

# House Bill 3153

Sponsored by Representative BARKER

## 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**.

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, 163.095 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 as defined in ORS 181.610**, investigator of a district  
15 attorney's office if the investigator is or has been certified as a peace officer in this or any other  
16 state, or an investigator of the Criminal Justice Division of the Department of Justice of the State  
17 of Oregon.

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

19 161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635, unless the context requires  
20 otherwise:

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

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

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

28 (4) "Peace officer" means a sheriff, constable, marshal, municipal police officer, member of the  
29 Oregon State Police, **reserve officer as defined in ORS 181.610**, investigator of the Criminal Jus-  
30 tice Division of the Department of Justice or investigator of a district attorney's office and such  
31 other persons as may be designated by law.

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

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

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

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

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

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

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

17 801.395. "Police officer" includes a member of the Oregon State Police, a sheriff, a deputy  
18 sheriff, a city police officer, a Port of Portland peace officer, **a reserve officer as defined in ORS**  
19 **181.610** or a law enforcement officer employed by a service district established under ORS 451.410  
20 to 451.610 for the purpose of law enforcement services.

21 **SECTION 4.** ORS 163.095 is amended to read:

22 163.095. As used in ORS 163.105 and this section, "aggravated murder" means murder as defined  
23 in ORS 163.115 which is committed under, or accompanied by, any of the following circumstances:

24 (1)(a) The defendant committed the murder pursuant to an agreement that the defendant receive  
25 money or other thing of value for committing the murder.

26 (b) The defendant solicited another to commit the murder and paid or agreed to pay the person  
27 money or other thing of value for committing the murder.

28 (c) The defendant committed murder after having been convicted previously in any jurisdiction  
29 of any homicide, the elements of which constitute the crime of murder as defined in ORS 163.115  
30 or manslaughter in the first degree as defined in ORS 163.118.

31 (d) There was more than one murder victim in the same criminal episode as defined in ORS  
32 131.505.

33 (e) The homicide occurred in the course of or as a result of intentional maiming or torture of  
34 the victim.

35 (f) The victim of the intentional homicide was a person under the age of 14 years.

36 (2)(a) The victim was one of the following and the murder was related to the performance of the  
37 victim's official duties in the justice system:

38 (A) A police officer **or a reserve officer**, as **both are** defined in ORS 181.610;

39 (B) A correctional, parole and probation officer or other person charged with the duty of cus-  
40 tody, control or supervision of convicted persons;

41 (C) A member of the Oregon State Police;

42 (D) A judicial officer as defined in ORS 1.210;

43 (E) A juror or witness in a criminal proceeding;

44 (F) An employee or officer of a court of justice; or

45 (G) A member of the State Board of Parole and Post-Prison Supervision.

1 (b) The defendant was confined in a state, county or municipal penal or correctional facility or  
2 was otherwise in custody when the murder occurred.

3 (c) The defendant committed murder by means of an explosive as defined in ORS 164.055.

4 (d) Notwithstanding ORS 163.115 (1)(b), the defendant personally and intentionally committed the  
5 homicide under the circumstances set forth in ORS 163.115 (1)(b).

6 (e) The murder was committed in an effort to conceal the commission of a crime, or to conceal  
7 the identity of the perpetrator of a crime.

8 (f) The murder was committed after the defendant had escaped from a state, county or municipal  
9 penal or correctional facility and before the defendant had been returned to the custody of the fa-  
10 cility.

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