

HB 4208 A STAFF MEASURE SUMMARY
Joint Committee On The First Special Session of 2020

Carrier: Rep. Hernandez

Action Date: 06/25/20

Action: Do pass with amendments. (Printed A-Eng.)

House Vote

Yeas: 7 - Bynum, Drazan, Holvey, Lewis, Salinas, Speaker Kotek, Stark

Senate Vote

Yeas: 7 - Burdick, Frederick, Girod, Knopp, President Courtney, Prozanski, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Gillian Fischer, LPRO Analyst

Meeting Dates: 6/25

WHAT THE MEASURE DOES:

Proclaims Black Lives Matter and details current and historic experiences of Black and other Persons of Color interactions with law enforcement officers. 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." Defines tear gas. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Tools used by police to disperse crowds
- Long term physical impacts of some devices commonly used by police
- Importance of protecting the right to peacefully protest
- Need for ongoing discussions on crowd control techniques

EFFECT OF AMENDMENT:

Replaces measure.

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.

House Bill 4208-A defines tear gas and prohibits use of tear gas by law enforcement agency for crowd control except during riots.