

House Bill 2823

Sponsored by Representative GELSER; Representatives DEMBROW, FREDERICK, TOMEI, Senator PROZANSKI
(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 **as introduced**.

Modifies scope of justifiable use of physical force for purposes of criminal prosecution.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to use of physical force; creating new provisions; amending ORS 161.205; and declaring an
3 emergency.

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

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

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

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

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

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

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

26 (5) A person may use physical force upon another person in self-defense or in defending a third
27 person, in defending property, in making an arrest or in preventing an escape, as hereafter pre-
28 scribed in chapter 743, Oregon Laws 1971.

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

31 **SECTION 3.** This 2011 Act being necessary for the immediate preservation of the public

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 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
2 **on its passage.**

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