A BILL FOR AN ACT
Relating to use of force by peace officers; amending ORS 161.239 and section 2, chapter 3, Oregon Laws 2020 (first special session) (Enrolled House Bill 4203); and declaring an emergency.

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

SECTION 1. Section 2, chapter 3, Oregon Laws 2020 (first special session) (Enrolled House Bill 4203), is amended to read:

Sec. 2. (1) A peace officer is not justified in any circumstance in knowingly using physical force that impedes the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck of the other person, unless the circumstance is one in which the peace officer may use deadly physical force as provided in ORS 161.239.

(2) It is not reasonable under any circumstance for a peace officer to knowingly use physical force that impedes the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck of the other person, unless the circumstance is one in which the peace officer may use deadly physical force as provided in ORS 161.239.

SECTION 2. ORS 161.239 is amended to read:

161.239. (1) Notwithstanding the provisions of ORS 161.235, and except as provided in section 2, chapter 3, Oregon Laws 2020 (first special

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.
(Enrolled House Bill 4203), a peace officer may use deadly ph-
ysical force only when the peace officer reasonably believes that:
(a) The crime committed by the person was a felony or an attempt to
commit a felony involving the use or threatened imminent use of physical
force against a person; or
(b) The crime committed by the person was kidnapping, arson, escape in
the first degree, burglary in the first degree or any attempt to commit such
a crime; or
(c) Regardless of the particular offense which is the subject of the arrest
or attempted escape, the use of deadly physical force is necessary to defend
the peace officer or another person from the use or threatened imminent use
of deadly physical force; or
(d) The crime committed by the person was a felony or an attempt to
commit a felony and under the totality of the circumstances existing at the
time and place, the use of such force is necessary; or
(e) The officer’s life or personal safety is endangered in the particular
circumstances involved.

(2) Nothing in subsection (1) of this section constitutes justification for
reckless or criminally negligent conduct by a peace officer amounting to an
offense against or with respect to innocent persons whom the peace officer
is not seeking to arrest or retain in custody.

SECTION 3. This 2021 Act being necessary for the immediate pres-
servation of the public peace, health and safety, an emergency is de-
clared to exist, and this 2021 Act takes effect on its passage.