

LC 745 STAFF MEASURE SUMMARY

Joint Interim Committee on Transparent Policing and Use of Force Reform Special Session of 2020

Prepared By: Gillian Fischer, LPRO Analyst

WHAT THE MEASURE DOES:

Prohibits the use of 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. Extends prohibition to circumstances in which the peace officer may otherwise use deadly physical force as provided in ORS 161.239. Declares an emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT: Provides that prohibition does not apply in circumstances when physical force is justified under ORS 161.209.

BACKGROUND:

Prior to the 2020 special legislative session, when attempting to restrain or arrest a person, police were permitted to use a choke hold or other restraint to the head, neck, or back, that interferes with that person's blood flow or ability to breathe. During the 2020 first special legislative session, House Bill 4203 was enacted, which limited officer authority to use such restraints to circumstances in which the peace officer may use deadly physical force as provided in ORS 161.239.

LC 745 completely prohibits use of 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.

This summary has not been adopted or officially endorsed by action of the committee.