

Senate Bill 48

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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**.

Expands circumstances under which person is justified in using physical force upon another person who commits or is attempting to commit criminal trespass.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to justification for using physical force upon person; creating new provisions; amending
3 ORS 161.225; and declaring an emergency.

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

5 **SECTION 1.** ORS 161.225 is amended to read:

6 161.225. (1) A person in lawful possession or control of premises **or a motor vehicle** is justified
7 in using physical force upon another person when and to the extent that the person reasonably be-
8 lieves it necessary to prevent or terminate what the person reasonably believes to be the commis-
9 sion or attempted commission of a criminal trespass by the other person in or upon the premises
10 **or the motor vehicle.**

11 (2) A person may use deadly physical force under the circumstances set forth in subsection (1)
12 of this section only:

13 (a) In defense of a person as provided in ORS 161.219; or

14 (b) When the person reasonably believes it necessary to prevent the commission of arson or a
15 felony by force and violence by the trespasser.

16 (3) As used in subsection (1) and subsection (2)(a) of this section, "premises" includes any
17 building as defined in ORS 164.205 and any real property. As used in subsection (2)(b) of this section,
18 "premises" includes any building.

19 **SECTION 2. The amendments to ORS 161.225 by section 1 of this 2013 Act apply to con-**
20 **duct occurring on or after the effective date of this 2013 Act.**

21 **SECTION 3. This 2013 Act being necessary for the immediate preservation of the public**
22 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
23 **on its passage.**
24

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.