

Senate Bill 626

Sponsored by Senator PROZANSKI (at the request of Mike Bloom)

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**.

Limits mandatory warrantless arrest by peace officer for violation of no contact condition of release agreement to situation in which officer is able to verify that no contact condition remains in effect.

A BILL FOR AN ACT

1
2 Relating to duty of peace officer to make warrantless arrest; amending ORS 133.310.

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

4 **SECTION 1.** ORS 133.310 is amended to read:

5 133.310. (1) A peace officer may arrest a person without a warrant if the officer has probable
6 cause to believe that the person has committed any of the following:

7 (a) A felony.

8 (b) A misdemeanor.

9 (c) An unclassified offense for which the maximum penalty allowed by law is equal to or greater
10 than the maximum penalty allowed for a Class C misdemeanor.

11 *[(d) Any other crime committed in the officer's presence.]*

12 (2) A peace officer may arrest a person without a warrant when the peace officer is notified by
13 telegraph, telephone, radio or other mode of communication by another peace officer of any state
14 that there exists a duly issued warrant for the arrest of a person within the other peace officer's
15 jurisdiction.

16 (3) A peace officer shall arrest and take into custody a person without a warrant when the
17 peace officer has probable cause to believe that:

18 (a) There exists an order issued pursuant to ORS 30.866, 107.095 (1)(c) or (d), 107.716, 107.718,
19 124.015, 124.020, 163.738 or 419B.845 restraining the person;

20 (b) A true copy of the order and proof of service on the person has been filed as required in
21 ORS 107.720, 124.030, 163.741 or 419B.845; and

22 (c) The person to be arrested has violated the terms of that order.

23 (4) A peace officer shall arrest and take into custody a person without a warrant if:

24 (a) The person protected by a foreign restraining order as defined by ORS 24.190 presents a copy
25 of the foreign restraining order to the officer and represents to the officer that the order supplied
26 is the most recent order in effect between the parties and that the person restrained by the order
27 has been personally served with a copy of the order or has actual notice of the order; and

28 (b) The peace officer has probable cause to believe that the person to be arrested has violated
29 the terms of the foreign restraining order.

30 (5) A peace officer shall arrest and take into custody a person without a warrant if:

31 (a) The person protected by a foreign restraining order as defined by ORS 24.190 has filed a copy

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 of the foreign restraining order with a court or has been identified by the officer as a party pro-
2 tected by a foreign restraining order entered in the Law Enforcement Data System or in the data-
3 bases of the National Crime Information Center of the United States Department of Justice; and

4 (b) The peace officer has probable cause to believe that the person to be arrested has violated
5 the terms of the foreign restraining order.

6 (6) A peace officer shall arrest and take into custody a person without a warrant if:

7 (a) The peace officer has probable cause to believe **that**:

8 [(a)] (A) The person has been charged with an offense and is presently released as to that
9 charge under ORS 135.230 to 135.290; and

10 [(b)] (B) The person has failed to comply with a no contact condition of the release
11 agreement[.]; **and**

12 (b) **The peace officer is able to verify that the no contact condition is currently in effect.**
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