

HB 2987 STAFF MEASURE SUMMARY

Carrier: Rep. Barker

House Committee On Judiciary

Action Date: 04/06/17

Action: Do Pass.

Vote: 9-0-2-0

Yeas: 9 - Barker, Greenlick, Lininger, Post, Sanchez, Sprenger, Stark, Vial, Williamson

Exc: 2 - Gorsek, Olson

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Whitney Perez, Counsel

WHAT THE MEASURE DOES:

Renames crime of giving false information to peace officer for issuance or service of a citation or for an arrest on a warrant, as giving false information to a peace officer in connection with a citation or warrant. Expands crime to include person providing false information to peace officer when there is outstanding warrant for person's arrest.

ISSUES DISCUSSED:

- State v. Lusk, 2014 Oregon Court of Appeals case
- Conduct subject to this provision

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Currently, it is a Class A misdemeanor to give false information to a peace officer in connection with issuance or service of a citation or for arrest on a warrant. The false information consists of a person knowingly using or giving a false name, address or date of birth. The Court of Appeals of Oregon has ruled that this offense does not apply when an officer requests a person's identification to ascertain whether a warrant exists, as opposed to requesting identification for the purpose of arresting the person on a warrant. State v. Moresco, See also State v. Lusk. House Bill 2987 addresses this issue by expanding this crime to include providing false information to a peace officer when there is an outstanding warrant for the person's arrest. It also renames this offense as giving false information to a peace officer in connection with a citation or warrant.