

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: House Concur in the Senate Amendments dated 5/25 and Repass the Bill

Vote: 5 – 0 – 1

Yeas: Beyer, Walker, Macpherson, Olson, Barker

Nays: 0

Exc.: Burdick

Prepared By: Darian Stanford, Counsel

Meeting Dates: 6/14

WHAT THE MEASURE DOES: Expands crime of providing false information to an officer to include giving false information for purpose of arrest based on probable cause or arrest based on bench or probation warrant.

ISSUES DISCUSSED:

- House concurrence of Senate amendments

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: It is not uncommon for persons facing arrest or citation by police officers to lie about the person's name, address, or date of birth. Typically, the false name is not "Donald Duck" or "Donald Trump" but rather the name of a sibling or friend. This misinformation can lead to confusion and complications.

ORS 162.385, which is existing law, makes it a Class A misdemeanor to provide a false name, address or date of birth to a peace officer in either of the following situations: (1) the officer is attempting to cite the person for a violation, misdemeanor or certain felony offenses (meaning the officer simply intends to provide a written citation and then send the person on his way rather than taking the person to jail); or (2) the officer is attempting to arrest the person on a previously issued *arrest* warrant.

The statute does *not* encompass any of the following situations: (1) when the officer intends to arrest the person based on probable cause (rather than merely citing the person) or (2) when there is a bench warrant (issued by a judge after the person fails to make a court appearance on a pending case) or a probation warrant (issued on the recommendation of a person's probation officer for noncompliance with probation conditions) rather than an arrest warrant. In other words, if a person lies about his or her information in any of these scenarios, there is no crime.

HB 2342 B amends ORS 162.385 to encompass all warrants (bench, probation or arrest). It does not include probable cause arrests.

Providing false information to an officer is an impeachable offense (meaning that a defendant with a prior conviction for providing false information can have that conviction used against him if he testifies at a future trial).

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This summary has not been adopted or officially endorsed by action of the committee.