

Senate Bill 53

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary for the Oregon State Bar Animal Law Section)

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 authority granted to peace officers to perform community caretaking functions.
Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to community caretaking functions; amending ORS 133.033; and declaring an emergency.

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

SECTION 1. ORS 133.033 is amended to read:

133.033. *[(1) Except as otherwise expressly prohibited by law, any peace officer is authorized to perform community caretaking functions.]*

[(2)] (1) As used in this section[,]:

(a) "Community caretaking functions" means any lawful acts that are inherent in the duty of the peace officer to serve and protect the public. "Community caretaking functions" includes, but is not limited to:

[(a)] (A) The right to enter or remain upon the premises of another if it reasonably appears to be necessary to:

[(A)] (i) Prevent serious harm to any person or property;

[(B)] (ii) Render aid to injured or ill persons; or

[(C)] (iii) Locate missing persons.

[(b)] (B) The right to stop or redirect traffic or aid motorists or other persons when such action reasonably appears to be necessary to:

[(A)] (i) Prevent serious harm to any person or property;

[(B)] (ii) Render aid to injured or ill persons; or

[(C)] (iii) Locate missing persons.

(b) "Property" includes animals.

(2) **Except as otherwise expressly prohibited by law, a peace officer may perform community caretaking functions.**

(3) Nothing *[contained]* in this section *[shall be construed to limit]* **limits** the authority of a peace officer that is inherent in the office or that is granted by any other provision of law.

SECTION 2. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

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.