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

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

SECTION 1. (1) As used in this section:
(a) “Law enforcement agency” means the Department of State Police, the Department of Justice, a district attorney, a political subdivision of the State of Oregon, a municipal corporation of the State of Oregon and a university, that maintains a law enforcement unit as defined in ORS 181A.355 (12)(a)(A).
(b) “Tear gas” means oleoresin capsicum or orthochlorobenzalmalononitrile, or other similar chemicals meant to accomplish the same effect, administered by any shell, cartridge or bomb capable of being discharged or exploded, when the discharge or explosion will cause or permit the release or emission of the chemicals.
(2) A law enforcement agency may not use tear gas for the purposes of crowd control except in circumstances constituting a riot, as described in ORS 166.015.
(3) Before using tear gas in circumstances constituting a riot, a law enforcement agency shall, in the following order:
(a) Announce the agency’s intent to use tear gas;
(b) Allow sufficient time for individuals to evacuate the area; and
(c) Announce for a second time, immediately before using the tear gas, the agency’s intent to use tear gas.

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

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.

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