HOUSE AMENDMENTS TO
HOUSE BILL 4203

By JOINT COMMITTEE ON THE FIRST SPECIAL SESSION OF 2020

June 26

1　　　On page 1 of the printed bill, line 2, delete "and".

2　　　In line 3, delete "161.239".

3　　　After line 3, insert:

4　　　"Whereas Black Lives Matter; and

5　　　"Whereas the lives of Kendra James, Jason Washington, Andre Gladen, Patrick Kimmons, Chase

6　Arnae Peeples, Terrell Kyreem Johnson, Quanice Derrick Hayes, Denorris Laron McClendon and

7　Darris Eugene Johnson mattered; and

8　　　"Whereas George Floyd's last words were, 'I can't breathe'; and

9　　　"Whereas Eric Garner's last words were, 'I can't breathe'; and

10　　　"Whereas choke holds have led to deaths in several high-profile cases, and presumably in more

11　cases than we will ever know; and

12　　　"Whereas 'I can't breathe' chants are shouted in the streets throughout Oregon to draw atten-

13　tion to the incalculable consequences of police brutality and disproportionate policing; and

14　　　"Whereas there have been at least 268 deadly force incidents in Oregon over the past 10 years;

15　and

16　　　"Whereas 12 of the 55 Portland shootings or deaths were of Black people, or 22 percent of the

17　victims in a city that is six percent Black; and

18　　　"Whereas the Oregon Justice Resource Center found that the Portland Police Bureau is more

19　likely to search and arrest Black people, with over 17 percent of the bureau's traffic and pedestrian

20　stops involving Black people; and

21　　　"Whereas choke holds or other restraint to the head, neck or back interferes with a person's

22　blood flow or ability to breathe, which can cause asphyxiation and death; now, therefore,".

23　　　Delete lines 5 through 31 and delete page 2 and insert:

24　　　"**SECTION 1. Section 2 of this 2020 special session Act is added to and made a part of**

25　**ORS 161.195 to 161.275.**

26　　　"**SECTION 2. (1) A peace officer is not justified in any circumstance in knowingly using**

27　**physical force that impedes the normal breathing or circulation of the blood of another per-**

28　**son by applying pressure on the throat or neck of the other person, unless the circumstance**

29　**is one in which the peace officer may use deadly physical force as provided in ORS 161.239.**

30　　　"**(2) It is not reasonable under any circumstance for a peace officer to knowingly use**

31　**physical force that impedes the normal breathing or circulation of the blood of another per-**

32　**son by applying pressure on the throat or neck of the other person, unless the circumstance**

33　**is one in which the peace officer may use deadly physical force as provided in ORS 161.239.**

34　　　"**SECTION 3.** ORS 161.235 is amended to read:

35　　　"161.235. Except as provided in ORS 161.239 **and section 2 of this 2020 special session Act**,

1 a peace officer is justified in using physical force upon another person only when and to the extent

2 that the peace officer reasonably believes it necessary:

3 "(1) To make an arrest or to prevent the escape from custody of an arrested person unless the

4 peace officer knows that the arrest is unlawful; or

5 "(2) For self-defense or to defend a third person from what the peace officer reasonably believes

6 to be the use or imminent use of physical force while making or attempting to make an arrest or

7 while preventing or attempting to prevent an escape.

8 "**SECTION 4.** **Section 5 of this 2020 special session Act is added to and made a part of**

9 **ORS 181A.355 to 181A.670.**

10 "**SECTION 5.** **The Board on Public Safety Standards and Training shall adopt rules pro-**

11 **hibiting the training of police officers and reserve officers to use physical force that impedes**

12 **the normal breathing or circulation of the blood of another person by applying pressure on**

13 **the throat or neck of the other person, except as a defensive maneuver.**

14 "**SECTION 6.** **This 2020 special session Act being necessary for the immediate preserva-**

15 **tion of the public peace, health and safety, an emergency is declared to exist, and this 2020**

16 **special session Act takes effect on its passage.**".

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