

SB 1191 A STAFF MEASURE SUMMARY

Carrier: Sen. Manning Jr

Senate Committee On Judiciary

Action Date: 04/02/25

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 6-0-0-0

Yeas: 6 - Broadman, Gelser Blouin, Manning Jr, McLane, Prozanski, Thatcher

Fiscal: No fiscal impact

Revenue: Has minimal revenue impact

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Meeting Dates: 3/25, 4/2

WHAT THE MEASURE DOES:

The measure excludes the act of informing another person about their civil and constitutional rights from the crimes of obstructing governmental or judicial administration, refusing to assist a peace officer, and interfering with a peace officer or parole and probation officer.

ISSUES DISCUSSED:

- "Know your rights" training
- Consequences of informing a person incorrectly about their rights
- Distinguishing between simply providing information and physically obstructing
- Hypothetical scenarios

EFFECT OF AMENDMENT:

The amendment removes the measure's applicability to ORS 162.235(1)(b) and (c) regarding fraudulent acts in the capacity of a notary public or immigration consultant. It adds language to clarify that the exception from ORS 162.245 (offense of refusing to assist a peace officer) is for the act "by itself" of informing another person of the other person's civil or constitutional rights.

BACKGROUND:

The United States Constitution and the Oregon Constitution reserve certain rights to the people that the government may not unreasonably infringe upon. Well known examples include the freedom of speech, association, press, religion, the right to liberty and due process, the right to not self-incriminate oneself, the right to an attorney in the criminal context, and the right to be free from unreasonable searches and seizures. Civil rights may also guarantee people equal protection and opportunity under the law, without discrimination based on protected class membership, and the right to bring a civil action against a person for a deprivation of a constitutional right.

Several criminal offenses prohibit certain acts that interfere with or obstruct official governmental actions. Relevant to this measure, ORS 162.235 establishes the crime of obstructing governmental or judicial administration, ORS 162.245 establishes the crime of refusing to assist a peace officer, and ORS 162.247 establishes the crime of interfering with a peace officer or parole and probation officer. Both obstructing governmental or judicial administration and interfering with a peace officer or parole and probation officer exclude certain acts from the crime. For example, "engaging in passive resistance" does not constitute interfering with a peace officer or parole and probation officer. ORS 162.247(3). Senate Bill 1191 A would also exclude "the act of informing another person of the other person's civil or constitutional rights" from those crimes.