

House Bill 3225

Sponsored by Representative PILUSO, Senator FAGAN; Senator FREDERICK

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires police or enforcement officer to inform stopped person of reason for stop and that person has right to refuse request to search. Requires that officer provide name and badge number if stop does not result in arrest or citation.

A BILL FOR AN ACT

1
2 Relating to police stops; creating new provisions; and amending ORS 131.615, 153.039 and 810.410.

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

4 **SECTION 1.** ORS 131.615 is amended to read:

5 131.615. (1) A peace officer who reasonably suspects that a person has committed or is about to
6 commit a crime may stop the person and, after informing the person that the peace officer is a peace
7 officer **and of the reason for the stop**, make a reasonable inquiry.

8 (2) The detention and inquiry shall be conducted in the vicinity of the stop and for no longer
9 than a reasonable time.

10 (3) The inquiry shall be considered reasonable if it is limited to:

11 (a) The immediate circumstances that aroused the officer's suspicion;

12 (b) Other circumstances arising during the course of the detention and inquiry that give rise to
13 a reasonable suspicion of criminal activity; and

14 (c) Ensuring the safety of the officer, the person stopped or other persons present, including an
15 inquiry regarding the presence of weapons.

16 (4)(a) The inquiry may include a request for consent to search in relation to the circumstances
17 specified in subsection (3) of this section or to search for items of evidence otherwise subject to
18 search or seizure under ORS 133.535[.] **only if the officer first informs the person that the
19 person has the right to refuse the request.**

20 **(b) An officer who obtains consent to search under this subsection shall ensure that
21 there is a record that the person gave informed and voluntary consent to search.**

22 (5) A peace officer making a stop may use the degree of force reasonably necessary to make the
23 stop and ensure the safety of the peace officer, the person stopped or other persons who are present.

24 **(6) A peace officer shall provide a person stopped pursuant to the authority of this sec-
25 tion with the officer's name and badge number if the stop does not result in an arrest or
26 citation.**

27 **SECTION 2.** ORS 153.039 is amended to read:

28 153.039. (1) An enforcement officer may not arrest, stop or detain a person for the commission
29 of a violation except to the extent provided in this section and ORS 810.410.

30 (2)(a) An enforcement officer may stop and detain any person if the officer has reasonable
31 grounds to believe that the person has committed a violation. An enforcement officer may stop and

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.

1 detain any employee, agent or representative of a firm, corporation or other organization if the of-
 2 ficer has reasonable grounds to believe that the firm, corporation or other organization has com-
 3 mitted a violation.

4 **(b) The enforcement officer shall inform a stopped person that the enforcement officer**
 5 **is an enforcement officer and of the reason for the stop.**

6 (3) Except as provided in subsection (4) of this section, the period of detention may be only as
 7 long as is necessary to:

8 (a) Establish the identity of the person, firm, corporation or organization believed to have com-
 9 mitted the violation;

10 (b) Conduct any investigation reasonably related to the violation; and

11 (c) Issue a citation for the violation.

12 (4) The authority of an enforcement officer to stop and detain a person for a traffic violation
 13 as defined by ORS 801.557 is governed by ORS 810.410.

14 **(5) An enforcement officer shall provide a person stopped pursuant to the authority of**
 15 **this section with the officer's name and badge number if the stop does not result in an arrest**
 16 **or citation.**

17 **SECTION 3.** ORS 810.410 is amended to read:

18 810.410. (1) A police officer may arrest or issue a citation to a person for a traffic crime at any
 19 place within or outside the jurisdictional authority of the governmental unit by which the police
 20 officer is authorized to act as provided by ORS 133.235 and 133.310.

21 (2) A police officer may issue a citation to a person for a traffic violation at any place within
 22 or outside the jurisdictional authority of the governmental unit by which the police officer is au-
 23 thorized to act:

24 (a) When the traffic violation is committed in the police officer's presence; or

25 (b) When the police officer has probable cause to believe an offense has occurred based on a
 26 description of the vehicle or other information received from a police officer who observed the
 27 traffic violation.

28 (3) A police officer:

29 (a) [*Shall*] **May** not arrest a person for a traffic violation.

30 (b) May stop and detain a person for a traffic violation for the purposes of investigation rea-
 31 sonably related to the traffic violation, identification and issuance of citation.

32 **(c) Shall inform a stopped person that the police officer is a police officer and of the**
 33 **reason for the stop.**

34 [*(c)*] **(d)** May make an inquiry into circumstances arising during the course of a detention and
 35 investigation under paragraph (b) of this subsection that give rise to a reasonable suspicion of
 36 criminal activity.

37 [*(d)*] **(e)** May make an inquiry to ensure the safety of the officer, the person stopped or other
 38 persons present, including an inquiry regarding the presence of weapons.

39 [*(e)*] **(f)** May request consent to search in relation to the circumstances referred to in paragraph
 40 [*(c)*] **(d)** of this subsection or to search for items of evidence otherwise subject to search or seizure
 41 under ORS 133.535[.], **only if the officer first informs the person that the person has the right**
 42 **to refuse the request. If consent is obtained, the officer shall ensure that there is a record**
 43 **that the person gave informed and voluntary consent to search.**

44 [*(f)*] **(g)** May use the degree of force reasonably necessary to make the stop and ensure the
 45 safety of the police officer, the person stopped or other persons present.

1 [(g)] (h) May make an arrest of a person as authorized by ORS 133.310 (2) if the person is
2 stopped and detained pursuant to the authority of this section.

3 (i) **Shall provide a person stopped and detained pursuant to the authority of this section**
4 **with the officer's name and badge number if the stop does not result in an arrest or citation.**

5 (4) When a police officer at the scene of a traffic accident has reasonable grounds, based upon
6 the police officer's personal investigation, to believe that a person involved in the accident has
7 committed a traffic offense in connection with the accident, the police officer may issue to the per-
8 son a citation for that offense. The authority under this subsection is in addition to any other au-
9 thority to issue a citation for a traffic offense.

10 **SECTION 4. The amendments to ORS 131.615, 153.039 and 810.410 by sections 1, 2 and 3**
11 **of this 2019 Act apply to searches conducted on or after the effective date of this 2019 Act.**

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