

MEASURE NO. ____

CRIMINALIZES BREEDING PRACTICES, INJURING/KILLING ANIMALS, INCLUDING FOR FOOD, HUNTING, FISHING. CREATES TRANSITION FUND. EXCEPTIONS

Explanation

In Oregon animal abuse is the intentional, knowing, or reckless injury or killing of an animal. Many currently-lawful activities involving injury or killing are exempt from that definition unless gross negligence is shown. Measure XX would remove these exemptions, criminalizing the activities if they resulted in such injury to any non-human mammal, bird, reptile, amphibian, or fish:

- The treatment of livestock being transported
- Animals involved in rodeos
- Commercially growing poultry
- Good animal husbandry practices
- The killing of livestock according to approved methods
- Lawful fishing, hunting and trapping
- Lawful wildlife management
- Lawful scientific or agricultural research or teaching involving animals
- The reasonable control of vermin or pests; and
- Reasonable handling and training techniques

The measure keeps the existing exemption for veterinary practices and adds one new exemption allowing acts necessary to defend oneself and others. Intentional, knowing, or reckless injury or killing of an animal outside those two exemptions would be a crime. This would prohibit commercial and recreational hunting and fishing, slaughtering, killing rodents or other vertebrate pests, and research, teaching, or exhibitions that injure animals.

Under current law, sexual assault of an animal covers physical contact done for a person's sexual gratification. Measure XX expands it to include contact done to impregnate or masturbate an animal, which would prohibit standard breeding practices including artificial insemination for pets, livestock, and horses.

Rules that currently apply only to companion animals—requiring adequate shelter, bedding, space to exercise, suitable temperature, and limits on tethering—would apply to all animals in one's custody or control. Ranches and dairies would have to provide an enclosed shelter and continuous access to clean space for animals now kept on open range, in feedlots, or in barns.

Animal cruelty crimes currently punishable as felonies would become misdemeanors. In place of other penalties, courts order community service at an animal care facility, plus a 5-year or 15-year ban on possessing any animal.

The measure creates a transition fund. A council including state agencies, the nine tribal governments, the Oregon Farm Bureau, and affected community members would award grants for food assistance, lost income, job retraining, animal care, and conservation. Subsidies now spent on newly-prohibited activities would go to the fund, and the Legislature must add additional money necessary to pay for these grants.

Hunting, fishing, and trapping licenses could no longer be issued for activities the measure makes crimes. License fees and federal taxes on hunting and fishing equipment are a main source of Department of Fish and Wildlife funding.

Measure XX creates no tribal exemption. A state law cannot change federal law. Some Oregon tribes hold hunting and fishing rights under federal treaties or statutes; others under agreements with the state. Federal law also limits when Oregon criminal law applies on reservations, and those limits differ by tribe. How the measure would apply to tribal members is unsettled and would likely be decided by courts.

Measure does not change laws about buying, selling, or importing animal products.

Changes take effect 30 days after the election.