

# D R A F T

## SUMMARY

Prohibits keeping of pit bull. Creates exception for pit bulls currently in state upon meeting certain conditions. Declares pit bull dangerous dog and makes keeping of pit bull punishable by euthanization of dog and by maximum of \$6,250 fine, one year's imprisonment, or both. If dog kills person, punishes by maximum of \$125,000 fine, five years' imprisonment, or both.

## A BILL FOR AN ACT

1  
2 Relating to pit bulls; creating new provisions; and amending ORS 609.098.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) "Keep" means to be a "keeper," as that term is defined in ORS  
6 609.035.

7 (b) "Pit bull" means a dog that:

8 (A) Is registered or otherwise listed as an American pit bull terrier,  
9 Staffordshire bull terrier or American Staffordshire terrier with a dog  
10 breed club or league, dog fanciers association, breed registry or similar  
11 organization; or

12 (B) Has an appearance and physical characteristics that substan-  
13 tially conform to the breed standards of the United Kennel Club for  
14 an American pit bull terrier or of the American Kennel Club for a  
15 Staffordshire bull terrier or an American Staffordshire terrier, as  
16 those standards existed on January 1, 2009.

17 (2) A person may not keep a pit bull in this state unless the person  
18 has obtained a permit to keep the pit bull from the dog control district  
19 in which the pit bull is kept or, if the pit bull is kept outside of a dog  
20 control district, from the county sheriff of the county in which the

1 pit bull is kept. A person may obtain a permit under this subsection  
2 to keep a pit bull only if:

3 (a) The person applies for the permit no later than 90 days after the  
4 effective date of this 2009 Act; and

5 (b) The person presents the dog control district or county sheriff  
6 with a certificate from a veterinarian showing that the animal has  
7 been sterilized.

8 (3) A permit to keep a pit bull is nontransferable.

9 (4) The fee charged by a dog control district for a permit under this  
10 section may not exceed the amount of the fee that the district charges  
11 for issuing dog licenses. The fee charged by a county sheriff for a  
12 permit under this section may not exceed the actual cost of issuing  
13 the permit.

14 **SECTION 2.** ORS 609.098 is amended to read:

15 609.098. (1) As used in this section, "dangerous dog" means a dog that:

16 (a) Without provocation and in an aggressive manner inflicts serious  
17 physical injury, as defined in ORS 161.015, on a person or kills a person;

18 (b) Acts as a potentially dangerous dog, as defined in ORS 609.035, after  
19 having previously committed an act as a potentially dangerous dog that re-  
20 sulted in the keeper being found to have violated ORS 609.095; [or]

21 (c) Is used as a weapon in the commission of a crime; or

22 (d) Is a pit bull, as defined in section 1 of this 2009 Act.

23 (2) A person commits the crime of maintaining a dangerous dog if the  
24 person:

25 (a) Is the keeper of a dog and the person[,] with criminal negligence[,]  
26 fails to prevent the dog from engaging in an act described in subsection  
27 (1)(a) or (b) of this section[.];

28 (b) Uses the dog in the commission of a crime; or

29 (c) Is the keeper of a dog described in subsection (1)(d) of this sec-  
30 tion for which the person does not have a permit issued under section  
31 I of this 2009 Act.

LC 2571 2/24/09

1 (3) Maintaining a dangerous dog is punishable as described in ORS

2 609.990.

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