

SENATE COMMITTEE ON JUDICIARY

March 8, 2005
1:00 P.M.

Hearing Room 343
Tapes 58 - 59

Corrected 10/26/05

MEMBERS PRESENT: Sen. Ginny Burdick, Chair
Sen. Charles Starr, Vice-Chair
Sen. Roger Beyer
Sen. Floyd Prozanski
Sen. Vicki Walker
Sen. Doug Whitsett

MEMBER EXCUSED: Sen. Charlie Ringo

STAFF PRESENT: Joe O'Leary, Counsel
Dale Penn, Committee Assistant

MEASURES/ISSUES HEARD:
SB 641 – Public Hearing
SB 844 – Public Hearing
SB 246 – Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 58, A		
003	Chair Burdick	Calls the meeting to order at 1:08 p.m. and opens a combined public hearing on SB 641 & SB 844.
<u>SB 641 & SB 844 – PUBLIC HEARING</u>		
009	Joe O'Leary	Counsel. Describes SB 641 relating to the creation of a crime for possessing dog fighting paraphernalia, and SB 844 relating to a penalty for a dog keeper who maintains a public nuisance by keeping a dog that bites a person.
031	Sen. Ryan Deckert	Senate District 14. Submits testimony and testifies in support of SB 641 & SB 844 (EXHIBITS A & B). Addresses the story of Kathleen Imel, who saved a small child's life from a pit bull that had a history of attacking people.
060	Sen. Deckert	Advocates the creation of a registry with information on people who are breeding particular dog breeds that have a history of attacks. Expresses his desire for uniformity across the state for registering these dangerous breeds; outlines a method that would accomplish this goal.
100	Sen. Deckert	Talks about his support for SB 844, and stresses the need for the passage of this legislation.
116	Chair Burdick	Expresses the desire to hear from Kathleen Imel and commends Sen. Deckert in cooperating with others to come to a conclusion to SB 844.

126	Sen. Whitsett	Asks why this is a state-wide problem as opposed to a local issue.
131	Sen. Deckert	Responds that there is state-wide interest in this issue, and stresses that there is enough of a problem around the state to merit such legislation. Addresses the recent case of Qyntel Woods, a Portland Trailblazer basketball player accused of dog fighting.
160	Sen. Whitsett	Inquires about other breeds of dogs to be placed in this registry besides pit bulls.
165	Sen. Deckert	States that they are working with other groups to include other breeds of dogs; expresses acceptance of those types of amendments.
178	Chair Burdick	Recounts a personal story of her near attack from a rottweiler.
193	Sen. Whitsett	Expresses his displeasure with the “first bite” clause that forces a fine from an owner after the first attack from that animal. Explains that there are mitigating circumstances and many different reasons behind an attack.
217	Sen. Deckert	Responds with the hope that Sen. Whitsett will join the work group.
233	Sen. Prozanski	Addresses the problem of the “first bite” rule, and the issue of putting the dog down because of a single bite. Speaks about the drafting in the bill relating to this topic.
265	Sen. Deckert	Reiterates his desire for a registry, and talks about an increase in the fine for not registering their animals under the bill.
277	Sen. Whitsett	Asks if the liability risk is transferable between owners.
286	Sen. Deckert	States his confusion over the current issue.
288	O’Leary	Discusses the liability of an animal passed to another owner.
304	Sen. Prozanski	Raises other issues with the liability over ownership of an animal.
317	Sen. Deckert	Talks about the need for a crime for possessing dog fighting paraphernalia.
355	Chair Burdick	Closes the combined public hearing on SB 641 and SB 844 and opens a public hearing on SB 844.

SB 844 – PUBLIC HEARING

375	Sharon M. Harmon	Director, Oregon Humane Society. Submits testimony and testifies in reserved support of SB 844 (EXHIBIT C). Raises several problems that her organization has with SB 844.
425	Harmon	Addresses the registry method discussed earlier. Expresses their desire for a microchip registry process.
460	Harmon	Affirms that pit bulls are a growing problem, but stresses alternative methods than those discussed earlier.

