in the first degree is a Class A misdemeanor.
- (4) Notwithstanding subsection (3) of this section, animal abuse in the first degree is a Class C felony if:
  - (a) The person committing the animal abuse has previously been convicted of two or more of the following offenses:
    - (A) Any offense under ORS 163.160, 163.165, 163.175, 163.185 or 163.187 or the equivalent laws of another jurisdiction, if the offense involved domestic violence as defined in ORS 135.230 or the offense was committed against a minor child; or
    - (B) Any offense under this section or ORS 167.322, or the equivalent laws of another jurisdiction; or
  - (b) The person knowingly commits the animal abuse in the immediate presence of a minor child. For purposes of this paragraph, a minor child is in the immediate presence of animal abuse if the abuse is seen or directly perceived in any other manner by the minor child. [1985 c.662 §3; 2001 c.926 §8; 2003 c.577 §8]

**167.322 Aggravated animal abuse in the first degree.** (1) A person commits the crime of aggravated animal abuse in the first degree if the person:

- (a) Maliciously kills an animal; or
- (b) Intentionally or knowingly tortures an animal.
- (2) Aggravated animal abuse in the first degree is a Class C felony.
- (3) As used in this section:
  - (a) "Maliciously" means intentionally acting with a depravity of mind and reckless and wanton disregard of life.
  - (b) "Torture" means an action taken for the primary purpose of inflicting pain. [1995 c.663 §2; 2001 c.926 §9]

**167.325 Animal neglect in the second degree.** (1) A person commits the crime of animal neglect in the second degree if, except as otherwise authorized by law, the person intentionally, knowingly, recklessly or with criminal negligence fails to provide minimum care for an animal in such person's custody or control.

- (2) Animal neglect in the second degree is a Class B misdemeanor. [1985 c.662 §4]

**167.330 Animal neglect in the first degree.** (1) A person commits the crime of animal neglect in the first degree if, except as otherwise authorized by law, the person intentionally, knowingly, recklessly or with criminal negligence fails to provide minimum care for an animal in the person's custody or control and the failure to provide care results in serious physical injury or death to the animal.

- (2) Animal neglect in the first degree is a Class A misdemeanor. [1985 c.662 §5; 2001 c.926 §10]

**167.332 Prohibition against possession of domestic animal.** (1) In addition to any other penalty imposed by law, a person convicted of violating ORS 167.315, 167.325, 167.330 or 167.340 or of a misdemeanor under ORS 167.320, may not possess a domestic animal for a period of five years following entry of the conviction. An offense under this subsection is an unclassified misdemeanor punishable by a fine not exceeding \$1,000 and forfeiture of the animal as provided in ORS 167.350.

(2) In addition to any other penalty imposed by law, a person convicted of violating ORS 167.322 or of a felony under ORS 167.320, may not possess a domestic animal for a period of 15 years following entry of the conviction. An offense under this subsection is an unclassified misdemeanor punishable by a fine not exceeding \$5,000 and forfeiture of the animal as provided under ORS 167.350. [2001 c.926 §3]

**167.333 Sexual assault of animal.** (1) A person commits the crime of sexual assault of an animal if the person:

(a) Touches or contacts, or causes an object or another person to touch or contact, the mouth, anus or sex organs of an animal or animal carcass for the purpose of arousing or gratifying the sexual desire of a person; or

(b) Causes an animal or animal carcass to touch or contact the mouth, anus or sex organs of a person for the purpose of arousing or gratifying the sexual desire of a person.

(2) Subsection (1) of this section does not apply to the use of products derived from animals.

