

**A-Engrossed**  
**House Bill 2648**

Ordered by the House April 27  
Including House Amendments dated April 27

Sponsored by Representative BARKER (at the request of Federation of Oregon Parole and Probation Officers)  
(Presession filed.)

**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.

*[Authorizes parole and probation officers to detain and arrest persons under certain circumstances.]*

**Deletes provision authorizing use of reasonable physical force upon incompetent person by parent, guardian or other person entrusted with care and supervision of incompetent person.**

**Declares emergency, effective on passage.**

**A BILL FOR AN ACT**

1  
2 Relating to crime; creating new provisions; amending ORS 161.205; and declaring an emergency.

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

4 **SECTION 1.** ORS 161.205 is amended to read:

5 161.205. The use of physical force upon another person that would otherwise constitute an of-  
6 fense is justifiable and not criminal under any of the following circumstances:

7 (1) A parent, guardian or other person entrusted with the care and supervision of a minor [*or*  
8 *an incompetent person*] may use reasonable physical force upon [*such minor or incompetent person*]  
9 **the minor** when and to the extent the person reasonably believes it necessary to maintain discipline  
10 or to promote the welfare of the minor [*or incompetent person*]. A teacher may use reasonable  
11 physical force upon a student when and to the extent the teacher reasonably believes it necessary  
12 to maintain order in the school or classroom or at a school activity or event, whether or not it is  
13 held on school property.

14 (2) An authorized official of a jail, prison or correctional facility may use physical force when  
15 and to the extent that the official reasonably believes it necessary to maintain order and discipline  
16 or as is authorized by law.

17 (3) A person responsible for the maintenance of order in a common carrier of passengers, or a  
18 person acting under the direction of the person, may use physical force when and to the extent that  
19 the person reasonably believes it necessary to maintain order, but the person may use deadly phys-  
20 ical force only when the person reasonably believes it necessary to prevent death or serious physical  
21 injury.

22 (4) A person acting under a reasonable belief that another person is about to commit suicide  
23 or to inflict serious physical self-injury may use physical force upon that person to the extent that  
24 the person reasonably believes it necessary to thwart the result.

25 (5) A person may use physical force upon another person in self-defense or in defending a third

**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 person, in defending property, in making an arrest or in preventing an escape, as hereafter pre-  
2 scribed in chapter 743, Oregon Laws 1971.

3 **SECTION 2. The amendments to ORS 161.205 by section 1 of this 2011 Act apply to con-  
4 duct occurring on or after the effective date of this 2011 Act.**

5 **SECTION 3. This 2011 Act being necessary for the immediate preservation of the public  
6 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect  
7 on its passage.**

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