

HB 2987 STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

Senate Committee On Judiciary

Action Date: 05/03/17

Action: Do pass.

Vote: 5-0-0-0

Yeas: 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher

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:

- What constitutes giving a false name
- Offense is already classified as a Class A misdemeanor
- Eliminates current requirement that peace officer know the person has a warrant prior to obtaining the person's name

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.