

# House Bill 2828

Sponsored by COMMITTEE ON JUDICIARY (at the request of Jennifer Cameron)

## 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**.

Authorizes parole and probation officer to stop and frisk person based upon reasonable suspicion.

## A BILL FOR AN ACT

1  
2 Relating to authority of parole and probation officers; amending ORS 131.605, 131.615 and 131.625.

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

4 **SECTION 1.** ORS 131.605 is amended to read:

5 131.605. As used in ORS 131.605 to 131.625, unless the context requires otherwise:

6 (1) "Crime" has the meaning provided for that term in ORS 161.515.

7 (2) "Dangerous weapon," "deadly weapon" and "person" have the meaning provided for those  
8 terms in ORS 161.015.

9 (3) "Frisk" is an external patting of a person's outer clothing.

10 (4) "Is about to commit" means unusual conduct that leads [*a peace*] **an** officer reasonably to  
11 conclude in light of the officer's training and experience that criminal activity may be afoot.

12 (5) "Reasonably suspects" means that [*a peace*] **an** officer holds a belief that is reasonable under  
13 the totality of the circumstances existing at the time and place the [*peace*] officer acts as authorized  
14 in ORS 131.605 to 131.625.

15 (6) A "stop" is a temporary restraint of a person's liberty by [*a peace*] **an** officer lawfully present  
16 in any place.

17 **SECTION 2.** ORS 131.615 is amended to read:

18 131.615. (1) A peace officer **or a parole and probation officer** who reasonably suspects that a  
19 person has committed or is about to commit a crime may stop the person and, after informing the  
20 person that the peace officer **or parole and probation officer** is a peace officer **or parole and**  
21 **probation officer**, make a reasonable inquiry.

22 (2) The detention and inquiry shall be conducted in the vicinity of the stop and for no longer  
23 than a reasonable time.

24 (3) The inquiry shall be considered reasonable if it is limited to:

25 (a) The immediate circumstances that aroused the officer's suspicion;

26 (b) Other circumstances arising during the course of the detention and inquiry that give rise to  
27 a reasonable suspicion of criminal activity; and

28 (c) Ensuring the safety of the officer, the person stopped or other persons present, including an  
29 inquiry regarding the presence of weapons.

30 (4) The inquiry may include a request for consent to search in relation to the circumstances  
31 specified in subsection (3) of this section or to search for items of evidence otherwise subject to

**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 search or seizure under ORS 133.535.

2 (5) [A *peace*] **An** officer making a stop may use the degree of force reasonably necessary to make  
3 the stop and ensure the safety of the [*peace*] officer, the person stopped or other persons who are  
4 present.

5 **SECTION 3.** ORS 131.625 is amended to read:

6 131.625. (1) A peace officer **or parole and probation officer** may frisk a stopped person for  
7 dangerous or deadly weapons if the officer reasonably suspects that the person is armed and dan-  
8 gerous to the officer or other persons present.

9 (2) If, in the course of the frisk, the [*peace*] officer feels an object which the [*peace*] officer rea-  
10 sonably suspects is a dangerous or deadly weapon, the [*peace*] officer may take such action as is  
11 reasonably necessary to take possession of the weapon.

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