

House Bill 2341

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon District Attorneys Association)

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 **as introduced**.

Creates crime of forcible restraint. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both.

A BILL FOR AN ACT

1
2 Relating to forcible restraint of another person.

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

4 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS 163.215 to**
5 **163.257.**

6 **SECTION 2. (1) A person commits the crime of forcible restraint if, without consent or**
7 **legal authority, the person knowingly confines or restrains another person against the other**
8 **person's will. A person is confined or restrained if the person's freedom to move about or**
9 **leave a premises or vehicle is restricted by physical interference, force, threat, intimidation**
10 **or deception.**

11 **(2) It is a defense to a prosecution under subsection (1) of this section if:**

12 **(a) The person confines or restrains a relative under 16 years of age; and**

13 **(b) The sole purpose of the person is to assume control of the person confined or re-**
14 **strained.**

15 **(3) Forcible restraint is a Class A misdemeanor.**

16 **(4) Notwithstanding subsection (3) of this section, forcible restraint is a class C felony if:**

17 **(a) The person who confines or restrains another person causes or threatens to cause**
18 **physical injury during the incident;**

19 **(b) The forcible restraint is committed in the immediate presence of, or is witnessed by,**
20 **the person's or the victim's minor child or stepchild or a minor child residing within the**
21 **household of the person or victim; or**

22 **(c) The person possesses a weapon during the commission of the crime.**
23

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.