

**A-Engrossed**  
**House Bill 4203**

Ordered by the House June 26  
Including House Amendments dated June 26

Sponsored by Representatives KOTEK, ALONSO LEON, BYNUM, SALINAS; Representatives CLEM, HERNANDEZ, HOLVEY, LAWRENCE SPENCE, MITCHELL, PILUSO, SANCHEZ, WILDE (at the request of Joint Committee on the First Special Session of 2020)

**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.

Provides that peace officer may not use force that [*limits ability of person to breathe, including but not limited to choke holds*] **impedes normal breathing or circulation of blood of another person by applying pressure on throat or neck, unless peace officer may use deadly physical force.**

**Directs Board on Public Safety Standards and Training to adopt rules prohibiting training of police officers and reserve officers to use force that impedes normal breathing or circulation of blood of another person by applying pressure on throat or neck, except as defensive maneuver.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to use of force by peace officers; creating new provisions; amending ORS 161.235; and de-  
3 claring an emergency.

4 Whereas Black Lives Matter; and

5 Whereas the lives of Kendra James, Jason Washington, Andre Gladen, Patrick Kimmons, Chase  
6 Arnae Peoples, Terrell Kyreem Johnson, Quanice Derrick Hayes, Denorris Laron McClendon and  
7 Darris Eugene Johnson mattered; and

8 Whereas George Floyd's last words were, "I can't breathe"; and

9 Whereas Eric Garner's last words were, "I can't breathe"; and

10 Whereas choke holds have led to deaths in several high-profile cases, and presumably in more  
11 cases than we will ever know; and

12 Whereas "I can't breathe" chants are shouted in the streets throughout Oregon to draw atten-  
13 tion to the incalculable consequences of police brutality and disproportionate policing; and

14 Whereas there have been at least 268 deadly force incidents in Oregon over the past 10 years;  
15 and

16 Whereas 12 of the 55 Portland shootings or deaths were of Black people, or 22 percent of the  
17 victims in a city that is six percent Black; and

18 Whereas the Oregon Justice Resource Center found that the Portland Police Bureau is more  
19 likely to search and arrest Black people, with over 17 percent of the bureau's traffic and pedestrian  
20 stops involving Black people; and

21 Whereas choke holds or other restraint to the head, neck or back interferes with a person's  
22 blood flow or ability to breathe, which can cause asphyxiation and death; now, therefore,

23 **Be It Enacted by the People of the State of Oregon:**

**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.

1       **SECTION 1.** Section 2 of this 2020 special session Act is added to and made a part of ORS  
2 161.195 to 161.275.

3       **SECTION 2.** (1) A peace officer is not justified in any circumstance in knowingly using  
4 physical force that impedes the normal breathing or circulation of the blood of another per-  
5 son by applying pressure on the throat or neck of the other person, unless the circumstance  
6 is one in which the peace officer may use deadly physical force as provided in ORS 161.239.

7       (2) It is not reasonable under any circumstance for a peace officer to knowingly use  
8 physical force that impedes the normal breathing or circulation of the blood of another per-  
9 son by applying pressure on the throat or neck of the other person, unless the circumstance  
10 is one in which the peace officer may use deadly physical force as provided in ORS 161.239.

11       **SECTION 3.** ORS 161.235 is amended to read:

12       161.235. Except as provided in ORS 161.239 and section 2 of this 2020 special session Act, a  
13 peace officer is justified in using physical force upon another person only when and to the extent  
14 that the peace officer reasonably believes it necessary:

15       (1) To make an arrest or to prevent the escape from custody of an arrested person unless the  
16 peace officer knows that the arrest is unlawful; or

17       (2) For self-defense or to defend a third person from what the peace officer reasonably believes  
18 to be the use or imminent use of physical force while making or attempting to make an arrest or  
19 while preventing or attempting to prevent an escape.

20       **SECTION 4.** Section 5 of this 2020 special session Act is added to and made a part of ORS  
21 181A.355 to 181A.670.

22       **SECTION 5.** The Board on Public Safety Standards and Training shall adopt rules pro-  
23 hibiting the training of police officers and reserve officers to use physical force that impedes  
24 the normal breathing or circulation of the blood of another person by applying pressure on  
25 the throat or neck of the other person, except as a defensive maneuver.

26       **SECTION 6.** This 2020 special session Act being necessary for the immediate preservation  
27 of the public peace, health and safety, an emergency is declared to exist, and this 2020 special  
28 session Act takes effect on its passage.