(3) Sexual assault of an animal is a Class A misdemeanor. [2001 c.926 §5b; 2003 c.428 §1]

**167.335 Exemption from ORS 167.315 to 167.333.** Unless gross negligence can be shown, the provisions of ORS 167.315 to 167.333 do not apply to:

(1) The treatment of livestock being transported by owner or common carrier;

(2) Animals involved in rodeos or similar exhibitions;

(3) Commercially grown poultry;

(4) Animals subject to good animal husbandry practices;

(5) The killing of livestock according to the provisions of ORS 603.065;

(6) Animals subject to good veterinary practices as described in ORS 686.030;

(7) Lawful fishing, hunting and trapping activities;

(8) Wildlife management practices under color of law;

(9) Lawful scientific or agricultural research or teaching that involves the use of animals;

(10) Reasonable activities undertaken in connection with the control of vermin or pests; and

(11) Reasonable handling and training techniques. [1985 c.662 §6; 1995 c.663 §4; 2001 c.926 §10a]

**167.337 Interfering with law enforcement animal.** (1) A person commits the crime of interfering with a law enforcement animal if the person intentionally or knowingly injures or attempts to injure an animal the person knows or reasonably should know is a law enforcement animal while the law enforcement animal is being used in the lawful discharge of its duty.

(2) Interfering with a law enforcement animal is a Class A misdemeanor. [Formerly 164.369]

**167.339 Assaulting law enforcement animal.** (1) A person commits the crime of assaulting a law enforcement animal if:

(a) The person knowingly causes serious physical injury to or the death of a law enforcement animal, knowing that the animal is a law enforcement animal; and

(b) The injury or death occurs while the law enforcement animal is being used in the lawful discharge of the animal's duties.

(2) Assaulting a law enforcement animal is a Class C felony. [2003 c.543 §3]

**167.340 Animal abandonment.** (1) A person commits the crime of animal abandonment if the person intentionally, knowingly, recklessly or with criminal negligence leaves a domestic animal at a location without providing for the animal's continued care.

(2) It is no defense to the crime defined in subsection (1) of this section that the defendant abandoned the animal at or near an animal shelter, veterinary clinic or other place of shelter if the defendant did not make reasonable arrangements for the care of the animal.

(3) Animal abandonment is a Class B misdemeanor. [1985 c.662 §8; 2001 c.926 §11]

**167.345 Authority to enter premises; search warrant; notice of impoundment of animal; damage resulting from entry.** (1) As used in this section, "peace officer" has the meaning given that term in ORS 161.015.

(2) If there is probable cause to believe that any animal is being subjected to treatment in

violation of ORS 167.315 to 167.333 or 167.340, a peace officer, after obtaining a search warrant or in any other manner authorized by law, may enter the premises where the animal is located to provide the animal with food, water and emergency medical treatment and may impound the animal. If after reasonable effort the owner or person having custody of the animal cannot be found and notified of the impoundment, the notice shall be conspicuously posted on the premises and within 72 hours after the impoundment the notice shall be sent by certified mail to the address, if any, where the animal was impounded.

(3) A peace officer is not liable for any damages for an entry under subsection (2) of this section, unless the damages were caused by the unnecessary actions of the peace officer that were intentional or reckless.

(4) A court may order an animal impounded under subsection (2) of this section to be held at any animal care facility in the state. A facility receiving the animal shall provide adequate food and water and may provide veterinary care. [Formerly 167.860; 1993 c.519 §1; 1995 c.663 §5; 2001 c.926 §12]

**167.352 Interfering with assistance, search and rescue or therapy animal.** (1) A person commits the crime of interfering with an assistance, a search and rescue or a therapy animal if the person intentionally or knowingly:

(a) Injures or attempts to injure an animal the person knows or reasonably should know is an assistance animal, a search and rescue animal or a therapy animal;

(b) Interferes with an assistance animal while the assistance animal is being used to provide assistance to a physically impaired person; or

(c) Interferes with a search and rescue animal or a therapy animal while the animal is being used for search and rescue or therapy purposes.

(2) As used in this section, "assistance animal" and "physically impaired person" have the meanings given those terms in ORS 346.680.

(3) As used in this section and ORS 30.822:

(a) "Search and rescue animal" means that the animal has been professionally trained for, and is actively used for, search and rescue purposes.

(b) "Therapy animal" means that the animal has been professionally trained for, and is actively used for, therapy purposes.

