

## HB 2928 A STAFF MEASURE SUMMARY

### House Committee On Judiciary

---

**Action Date:** 04/06/21

**Action:** Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)

**Vote:** 10-0-0-0

**Yeas:** 10 - Bynum, Dexter, Helm, Kropf, Lewis, Morgan, Noble, Power, Wallan, Wilde

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

**Prepared By:** Gillian Fischer, Counsel

**Meeting Dates:** 2/3, 2/8, 2/24, 3/15, 3/17, 4/6

---

#### WHAT THE MEASURE DOES:

Regulates use of chemical incapacitants, kinetic impact projectiles, and sound devices by law enforcement. Prohibits the use of chemical incapacitants and kinetic impact projectiles for purposes of crowd control unless use of force is otherwise authorized by statute. Requires certain accommodations and instructions to be made by law enforcement for certain individuals when deploying specified devices unless said requirements cannot be done safely. Prohibits the use of strobe lights for crowd control. Declares that an intentional violation of certain provisions constitutes the crime of official misconduct in the second degree. Prohibits law enforcement from acting in concert with another agency or proxy law enforcement to engage in conduct barred by statute or court order. Declares an emergency, effective on passage.

#### ISSUES DISCUSSED:

- Additional revisions to measure
- Provisions relating to immunity reserved for longer-term discussion
- Importance of making incremental changes

#### EFFECT OF AMENDMENT:

Replaces the 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 Oregon statute that prohibits or limits the use of these devices by law enforcement.

During the 2020 first special session, House Bill 4208 A was enacted. The measure prohibited use of tear gas by a law enforcement agency for crowd control except during riots. It further required any agency using tear gas during a 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.

House Bill 2928 A further regulates the use of certain devices for purposes of crowd control and prohibits use unless physical force is otherwise justified under the statute. The measure requires law enforcement to provide reasonable accommodations for disabled individuals after issuing orders for dispersal and to provide access to medical treatment for injured individuals.