

**SB 399 -2 STAFF MEASURE SUMMARY**

**Senate Committee On Judiciary and Ballot Measure 110  
Implementation**

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**Prepared By:** Gillian Fischer, Counsel

**Meeting Dates:** 3/2, 3/10

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**WHAT THE MEASURE DOES:**

Modifies the circumstances under which a person's failure to obey a lawful order by a peace officer or parole and probation officer constitutes the crime of interfering with a peace officer.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

-2 Replaces the measure. Narrows the scope of conduct encompassed by the statute by limiting the criminality of a refusal to obey an order to circumstances when an officer is performing duties regarding another person or conducting a criminal investigation. It also prohibits the arrest or charging of a person for interfering with a peace officer for conduct that would constitute any other criminal offense.

**BACKGROUND:**

Under current law, a person commits the crime of interfering with a peace officer if that person refuses to obey a lawful order by the peace officer or parole and probation officer, unless the person is refusing to obey as an act of passive resistance.

SB 399 narrows the scope of conduct encompassed by the statute by limiting the criminality of a refusal to obey an order to circumstances when an officer is ordering a person to move back and keep a safe distance from the officer while the officer is conducting an investigation, issuing or serving a citation to another person or performing other lawful duties