

Requested by Representative NOBLE

**PROPOSED AMENDMENTS TO
HOUSE BILL 2928**

1 On page 1 of the printed bill, line 2, delete “amending ORS”.

2 In line 3, delete “30.265;”.

3 Delete lines 6 through 26 and delete pages 2 through 5 and insert:

4 **“SECTION 1. Section 1, chapter 8, Oregon Laws 2020 (first special**
5 **session), is repealed.**

6 **“SECTION 2. (1) As used in this section:**

7 **“(a) ‘Chemical incapacitant’ means the following, together or sep-**
8 **arately:**

9 **“(A) Toxic chemicals and their precursors, except where intended**
10 **for purposes not prohibited under this section, as long as the types and**
11 **quantities are consistent with such purposes;**

12 **“(B) Munitions and devices specifically designed to cause temporary**
13 **pain, temporary irritation, temporary disruption of vital processes,**
14 **temporary incapacitation, temporary disability or permanent harm**
15 **through the toxic properties of toxic chemicals that would be released**
16 **as a result of the employment of the munitions and devices; and**

17 **“(C) Any equipment specifically designed for use directly in con-**
18 **nection with the employment of munitions and devices as described in**
19 **subparagraph (B) of this paragraph.**

20 **“(b) ‘Key component of a binary or multicomponent chemical sys-**
21 **tem’ means the precursor that plays the most important role in de-**

1 **termining the toxic properties of the final product and that reacts**
2 **rapidly with other chemicals in a binary or multicomponent system.**

3 **“(c) ‘Kinetic impact projectile’ means all nonlethal, less-lethal or**
4 **semilethal projectiles, including but not limited to rubber and plastic**
5 **bullets, beanbag rounds, sponge rounds and pellet rounds.**

6 **“(d) ‘Law enforcement agency’ means the Department of State Po-**
7 **lice, the Department of Justice, a district attorney, a political subdi-**
8 **vision of the State of Oregon, a municipal corporation of the State of**
9 **Oregon and a university, that maintains a law enforcement unit as**
10 **defined in ORS 181A.355 (12)(a)(A).**

11 **“(e) ‘Precursor’ means any chemical reactant that takes part at any**
12 **stage in the production by whatever method of a toxic chemical, in-**
13 **cluding any key component of a binary or multicomponent chemical**
14 **system.**

15 **“(f) ‘Toxic chemical’ means any chemical that through its chemical**
16 **action on biological processes can cause death, temporary pain, tem-**
17 **porary irritation, temporary disruption of vital processes, temporary**
18 **incapacitation, temporary disability or permanent harm to humans or**
19 **animals.**

20 **“(2)(a) A law enforcement agency may not use a chemical**
21 **incapacitant for crowd control, except when one or more individuals**
22 **in the crowd have engaged in conduct otherwise justifying the use of**
23 **physical force by a peace officer.**

24 **“(b) A law enforcement agency may not use a kinetic impact**
25 **projectile for crowd control or discharge a kinetic impact projectile in**
26 **a manner that intentionally targets the head of a person, except**
27 **against an individual engaged in conduct otherwise justifying the use**
28 **of deadly physical force by a peace officer.**

29 **“(c) A law enforcement agency may not use a sound device for**
30 **crowd control for any purpose other than announcements. Whenever**

1 possible, a law enforcement agency shall provide announcements for
2 purposes of crowd control both audibly and visually.

3 “(d) A law enforcement agency may not use a strobe light for crowd
4 control.

5 “(3) When using chemical incapacitants, kinetic impact projectiles,
6 sound devices or strobe lights in compliance with this section, and
7 when it is possible to do so safely, a law enforcement agency:

8 “(a) Shall attempt to take injured persons to safety or allow injured
9 persons to seek medical help.

10 “(b) May not prevent emergency medical services from reaching
11 injured persons.

12 “(c) Shall take reasonable action to accommodate disabilities when
13 issuing or enforcing orders to disperse.

14 “(4) A law enforcement agency shall inform federal law enforcement
15 agencies of the requirements of this section.

16 “SECTION 3. (1) As used in this section, ‘law enforcement agency’
17 means the Department of State Police, the Department of Justice, a
18 district attorney, a political subdivision of the State of Oregon, a mu-
19 nicipal corporation of the State of Oregon and a university, that
20 maintains a law enforcement unit as defined in ORS 181A.355
21 (12)(a)(A).

22 “(2) A law enforcement agency or a person acting on behalf of a law
23 enforcement agency may not:

24 “(a) Use a proxy law enforcement agency to enact measures that a
25 court or statute has barred the law enforcement agency from using.

26 “(b) Act in concert with another law enforcement agency to engage
27 in misconduct barred by a court order or statute.

28 “(3) Intentional violation of this section constitutes official mis-
29 conduct in the second degree under ORS 162.405.

30 “SECTION 4. This 2021 Act being necessary for the immediate

1 **preservation of the public peace, health and safety, an emergency is**
2 **declared to exist, and this 2021 Act takes effect on its passage.”.**

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