

**A-Engrossed**  
**House Bill 4208**

Ordered by the House June 26  
Including House Amendments dated June 26

Sponsored by Representative KOTEK; Representatives CLEM, HERNANDEZ, HOLVEY, LEWIS, MARSH, MITCHELL, PILUSO, SANCHEZ, WILDE (at the request of Joint Committee on the First Special Session of 2020)

**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.

Prohibits law enforcement agencies from using tear gas [*or from using long range acoustic devices or sound cannons.*] **for purposes of crowd control except in circumstances constituting riot.**

**Requires law enforcement agency to follow certain procedure when using tear gas in circumstances constituting riot.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to the use of tools by law enforcement agencies; and declaring an emergency.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Law enforcement agency" means the Department of State Police, the Department**  
6 **of Justice, a district attorney, a political subdivision of the State of Oregon, a municipal**  
7 **corporation of the State of Oregon and a university, that maintains a law enforcement unit**  
8 **as defined in ORS 181A.355 (12)(a)(A).**

9 (b) **"Tear gas" means oleoresin capsicum or orthochlorobenzalmalononitrile, or other**  
10 **similar chemicals meant to accomplish the same effect, administered by any shell, cartridge**  
11 **or bomb capable of being discharged or exploded, when the discharge or explosion will cause**  
12 **or permit the release or emission of the chemicals.**

13 (2) **A law enforcement agency may not use tear gas for the purposes of crowd control**  
14 **except in circumstances constituting a riot, as described in ORS 166.015.**

15 (3) **Before using tear gas in circumstances constituting a riot, a law enforcement agency**  
16 **shall, in the following order:**

17 (a) **Announce the agency's intent to use tear gas;**

18 (b) **Allow sufficient time for individuals to evacuate the area; and**

19 (c) **Announce for a second time, immediately before using the tear gas, the agency's in-**  
20 **tent to use tear gas.**

21 **SECTION 2. This 2020 special session Act being necessary for the immediate preservation**  
22 **of the public peace, health and safety, an emergency is declared to exist, and this 2020 special**  
23 **session Act takes effect on its passage.**

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**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.