TAPE 59, A

038	Chair Burdick	Asks about the liability of owners.
041	Harmon	Agrees that too often owners are at fault, and advises the analysis of the circumstances that led to an attack.
056	Kelly Peterson	The Humane Society of the United States. Submits testimony and testifies in support of SB 844 (EXHIBIT D).
079	Marcia Keith	Oregon Veterinary Medical Association. Submits testimony and testifies in conceptual support of SB 844 (EXHIBIT E). Stresses they cannot fully support the bill unless the wording is altered, although they do support the concept. Talks about the need for removal of breed-specific language.
119	Laura Ireland Moore	The Animal Law Practice. Testifies in support of SB 844, and advocates the amending of SB 844 in relation to the breed-

		specific wording. Talks about her law practice never having to deal with bite cases from pit bulls.
153	Mike Oswald	Director, Multnomah County Animal Services. Submits testimony and testifies in support of SB 844 (EXHIBIT F). Discusses the wide variations surrounding the circumstance involving dog bites.
200	Oswald	Addresses recidivism dealing with dog attacks. Talks about a reasonable and commensurate penalty system for future hostile dog owners.
242	Sen. Whitsett	Wonders if the bite wounds covered under the bill should be extended to include animal bite wounds as well.
248	Oswald	Explains the ordinance relating to bite wounds and dog attacks.
276	Sen. Whitsett	Rewords his earlier question.
287	Oswald	Replies that he believes animals attacking other animals should also be included under the bill.
300	Chair Burdick	Addresses the ordinances in place protecting livestock from animal attacks.
334	Mary Storm	Yamhill County, National Animal Interest Alliance. Submits testimony and testifies in opposition to SB 844 (EXHIBIT G). Talks about the organizations that oppose breed-specific legislation.
359	Chair Burdick	Inquires about the strict liability standard for owners.
361	Storm	Replies that yes, owners should be held responsible.
371	Sen. Prozanski	Asks about the registry discussed earlier.
375	Storm	Raises the concern of funding and difficulty in implementing such a registry.
422	Karen Herrold	Washington County. Submits testimony and testifies in opposition to SB 844 (EXHIBIT H). Addresses how breed-specific legislation does not work.
459	Herrold	Brings up recent cases of other types of dogs attacking humans (both were smaller and regularly thought to be not hostile).
TAPE 58, B		
028	Herrold	Stresses that irresponsible people are the problems, not dog breeds.
039	Chair Burdick	Inquires if she supports liability standards for owners.
038	Herrold	Replies yes, she supports such methods. Emphasizes that most of the problems with dog attacks and irresponsible training techniques are individuals aligned with the criminal element.
077	Herrold	Talks about the circumstances behind most dog attacks.
113	Glen Stonebrink	Oregon Cattlemen's Association. Addresses line 34 on page 4 of SB 844, and stresses that a dog chasing cars should not be delineated as a prerequisite for sterilization.
164	Kent Rohweder	Animal Services Officer. Stresses that breed-specific legislation is not the method to pursue. Acknowledges the need for liability standards for owners.
206	Chair Burdick	Closes the public hearing on SB 844 and opens a public hearing on SB 641.
<u>SB 641 – PUBLIC HEARING</u>		
217	Sharon Harmon	Oregon Humane Society. Submits testimony and testifies in support of SB 641 (EXHIBIT L). Addresses some possible conceptual amendments the Human Society advocates.
250	Harmon	Discusses the term “fighting pits” used in SB 641 as a term of dog fighting paraphernalia.
271	Lieutenant Randy	Oregon Humane Society. Submits the Oregon Animal Cruelty

