

# House Bill 3164

Sponsored by Representative KOTEK (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 **as introduced**.

Modifies crime of interfering with a peace officer or parole and probation officer. 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 other criminal offense.

## 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; and amending ORS 162.247.

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 acts in a manner that prevents, or attempts to prevent, a peace officer or parole  
10 and probation officer from performing the lawful duties of the officer with regards to another person;  
11 or

12 (b) **By overt action**, refuses to obey a lawful order by the peace officer or parole and probation  
13 officer **that is necessary for the officer's performance of lawful duties with regard to another**  
14 **person or a criminal investigation.**

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

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

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

18 [*(b)*] passive resistance.

19 (4) **A person may not be arrested or charged under this section for conduct that would**  
20 **constitute any other criminal offense.**

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