

# House Bill 2604

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

## 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**.

Requires federal officers to receive written authorization of county sheriff before making certain arrests in county.

## A BILL FOR AN ACT

1  
2 Relating to law enforcement; amending ORS 133.245.

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

4 **SECTION 1.** ORS 133.245 is amended to read:

5 133.245. (1) A federal officer may arrest a person:

6 *[(a) For any crime committed in the federal officer's presence if the federal officer has probable*  
7 *cause to believe the person committed the crime.]*

8 *[(b)]* **(a)** For any felony or Class A misdemeanor if the federal officer has probable cause to be-  
9 lieve the person committed the crime.

10 *[(c)]* **(b)** When rendering assistance to or at the request of a law enforcement officer, as defined  
11 in ORS 414.805.

12 *[(d)]* **(c)** When the federal officer has received positive information in writing or by telephone,  
13 telegraph, teletype, radio, facsimile machine or other authoritative source that a peace officer holds  
14 a warrant for the person's arrest.

15 (2) The federal officer shall inform the person to be arrested of the federal officer's authority  
16 and reason for the arrest.

17 (3) In order to make an arrest, a federal officer may use physical force as is justifiable and au-  
18 thorized of a peace officer under ORS 161.235, 161.239 and 161.245.

19 (4)(a) A federal officer making an arrest under this section without unnecessary delay shall take  
20 the arrested person before a magistrate or deliver the arrested person to a peace officer.

21 (b) The federal officer retains authority over the arrested person only until the person appears  
22 before a magistrate or until the law enforcement agency having general jurisdiction over the area  
23 in which the arrest took place assumes responsibility for the person.

24 (5) A federal officer when making an arrest for a nonfederal offense under the circumstances  
25 provided in this section shall have the same immunity from suit as a state or local law enforcement  
26 officer.

27 **(6) Except as otherwise provided in ORS 133.225**, a federal officer is authorized to make [*ar-*  
28 *rests under this section upon certification*] **an arrest in this state for a crime under state or**  
29 **federal law only if the federal officer:**

30 **(a) Is certified** by the Department of Public Safety Standards and Training [*that the federal of-*  
31 *ficer has received proper training to enable that officer to make arrests under this section.*] **to make**

**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 **arrests in this state; and**

2 **(b) Has been authorized in writing to make arrests in this state by the sheriff of the**  
3 **county in which the arrest is made.**

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