

HB 3059 A STAFF MEASURE SUMMARY

Carrier: Sen. Dembrow

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

Action Date: 05/17/21

Action: Do pass the A-Eng bill.

Vote: 4-2-1-0

Yeas: 4 - Dembrow, Gelser, Manning Jr, Prozanski

Nays: 2 - Heard, Linthicum

Exc: 1 - Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Gillian Fischer, Counsel

Meeting Dates: 5/12, 5/17

WHAT THE MEASURE DOES:

Modifies provisions relating to dispersal of unlawful or riotous assemblage. Allows certain authorized officials to go among the persons assembled and order the persons to disperse. Removes current language requiring an arrest if persons fail to disperse as ordered.

ISSUES DISCUSSED:

- Scope of authority to disperse crowds
- Intersection of measure and failure to obey a lawful order statute
- Officer discretion in making arrests
- Exclusion of noncriminal behavior

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Currently, ORS 131.675 directs local authorities to go amongst any unlawfully or riotously assembled group and command them to disperse. If the group does not immediately disperse after being commanded to do so, the local authorities must arrest them or cause them to be arrested.

House Bill 3059 A amends ORS 131.675 to allow officials to go among the persons assembled and order the persons to disperse and removes the requirement to arrest persons who fail to disperse as ordered.