

B-Engrossed
House Bill 3153

Ordered by the Senate June 13
Including House Amendments dated April 8 and Senate Amendments
dated June 13

Sponsored by Representative BARKER; Representatives GARRETT, SCHAUFLEER

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.

Includes reserve officers within definition of "peace officer" and "police officer" for certain purposes.

A BILL FOR AN ACT

1
2 Relating to reserve officers; amending ORS 133.005, 161.015 and 801.395.

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

4 **SECTION 1.** ORS 133.005 is amended to read:

5 133.005. As used in ORS 133.005 to 133.381 and 133.410 to 133.450, unless the context requires
6 otherwise:

7 (1) "Arrest" means to place a person under actual or constructive restraint or to take a person
8 into custody for the purpose of charging that person with an offense. A "stop" as authorized under
9 ORS 131.605 to 131.625 is not an arrest.

10 (2) "Federal officer" means a special agent or law enforcement officer employed by a federal
11 agency who is empowered to effect an arrest with or without a warrant for violations of the United
12 States Code and who is authorized to carry firearms in the performance of duty.

13 (3) "Peace officer" means a member of the Oregon State Police or a sheriff, constable, marshal,
14 municipal police officer, **reserve officer**, investigator of a district attorney's office if the investi-
15 gator is or has been certified as a peace officer in this or any other state, or an investigator of the
16 Criminal Justice Division of the Department of Justice of the State of Oregon.

17 (4) **"Reserve officer" means an officer or member of a law enforcement agency who is:**

18 (a) **A volunteer or employed less than full-time as a peace officer commissioned by a city,**
19 **port, school district, mass transit district, county, county service district authorized to**
20 **provide law enforcement services under ORS 451.010, the Criminal Justice Division of the**
21 **Department of Justice, the Oregon State Lottery Commission or the Governor or a member**
22 **of the Department of State Police;**

23 (b) **Armed with a firearm; and**

24 (c) **Responsible for enforcing the criminal laws and traffic laws of this state or laws or**
25 **ordinances relating to airport security.**

26 **SECTION 2.** ORS 161.015 is amended to read:

27 161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635, unless the context requires
28 otherwise:

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 (1) "Dangerous weapon" means any weapon, device, instrument, material or substance which
2 under the circumstances in which it is used, attempted to be used or threatened to be used, is
3 readily capable of causing death or serious physical injury.

4 (2) "Deadly weapon" means any instrument, article or substance specifically designed for and
5 presently capable of causing death or serious physical injury.

6 (3) "Deadly physical force" means physical force that under the circumstances in which it is
7 used is readily capable of causing death or serious physical injury.

8 (4) "Peace officer" means a sheriff, constable, marshal, municipal police officer, member of the
9 Oregon State Police, **reserve officer as defined in ORS 133.005**, investigator of the Criminal Jus-
10 tice Division of the Department of Justice or investigator of a district attorney's office and such
11 other persons as may be designated by law.

12 (5) "Person" means a human being and, where appropriate, a public or private corporation, an
13 unincorporated association, a partnership, a government or a governmental instrumentality.

14 (6) "Physical force" includes, but is not limited to, the use of an electrical stun gun, tear gas
15 or mace.

16 (7) "Physical injury" means impairment of physical condition or substantial pain.

17 (8) "Serious physical injury" means physical injury which creates a substantial risk of death or
18 which causes serious and protracted disfigurement, protracted impairment of health or protracted
19 loss or impairment of the function of any bodily organ.

20 (9) "Possess" means to have physical possession or otherwise to exercise dominion or control
21 over property.

22 (10) "Public place" means a place to which the general public has access and includes, but is
23 not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting
24 rooms or apartments designed for actual residence, and highways, streets, schools, places of
25 amusement, parks, playgrounds and premises used in connection with public passenger transporta-
26 tion.

27 **SECTION 3.** ORS 801.395 is amended to read:

28 801.395. "Police officer" includes a member of the Oregon State Police, a sheriff, a deputy
29 sheriff, a city police officer, a Port of Portland peace officer, **a reserve officer as defined in ORS**
30 **133.005** or a law enforcement officer employed by a service district established under ORS 451.410
31 to 451.610 for the purpose of law enforcement services.

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