

SB 577 A STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 3/13

WHAT THE MEASURE DOES:

Deletes language related to use of physical force against incompetent adults; modifies provisions related to use of physical force against minors and students; adds authorized official of a youth correction facility to list of individuals who may use physical force to maintain order and discipline in certain circumstances; seeks to clarify that corporal punishment does not include use of physical force in certain circumstances. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Currently, ORS 161.205 makes the use of physical force upon incompetent persons and students justifiable and not criminal in two limited circumstances. Those circumstances involve (1) use of force against a minor or incompetent person by the person's parent, guardian, or other person entrusted with their care and supervision, and (2) use of force by personnel of a public education program against a student. Use of force includes use of a stun gun, tear gas, or mace. ORS 161.205 is inconsistent with other state and federal laws related to use of physical force upon these populations.

Senate Bill 577 A modifies provisions of ORS 161.205 related to use of force in public education programs and by parents and legal guardians against a minor child, seeking to align those provisions with current state law. It also deletes language related to use of force against incompetent adults.