

A-Engrossed
Senate Bill 913

Ordered by the Senate April 24
Including Senate Amendments dated April 24

Sponsored by COMMITTEE ON JUDICIARY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Creates offense of trafficking in animal parts. Provides that knowing purchase, sale, offering for sale, possession with intent to sell or importation for purchase or sale in this state of ivory, rhinoceros horn, ivory products or rhinoceros horn products is offense. Creates exceptions.

Makes first offense punishable by maximum of 30 days' imprisonment and by maximum fine of \$1,250 or twice fair market value of ivory, rhinoceros horn, ivory product or rhinoceros horn product, whichever is greater. Makes second or subsequent offense punishable by maximum of 30 days' imprisonment and by maximum fine of \$6,250 or twice fair market value of ivory, rhinoceros horn, ivory product or rhinoceros horn product, whichever is greater. Directs method of disposition for ivory, rhinoceros horn, ivory product or rhinoceros horn product upon forfeiture.

Applies to purchases, sales, offerings, possession and imports occurring on or after January 1, 2017.

A BILL FOR AN ACT

1
2 Relating to trafficking in animal parts.

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

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

5 (a) **"Ivory" means all or part of a tusk or tooth, in raw form or worked form, from an**
6 **elephant or a mammoth.**

7 (b) **"Ivory product" means an item:**

8 (A) **Derived from or consisting in whole or in part of ivory; or**

9 (B) **Represented as being derived from or as consisting in whole or in part of ivory.**

10 (c) **"Raw form" means a polished or unpolished state that is unaltered or is minimally**
11 **altered by carving.**

12 (d) **"Rhinoceros horn" means:**

13 (A) **All or part of the horn from a member of any rhinoceros species.**

14 (B) **Powders or other items derived in whole or in part from the horn of a member of**
15 **any rhinoceros species.**

16 (e) **"Rhinoceros horn product" means an item:**

17 (A) **Consisting in whole or in part of rhinoceros horn; or**

18 (B) **Represented as consisting in whole or in part of rhinoceros horn.**

19 (f) **"Sell":**

20 (A) **Means to transact a sale, barter or other exchange for monetary or nonmonetary**
21 **consideration.**

22 (B) **Does not mean a transfer by gift, donation, devise or inheritance.**

23 (g) **"Worked form" means a state that is embellished, carved, marked or otherwise al-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **tered to the extent of no longer being in raw form.**

2 **(2) Except as otherwise provided in this section, a person commits the offense of traf-**
3 **ficking in animal parts if the person knowingly purchases, sells, offers for sale, possesses**
4 **with the intent to sell or imports for purposes of purchase or sale in this state:**

5 **(a) Ivory;**

6 **(b) Rhinoceros horn;**

7 **(c) An ivory product; or**

8 **(d) A rhinoceros horn product.**

9 **(3) For the purposes of subsection (2) of this section, it is prima facie evidence that ivory,**
10 **rhinoceros horn, an ivory product or a rhinoceros horn product:**

11 **(a) Is being offered for sale if present at a retail or wholesale establishment in a case,**
12 **counter, display or other place where the establishment displays goods offered for sale; or**

13 **(b) Is possessed with the intent to sell if present at a retail or wholesale establishment**
14 **in a location where the establishment stores or secures goods awaiting sale.**

15 **(4) This section does not apply to:**

16 **(a) Any employee or agent of federal or state government acting within the scope of of-**
17 **ficial duties;**

18 **(b) Activity that is expressly authorized by federal law;**

19 **(c) Public universities listed in ORS 352.002 or private and independent institutions of**
20 **higher education as defined in ORS 352.720, if the ivory, rhinoceros horn, ivory product or**
21 **rhinoceros horn product is to be used for educational, academic or research purposes;**

22 **(d) A museum operated by a unit of government or by a historical society formed under**
23 **ORS chapter 65, if the ivory, rhinoceros horn, ivory product or rhinoceros horn product is**
24 **to be used for the primary purpose of the museum;**

25 **(e) A zoo that is operated by a unit of government and is certified under standards that**
26 **equal or exceed the certification standards of the Association of Zoos and Aquariums in ef-**
27 **fect on the effective date of this 2015 Act, if the ivory, rhinoceros horn, ivory product or**
28 **rhinoceros horn product is to be used for the primary purpose of the zoo;**

29 **(f) Transactions regarding a gun or knife that contains ivory or ivory product if:**

30 **(A) The ivory or ivory product is less than 20 percent of the gun or knife by volume; and**

31 **(B) The seller or prospective seller establishes by documentation that the gun or knife**
32 **was manufactured before 1976; or**

33 **(g) Transactions regarding a musical instrument, or a pick, bow or other item designed**
34 **for playing a musical instrument, that contains ivory or ivory product if:**

35 **(A) The ivory or ivory product is less than 20 percent of the musical instrument or item**
36 **by volume; and**

37 **(B) The seller or prospective seller establishes by documentation that the musical in-**
38 **strument or item:**

39 **(i) Was manufactured on or before January 18, 1990, if it contains ivory or ivory product**
40 **from an elephant; or**

41 **(ii) Was manufactured on or before the effective date of this 2015 Act, if it contains ivory**
42 **or ivory product only from a mammoth.**

43 **(5) The offense of trafficking in animal parts is an unclassified misdemeanor punishable:**

44 **(a) For a first offense, by not more than 30 days' imprisonment and a fine equal to the**
45 **greater of \$1,250 or twice the fair market value of the ivory, rhinoceros horn, ivory product**

1 or rhinoceros horn product; or

2 (b) For a second or subsequent offense, by not more than 30 days' imprisonment and a
3 fine equal to the greater of \$6,250 or twice the fair market value of the ivory, rhinoceros
4 horn, ivory product or rhinoceros horn product.

5 (6) If a person is convicted of an offense under this section, the court shall enter an or-
6 der of forfeiture for the ivory, rhinoceros horn, ivory product or rhinoceros horn product
7 that was the subject of the offense. The court shall order that forfeited ivory, rhinoceros
8 horn, ivory product or rhinoceros horn product be transferred to the State Department of
9 Fish and Wildlife. The department may destroy the forfeited ivory, rhinoceros horn, ivory
10 product or rhinoceros horn product or may transfer possession of the forfeited ivory,
11 rhinoceros horn, ivory product or rhinoceros horn product without charge to a university,
12 institution, museum or zoo described in subsection (4)(c) to (e) of this section for use as
13 described in subsection (4)(c) to (e) of this section.

14 SECTION 2. Section 1 of this 2015 Act applies to purchases, sales, offerings, possession
15 and imports occurring on or after January 1, 2017.

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