

Enrolled
House Bill 3164

Sponsored by Representative KOTEK; Representatives ALONSO LEON, CAMPOS, DEXTER, FAHEY, KROPP, MCLAIN, NOBLE, NOSSE, PHAM, POWER, PRUSAK, REYNOLDS, SANCHEZ, SCHOUTEN, SOLLMAN, VALDERRAMA, WILDE, Senator FREDERICK (at the request of American Civil Liberties Union of Oregon)

CHAPTER

AN ACT

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

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

SECTION 1. ORS 162.247 is amended to read:

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

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

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

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

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

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

[*(b)*] *passive resistance.*

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

SECTION 2. The amendments to ORS 162.247 by section 1 of this 2021 Act apply to conduct alleged to constitute an offense under ORS 162.247 occurring on or after the effective date of this 2021 Act.

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

Passed by House April 26, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 2, 2021

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

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Shemia Fagan, Secretary of State