	Covey	Laws (EXHIBIT I). Addresses the current dog fighting law in Oregon statutes (Exhibit I).
308	Sen. Whitsett	Discusses the terms in the bill on veterinarian medications being linked to dog fighting.
314	Covey	Talks about the reason veterinarian medications were included in SB 641.
325	Sen. Whitsett	Stresses the wording is way too broad, and needs to be amended.
335	Covey	Agrees that the wording does need to be clarified.
345	Harmon	Explains a possible method in addressing the issues raised concerning veterinarian medications and dog fighting paraphernalia.
367	Joe O’Leary	Counsel. Points out that intent is needed before law enforcement can convict a person for having certain pieces of dog fighting paraphernalia.
414	Marcia Keith	Oregon Veterinary Medical Association. Submits testimony and testifies in support of SB 641 (EXHIBIT J).
442	Dave Paul	Clackamas County Deputy District Attorney, Oregon District Attorneys Association. Testifies in support for SB 641. Addresses the earlier issue of veterinarian medications and paraphernalia, and stresses the presence of intent within the drafting protects individuals from owning random pieces of paraphernalia.

TAPE 59, B

032	Mike Oswald	Director, Multnomah County Animal Services. Submits Testimony and testifies in support of SB 641 (EXHIBIT K).
050	Karen Herrold	Washington County. Testifies in a neutral stance on SB 641.
065	Chair Burdick	Closes the public hearing on SB 641 and opens a public hearing on SB 246.

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SB 246 – PUBLIC HEARING

075	Joe O’Leary	Counsel. Describes SB 246 relating to public or private officials reporting suspected animal abuse.
083	Sen. Whitsett	Asks for a better definition of “maliciously killing an animal.”
089	Joe O’Leary	Describes the statutory definition relating to the term “maliciously killing an animal.”
123	Lieutenant Randy Covey	Oregon Humane Society. Discusses the Animal Cruelty Laws (Exhibit I). Testifies in support of SB 246.
149	Chair Burdick	Inquires about animal abuse.
152	Covey	Responds with information on animal abuse.
158	Sen. Starr	Asks about individuals putting down their animals under circumstances of illness, etc.
173	Covey	Replies that the law depends on the method of euthanasia.
193	Sen. Prozanski	Inquires about the possibility of breaching certain confidentiality rights, and what responsibilities officers and other public officials must observe.
226	Covey	Addresses the concern raised by Sen. Prozanski.
239	Sen. Prozanski	States that most people who would fall under this bill have no idea what aggravated animal abuse might be.
248	Chair Burdick	Discusses a recent article on this subject.
264	Sen. Prozanski	Declares his support for the concept behind SB 246.
271	Chair Burdick	Brings up the issue of reporting.
278	Kelly Peterson	The Humane Society of the United States. Submits research on cross reporting and testifies in support of SB 246 (EXHIBIT M).

298	Kevin Neely	Executive Assistant, Attorney General's Office. Submits a packet from American Humane Society and testifies in support of SB 246 (EXHIBIT N).
324	Chair Burdick	Closes the public hearing on SB 246 and adjourns the meeting at 2:55 p.m.

EXHIBIT SUMMARY

- A. **SB 641, written testimony, Sen. Ryan Deckert, 1 p**
- B. **SB 844, written testimony, Sen. Ryan Deckert, 1 p**
- C. **SB 844, written testimony, Sharon Harmon, 1 p**
- D. **SB 844, written testimony, Kelly Peterson, 1 p**
- E. **SB 844, written testimony, Marcia Keith, 2 pp**
- F. **SB 844, written testimony, Mike Oswald, 1 p**
- G. **SB 844, written testimony, Mary Storm, 2 pp**
- H. **SB 844, written testimony, Karen Herrold, 3 pp**
- I. **SB 641, Oregon Animal Cruelty Laws, Randy Covey, 108 pp**
- J. **SB 641, written testimony, Marcia Keith, 1 p**
- K. **SB 641, written testimony, Mike Oswald, 1 p**
- L. **SB 641, written testimony, Sharon Harmon, 1 p**
- M. **SB 246, Research on cross-reporting, Kelly Peterson, 8 pp**
- N. **SB 246, American Humane Packet, Kevin Neely, 9 pp**