

House Bill 3069

Sponsored by Representative KRIEGER (at the request of Oregon Gun Owners)

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 persons engaged in lawful activity to stand ground and use force in self-defense. Establishes civil and criminal presumption in favor of deadly physical force in specified circumstances involving dwellings and occupied vehicles. Authorizes court to award costs and fees to person using force if civil action results.

A BILL FOR AN ACT

1
2 Relating to self-defense; creating new provisions; and amending ORS 161.219.

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

4 **SECTION 1.** ORS 161.219 is amended to read:

5 161.219. (1) Notwithstanding the provisions of ORS 161.209, a person is not justified in using
6 deadly physical force upon another person unless the person reasonably believes that the other
7 person is:

8 *[(1)]* (a) Committing or attempting to commit a felony involving the use or threatened imminent
9 use of physical force against a person; *[or]*

10 *[(2)]* (b) Committing or attempting to commit a burglary in a dwelling; *[or]*

11 *[(3)]* (c) Using or about to use unlawful deadly physical force against a person~~[,]~~; **or**

12 **(d) Engaging in conduct described in subsection (2) of this section.**

13 **(2) A person is presumed to hold a reasonable belief that deadly physical force is neces-**
14 **sary for self-defense or to defend a third person if the person reasonably believes that the**
15 **person against whom the deadly physical force is used is:**

16 **(a) Unlawfully and forcibly entering a dwelling or occupied vehicle or is in the process**
17 **of doing so; or**

18 **(b) Removing or attempting to remove a third person against that person's will from a**
19 **dwelling or occupied vehicle.**

20 **(3) The presumption described in subsection (2) of this section does not apply if:**

21 **(a) The person against whom the force is used has the right to be in the dwelling or ve-**
22 **hicle, such as an owner, lessee or titleholder, and there is not an injunction for protection**
23 **from domestic violence or a written pretrial order of no contact against the person;**

24 **(b) The person sought to be removed is a child or grandchild, or is otherwise in the lawful**
25 **custody or under the lawful guardianship, of the person against whom the force is used;**

26 **(c) The person who uses the force is engaged in an unlawful activity or is using the**
27 **dwelling or occupied vehicle to further unlawful activity; or**

28 **(d) The person against whom the force is used is a law enforcement officer, as defined**
29 **in ORS 133.726, entering or attempting to enter a dwelling or vehicle in the performance of**
30 **official duties and the person using force knows or reasonably should know that the person**

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 entering or attempting to enter the dwelling or vehicle is a law enforcement officer.

2 (4) As used in this section:

3 (a) "Dwelling" has the meaning given that term in ORS 164.205.

4 (b) "Vehicle" has the meaning given that term in ORS 801.590.

5 **SECTION 2.** Section 3 of this 2007 Act is added to and made a part of ORS 161.190 to
6 161.275.

7 **SECTION 3.** A person has no duty to retreat and may stand the person's ground and
8 meet force with force, including deadly physical force, if:

9 (1) The person is not engaged in an unlawful activity; and

10 (2) The use of force is otherwise justified by ORS 161.209 or 161.219.

11 **SECTION 4.** (1) The presumption described in ORS 161.219 applies in a civil action
12 brought against the person using force and, if un rebutted, is a complete defense in such an
13 action.

14 (2) When a civil plaintiff fails to overcome the presumption described in subsection (1)
15 of this section, the court shall award reasonable attorney fees, court costs, compensation for
16 loss of income and all other expenses incurred by the civil defendant.

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