

PRELIMINARY STAFF MEASURE SUMMARY

CARRIER:

Senate Committee on Judiciary

REVENUE: No revenue impact

FISCAL: May have fiscal impact, statement not yet issued

SUBSEQUENT REFERRAL TO:

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: Jeff Rhoades, Counsel

Meeting Dates: 4/9

WHAT THE MEASURE DOES: Amends statute regarding justifiable use of physical force for purposes of criminal prosecution. Removes language concerning incompetent person. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: ORS 161.205 governs the justifiable use of physical force under circumstances that would otherwise constitute an offense. As currently drafted, the law states that a parent, guardian or other person entrusted with the care and supervision of a minor or an incompetent person may use reasonable physical force upon such minor or incompetent person when and to the extent the person reasonably believes it necessary to maintain discipline or to promote the welfare of the minor or incompetent person. Senate Bill 557 amends this provision to remove “incompetent persons.” The bill is intended to remove inconsistencies with the guardianship statutes currently in law.