

House Bill 2852

Sponsored by Representative BARKER (at the request of Port of Portland)

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**.

Expands authority of Port of Portland peace officers.

Adds Port of Portland peace officers to definition of "peace officer," "enforcement officer" or "police officer" in certain statutes.

A BILL FOR AN ACT

1
2 Relating to Port of Portland peace officers; amending ORS 133.005, 153.005, 161.015, 778.260 and
3 801.395.

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

5 **SECTION 1.** ORS 778.260 is amended to read:

6 778.260. (1) The board of the Port of Portland in accordance with ORS 198.510 to 198.600 may
7 by ordinance make, modify or abolish regulations as convenient or necessary to provide for policing
8 or regulating the use of airports, and any facilities located at or in conjunction with airports, owned,
9 operated, maintained or controlled by the port.

10 (2) The port may appoint peace officers who shall have the same authority as other peace offi-
11 cers, for the enforcement of port, city and county ordinances and state laws [*at airports owned, op-*
12 *erated, maintained or controlled by the port*].

13 (3) This section does not limit the authority of a state, county or municipal peace officer to
14 enforce state laws and city and county ordinances at airports owned, operated, maintained or con-
15 trolled by the port.

16 **SECTION 2.** ORS 133.005 is amended to read:

17 133.005. As used in ORS [*131.655 and*] 133.005 to 133.381 and 133.410 to 133.450, unless the
18 context requires otherwise:

19 (1) "Arrest" means to place a person under actual or constructive restraint or to take a person
20 into custody for the purpose of charging that person with an offense. A "stop" as authorized under
21 ORS 131.605 to 131.625 is not an arrest.

22 (2) "Federal officer" means a special agent or law enforcement officer employed by a federal
23 agency and who is empowered to effect an arrest with or without a warrant for violations of the
24 United States Code and who is authorized to carry firearms in the performance of duty.

25 (3) "Peace officer" means a member of the Oregon State Police or a sheriff, constable, marshal,
26 municipal police officer, **Port of Portland peace officer**, investigator of a district attorney's office
27 if the investigator is or has been certified as a peace officer in this or any other state, or an in-
28 vestigator of the Criminal Justice Division of the Department of Justice of the State of Oregon.

29 **SECTION 3.** ORS 161.015 is amended to read:

30 161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635, unless the context requires
31 otherwise:

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 (1) “Dangerous weapon” means any weapon, device, instrument, material or substance which
 2 under the circumstances in which it is used, attempted to be used or threatened to be used, is
 3 readily capable of causing death or serious physical injury.

4 (2) “Deadly weapon” means any instrument, article or substance specifically designed for and
 5 presently capable of causing death or serious physical injury.

6 (3) “Deadly physical force” means physical force that under the circumstances in which it is
 7 used is readily capable of causing death or serious physical injury.

8 (4) “Peace officer” means a sheriff, constable, marshal, municipal police officer, member of the
 9 Oregon State Police, **Port of Portland peace officer**, investigator of the Criminal Justice Division
 10 of the Department of Justice or investigator of a district attorney’s office and such other persons
 11 as may be designated by law.

12 (5) “Person” means a human being and, where appropriate, a public or private corporation, an
 13 unincorporated association, a partnership, a government or a governmental instrumentality.

14 (6) “Physical force” includes, but is not limited to, the use of an electrical stun gun, tear gas
 15 or mace.

16 (7) “Physical injury” means impairment of physical condition or substantial pain.

17 (8) “Serious physical injury” means physical injury which creates a substantial risk of death or
 18 which causes serious and protracted disfigurement, protracted impairment of health or protracted
 19 loss or impairment of the function of any bodily organ.

20 (9) “Possess” means to have physical possession or otherwise to exercise dominion or control
 21 over property.

22 (10) “Public place” means a place to which the general public has access and includes, but is
 23 not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting
 24 rooms or apartments designed for actual residence, and highways, streets, schools, places of
 25 amusement, parks, playgrounds and premises used in connection with public passenger transporta-
 26 tion.

27 **SECTION 4.** ORS 153.005 is amended to read:

28 153.005. As used in this chapter:

29 (1) “Enforcement officer” means:

30 (a) A member of the Oregon State Police.

31 (b) A sheriff or deputy sheriff.

32 (c) A city marshal or a member of the police of a city, municipal or quasi-municipal corporation.

33 (d) An investigator of a district attorney’s office if the investigator is or has been certified as
 34 a peace officer in this or any other state.

35 (e) An investigator of the Criminal Justice Division of the Department of Justice of the State
 36 of Oregon.

37 **(f) A Port of Portland peace officer.**

38 ~~[(f)]~~ **(g)** Any other person specifically authorized by law to issue citations for the commission
 39 of violations.

40 (2) “Violation” means an offense described in ORS 153.008.

41 (3) “Violation proceeding” means a judicial proceeding initiated by issuance of a citation that
 42 charges a person with commission of a violation.

43 (4) “Traffic offense” has the meaning given that term in ORS 801.555.

44 **SECTION 5.** ORS 801.395 is amended to read:

45 801.395. “Police officer” includes a member of the Oregon State Police, a sheriff, a deputy

1 sheriff, [or] a city police officer **or a Port of Portland peace officer.**

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