

HB 4203 -4, -5 STAFF MEASURE SUMMARY

Joint Committee On The First Special Session of 2020

Prepared By: Gillian Fischer, LPRO Analyst

Meeting Dates: 6/25

WHAT THE MEASURE DOES:

Prohibits a peace officer from using “force that impedes the ability of a person to breathe.” Defines “force that impedes the ability of a person to breathe” as restraining a person around the neck, using a choke hold, putting a knee on a person’s neck, or otherwise interfering with, blocking, or compromising a person’s airway. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-4 Replaces the measure. Prohibits the use of physical force impeding 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 on in which the peace officer may use deadly physical force as provided in ORS 161.239.

-5 Adds whereas clauses proclaiming Black Lives Matter and detailing current and historic experiences of Black and other Persons of Color interactions with law enforcement officers.

BACKGROUND:

When attempting to restrain or arrest a person, police may 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. Such restraints can be dangerous and have led to death in several high-profile cases. The Department of Public Safety Standards and Training (DPSST) does not instruct trainees on the use of choke holds or similar methods, though law enforcement agencies may provide supplemental training and authorize use. Other agencies, such as the Portland Police Bureau, have classified such restraints as “deadly force” and banned their use except in limited circumstances.

LC 83 defines “force that impedes the ability of a person to breathe” and prohibits and peace officer from using such force.