

HOUSE AMENDMENTS TO HOUSE BILL 2648

By COMMITTEE ON JUDICIARY

April 27

1 On page 1 of the printed bill, line 2, delete “and” and after “ORS” delete the rest of the line
2 and line 3 and insert “161.205; and declaring an emergency.”.

3 Delete lines 5 through 31 and delete pages 2 through 4 and insert:

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
18 a person acting under the direction of the person, may use physical force when and to the extent
19 that the person reasonably believes it necessary to maintain order, but the person may use deadly
20 physical force only when the person reasonably believes it necessary to prevent death or serious
21 physical 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
26 person, in defending property, in making an arrest or in preventing an escape, as hereafter pre-
27 scribed in chapter 743, Oregon Laws 1971.

28 “**SECTION 2.** The amendments to ORS 161.205 by section 1 of this 2011 Act apply to
29 conduct occurring on or after the effective date of this 2011 Act.

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

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