

Requested by Representative WILDE

**PROPOSED AMENDMENTS TO
HOUSE BILL 4073**

1 On page 1 of the printed bill, line 2, delete “and 136.230” and insert “,
2 136.230, 161.209, 161.225 and 161.229”.

3 On page 4, delete lines 3 through 14 and insert:
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5 **“JUSTIFIED USE OF PHYSICAL FORCE**
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7 **“SECTION 5.** ORS 161.209 is amended to read:

8 “161.209. (1) Except as provided in ORS 161.215 and 161.219, a person is
9 justified in using physical force upon another person for self-defense or to
10 defend a third person from what the person reasonably believes to be the use
11 or imminent use of unlawful physical force, and the person may use a degree
12 of force which the person reasonably believes to be necessary for the pur-
13 pose.

14 **“(2) A reasonable belief for purposes of this section may not be**
15 **based, in whole or in part, on another person’s race, color, religion,**
16 **sex, sexual orientation, gender identity, national origin or marital**
17 **status.**

18 **“SECTION 6.** ORS 161.225 is amended to read:

19 “161.225. (1) A person in lawful possession or control of premises is jus-
20 tified in using physical force upon another person when and to the extent
21 that the person reasonably believes it necessary to prevent or terminate what

1 the person reasonably believes to be the commission or attempted commis-
2 sion of a criminal trespass by the other person in or upon the premises.

3 “(2) A person may use deadly physical force under the circumstances set
4 forth in subsection (1) of this section only:

5 “(a) In defense of a person as provided in ORS 161.219; or

6 “(b) When the person reasonably believes it necessary to prevent the
7 commission of arson or a felony by force and violence by the trespasser.

8 “(3) **A reasonable belief for purposes of this section may not be**
9 **based, in whole or in part, on another person’s race, color, religion,**
10 **sex, sexual orientation, gender identity, national origin or marital**
11 **status.**

12 “[3] (4) As used in subsection (1) and subsection (2)(a) of this section,
13 ‘premises’ includes any building as defined in ORS 164.205 and any real
14 property. As used in subsection (2)(b) of this section, ‘premises’ includes any
15 building.

16 “**SECTION 7.** ORS 161.229 is amended to read:

17 “161.229. (1) A person is justified in using physical force, other than
18 deadly physical force, upon another person when and to the extent that the
19 person reasonably believes it to be necessary to prevent or terminate the
20 commission or attempted commission by the other person of theft or criminal
21 mischief of property.

22 “(2) **A reasonable belief for purposes of this section may not be**
23 **based, in whole or in part, on another person’s race, color, religion,**
24 **sex, sexual orientation, gender identity, national origin or marital**
25 **status.**

26 “**SECTION 8.** (1) **When the issue of the use of physical force justi-**
27 **fied under ORS 161.209 is submitted to be determined by a jury in the**
28 **trial court, the court shall instruct the jury in accordance with ORS**
29 **161.209 (2).**

30 “(2) **When the issue of the use of physical force justified under ORS**

1 **161.225 is submitted to be determined by a jury in the trial court, the**
2 **court shall instruct the jury in accordance with ORS 161.225 (3).**

3 **“(3) When the issue of the use of physical force justified under ORS**
4 **161.229 is submitted to be determined by a jury in the trial court, the**
5 **court shall instruct the jury in accordance with ORS 161.229 (2).”.**

6 In line 18, delete “8” and insert “9”.

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