

**Enrolled**  
**House Bill 4208**

Sponsored by Representatives KOTEK, ALONSO LEON, BYNUM, LAWRENCE SPENCE, MEEK, SALINAS, SANCHEZ, Senators FREDERICK, MANNING JR, PROZANSKI; Representatives CLEM, DEXTER, EVANS, FAHEY, GORSEK, HERNANDEZ, HOLVEY, KENY-GUYER, LEWIS, MARSH, MITCHELL, NERON, NOBLE, NOSSE, PILUSO, POWER, PRUSAK, SCHOUTEN, SOLLMAN, WILDE, Senators BURDICK, FAGAN, HASS, MONNES ANDERSON, WAGNER (at the request of Joint Committee on the First Special Session of 2020)

CHAPTER .....

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.**

**Passed by House June 26, 2020**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate June 26, 2020**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2020

**Approved:**

.....M,....., 2020

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2020

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Bev Clarno, Secretary of State