(4) Interfering with an assistance, a search and rescue or a therapy animal is a Class A misdemeanor. [1993 c.312 §3]

**167.355 Involvement in animal fighting.** (1) A person commits the crime of involvement in animal fighting if the person:

(a) Owns or trains an animal with the intention that the animal engage in an exhibition of fighting;

(b) Promotes, conducts, participates in or is present as a spectator at an exhibition of fighting or preparations thereto;

(c) Keeps or uses, or in any way is connected with or interested in the management of, or receives money for the admission of any person to any place kept or used for the purpose of an exhibition of fighting; or

(d) Knowingly suffers or permits any place over which the person has possession or control to be occupied, kept or used for the purpose of an exhibition of fighting.

(2) For purposes of this section:

(a) "Animal" means any bird, reptile, amphibian, fish or nonhuman mammal, other than a dog or a fighting bird as defined in ORS 167.426.

(b) "Exhibition of fighting" means a public or private display of combat between two or more animals in which the fighting, killing, maiming or injuring of animals is a significant feature. "Exhibition of fighting" does not include demonstrations of the hunting or tracking skills of an animal or the lawful use of animals for hunting, tracking or self-protection.

(3) Involvement in animal fighting is a Class A misdemeanor. [Formerly 167.865; 1987 c.249 §6; 2003 c.484 §9]

**167.360 Definitions for ORS 167.360 to 167.375.** As used in ORS 167.360 to 167.375:

(1) "Breaking stick" means a device designed for insertion behind the molars of a dog for the purpose of breaking the dog's grip on another animal or object.

(2) "Cat mill" means a device that rotates around a central support with one arm designed to secure a dog and one arm designed to secure a cat, rabbit or other small animal beyond the grasp of the dog.

(3) "Dogfight" means a fight, arranged by any person, between two or more dogs the purpose or probable result of which fight is the infliction of injury by one dog upon another.

(4) "Dogfighting paraphernalia" means a breaking stick, cat mill, springpole, weighted or unweighted chain collar weighing 10 pounds or more, leather or mesh collar with a strap more than two inches in width, fighting pit or unprescribed veterinary medicine that is a prescription drug as defined in ORS 689.005.

(5) "Fighting dog" means a dog that is intentionally bred or trained to be used in, or that is actually used in, a dogfight. A dog does not constitute a fighting dog solely on account of its breed.

(6) "Fighting pit" means a walled area designed to contain a dogfight.

(7) "Springpole" means a biting surface attached to a stretchable device, suspended at a height sufficient to prevent a dog from reaching the biting surface while touching the ground. [1987 c.249 §1; 2005 c.467 §1]

**167.365 Dogfighting.** (1) A person commits the crime of dogfighting if the person knowingly does any of the following:

(a) Owns, possesses, keeps, breeds, trains, buys, sells or offers to sell a fighting dog, including but not limited to any advertisement by the person to sell such a dog.

(b) Promotes, conducts or participates in, or performs any service in the furtherance of, an exhibition of dogfighting, including but not limited to refereeing of a dogfight, handling of dogs at a dogfight, transportation of spectators to a dogfight, organizing a dogfight, advertising a dogfight, providing or serving as a stakes holder for any money wagered on a fight.

(c) Keeps, uses or manages, or accepts payment of admission to, any place kept or used for the purpose of dogfighting.

(d) Suffers or permits any place over which the person has possession or control to be occupied, kept or used for the purpose of an exhibition of dogfighting.

(2) Dogfighting is a Class C felony. [1987 c.249 §2]

**167.370 Participation in dogfighting.** (1) A person commits the crime of participation in dogfighting if the person knowingly:

(a) Attends or has paid admission at any place for the purpose of viewing or betting upon a dogfight.

(b) Advertises or otherwise offers to sell equipment for the training and handling of a fighting dog.

(2) Participation in dogfighting is a Class A misdemeanor. [1987 c.249 §3]

**167.372 Possessing dogfighting paraphernalia.** (1) A person commits the crime of possessing dogfighting paraphernalia if the person owns or possesses dogfighting paraphernalia with the intent that the paraphernalia be used to train a dog as a fighting dog or be used in the furtherance of a dogfight.

(2) Possessing dogfighting paraphernalia is a Class A misdemeanor. [2005 c.467 §3]