

HB 4208 -1, -2, -3 STAFF MEASURE SUMMARY

Joint Committee On The First Special Session of 2020

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Meeting Dates: 6/25

WHAT THE MEASURE DOES:

Prohibits law enforcement agencies from using tear gas, long range acoustic devices, or sound cannons in all circumstances. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

- 1 Replaces measure. Prohibits use of tear gas by law enforcement agency for crowd control except during riots. Requires agency using tear gas during riot to first announce intent to use tear gas, give individuals sufficient time to evacuate area, and to then again announce intent to use tear gas before use. Defines "law enforcement agency" and "tear gas." Declares emergency, effective on passage.
- 2 Replaces measure. Prohibits use of tear gas by law enforcement agency for crowd control except during riots. Requires agency using tear gas during riot to first announce intent to use tear gas, give individuals sufficient time to evacuate area, and to then again announce intent to use tear gas immediately before use. Defines "law enforcement agency" and "tear gas." Declares emergency, effective on passage.
- 3 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:

Tear gas, long range acoustic devices, and sound cannons are devices used by various law enforcement agencies for several purposes, including to control riots and disburse crowds. There is no statute that prohibits or limits the use of these devices by law enforcement. The Merriam-Webster dictionary (online) defines tear gas as "a solid, liquid, or gaseous substance that on dispersion in the atmosphere irritates mucous membranes resulting especially in blinding of the eyes with tears." Meanwhile, Oregon statute does not define tear gas as having a specific chemical composition, though several statutes distinguish between tear gas, mace, and pepper mace. See ORS 163.211.

HB 4208 prohibits law enforcement agencies from using tear gas, long range acoustic devices, and sound cannons in all circumstances.