

SB 653 OR Forfeiture Law as enrolled by legislature

<http://www.leg.state.or.us/95reg/asures/sb0600.dir/sb0653.en.html>

68th OREGON LEGISLATIVE ASSEMBLY--1995 Regular Session

Enrolled

Senate Bill 653

Sponsored by Senator BUNN (at the request of Lincoln County Legal Counsel)

CHAPTER

AN ACT

Relating to animals.

Be It Enacted by the People of the State of Oregon:

***** SECTION 1. { + Sections 2 and 3 of this Act are added to and made a part of ORS chapter 167. + }

***** SECTION 2. { + (1) If any animal is impounded pursuant to ORS 167.345 (2) and is being held by a county animal shelter or other animal care agency pending outcome of criminal action charging a violation of ORS 167.310 to 167.340, prior to final disposition of the criminal charge, the county or other animal care agency may file a petition in the criminal action requesting that the court issue an order forfeiting the animal to the county or other animal care agency prior to final disposition of the criminal charge. The petitioner shall serve a true copy of the petition upon the defendant and the district attorney.

(2) Upon receipt of a petition pursuant to subsection (1) of this section, the court shall set a hearing on the petition. The hearing shall be conducted within 14 days of the filing of the petition, or as soon as practicable.

(3)(a) At a hearing conducted pursuant to subsection (2) of this section, the petitioner shall have the burden of establishing probable cause to believe that the animal was subjected to abuse, neglect or abandonment in violation of ORS 167.310 to 167.340. If the court finds that probable cause exists, the court shall order immediate forfeiture of the animal to the petitioner, unless the defendant, within 72 hours of the hearing, posts a security deposit or bond with the court clerk in an amount determined by the court to be sufficient to repay all reasonable costs incurred, and anticipated to be incurred, by the petitioner in caring for the animal from the date of initial impoundment to the date of trial.

(b) Notwithstanding paragraph (a) of this subsection, a court

may waive for good cause shown the requirement that the defendant post a security deposit or bond.

(4) If a security deposit or bond has been posted in accordance with subsection (3) of this section, and the trial in the action is continued at a later date, any order of continuance shall require the defendant to post an additional security deposit or bond in an amount determined by the court that shall be sufficient to repay all additional reasonable costs anticipated to be incurred by the petitioner in caring for the animal until the new date of trial.

(5) If a security deposit or bond has been posted in accordance with subsection (4) of this section, the petitioner may draw from that security deposit or bond the actual reasonable costs incurred by the petitioner in caring for the impounded animal from the date of initial impoundment to the date of final disposition of the animal in the criminal action.

(6) The provisions of this section are in addition to, and not in lieu of, the provisions of ORS 167.350. + }

***** SECTION 3. { + If an animal is forfeited according to the provisions of ORS 167.350 or section 2 of this 1995 Act, in placing the animal with a new owner, the agency to which the animal was forfeited shall give placement preference to any person or persons who had prior contact with the animal, including but not limited to family members and friends of the former owner whom the agency determines are capable of providing necessary, adequate and appropriate levels of care for the animal. + }

Passed by Senate May 3, 1995

Repassed by Senate May 25, 1995

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Secretary of Senate

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President of Senate

Passed by House May 22, 1995

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Speaker of House

Received by Governor:

.....M.,....., 1995

Approved:

.....M.,....., 1995

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Governor

Filed by Office of Secretary of State:

.....M.,....., 1995

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Secretary of State

Note: This is not the official versions of the bill.