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May 2, 2017

TO: Honorable Floyd Prozanski, Chair
Members of the House Judiciary Committee

FROM: Tim Colahan, Executive Director, Oregon District Attorneys Association

RE: HB 2987 - Updating Oregon Giving False Information to a police officer

Problem: An officer is unable to charge Giving False Information (GFI) to and Officer in cases in which as traffic stop is made and an individual gives a false name to avoid being arrested on a warrant.

Background: HB 2987 amends the Giving False Information to a police officer statute. It addresses the court's decision in *State v. Lusk* (2014). In that case, an officer stopped a defendant to issue a routine traffic citation and requested identifying information. The defendant lied about his name to avoid disclosure of an outstanding warrant for his arrest. Later during the stop, via communications with the dispatch officer, the officer learned that the individual was wanted on a warrant and had provided a false name. He was arrested for the underlying warrant and charged with giving false information to an officer.

The court of appeals held that because the officer had not asked for defendant's identification for the purpose of arresting him on the warrant he was not guilty of giving false information to a police officer. However, the officer could not have known he had an outstanding warrant without knowing his name. The finding of the court compounded with the imprecision of the statute have led to a chicken and egg problem – in order to know if an individual has a warrant they must ask for a name, yet in order to charge GFI they must have known the individual had a warrant.

Solution: The proposed change will make it clear that if a defendant with an outstanding warrant gives false information to officer it is a violation regardless of whether the officer was aware of the existing warrant.

Giving False Information to an Officer is already a Class A Misdemeanor.