

A-Engrossed
House Bill 3164

Ordered by the House April 2
Including House Amendments dated April 2

Sponsored by Representative KOTEK; Representatives DEXTER, NOBLE, WILDE (at the request of American Civil Liberties Union of Oregon)

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.

Modifies crime of interfering with a peace officer or parole and probation officer. **Removes refusal to obey officer order as manner of committing crime.** Provides that person may not be arrested for or charged with interfering with a peace officer or parole and probation officer *[for conduct that would constitute any]* **if person is arrested or charged for other criminal offense based on same conduct.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the application of the crime of interfering with a peace officer or parole and probation
3 officer; creating new provisions; amending ORS 162.247; and declaring an emergency.

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

5 **SECTION 1.** ORS 162.247 is amended to read:

6 162.247. (1) A person commits the crime of interfering with a peace officer or parole and pro-
7 bation officer if the person, knowing that another person is a peace officer or a parole and probation
8 officer as defined in ORS 181A.355,[:]

9 *[(a)]* intentionally **or knowingly** acts in a manner that prevents, or attempts to prevent, *[a]* **the**
10 peace officer or parole and probation officer from performing the lawful duties of the officer with
11 regards to another person **or a criminal investigation.***[: or]*

12 *[(b)]* *Refuses to obey a lawful order by the peace officer or parole and probation officer.*]

13 (2) Interfering with a peace officer or parole and probation officer is a Class A misdemeanor.

14 (3) This section does not apply in situations in which the person is engaging in[:]

15 *[(a)]* *Activity that would constitute resisting arrest under ORS 162.315; or]*

16 *[(b)]* passive resistance.

17 (4) **A person may not be arrested or charged under this section if the person is arrested**
18 **or charged for another offense based on the same conduct.**

19 **SECTION 2.** The amendments to ORS 162.247 by section 1 of this 2021 Act apply to con-
20 duct alleged to constitute an offense under ORS 162.247 occurring on or after the effective
21 date of this 2021 Act.

22 **SECTION 3.** This 2021 Act being necessary for the immediate preservation of the public
23 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
24 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.