

ORDINANCE NO. 151389

An ordinance amending Title 14, Public Peace, Safety and Morals, Chapter 14.08, Enforcement, by repealing the existing Section 14.08.140, Interfering with peace officer, and enacting a new section, 14.08.140, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

- 1. That Section 14.08.140 of the code, which prohibits interfering with a police officer, has been found to be unconstitutionally vague by the Oregon Court of Appeals.
- 2. That persons in the city are gathering or remaining in the immediate area in which officers of the Bureau of Police are attempting to lawfully detain or arrest persons, and verbally and physically interfering with such officers who are carrying out such official duties.
- 3. That the public peace, health and safety is endangered by the conduct of such persons in such places.
- 4. That officers of the Bureau of Police lack the authority to protect themselves and members of the public in such situations.

NOW, THEREFORE, the Council directs:

- a. That Section 14.08.140, Interfering with peace officer, of the code is hereby repealed.
- b. That a new section 14.08.140, Interfering with police officer, is hereby enacted as follows:

14.08.140 Interfering with police officer. (a) For the purpose of this section, the following definitions shall apply:

(1) "Arrest" means to place a person under actual or constructive restraint for the purpose of charging him with an offense.

(2) "Custody" means to place a person under actual or constructive restraint pursuant to a court order or for other lawful purpose.

(3) "Police officer" means any sworn member of the Bureau of Police.

(4) "Stop" means a temporary restraint of a person's liberty, by a police officer lawfully present in any place, (i) when such officer reasonably suspects that such person is committing, or has committed, a criminal offense, or (ii) when such officer reasonably believes that such person is in need of attention pursuant to ORS 426.215 or ORS 426.460, or (iii) when such officer reasonably believes that such person is the subject of service of a valid court order.

(5) "To leave the area of an arrest, custody or stop" means to physically move to a location not less than ten (10) feet extending in a radius from where a police officer is engaged in effecting an arrest, taking a person into custody, or stopping a person; the radius may be extended beyond ten (10) feet when a police officer reasonably believes that such extension is necessary because there exists a substantial risk of physical injury to any person.

(b) It is unlawful for any person to refuse to leave the area of an arrest, custody or stop, or, having left that area, to reenter it, after being directed to leave that area by an individual whom the person knows to be a police officer.

## ORDINANCE No.

Section 2. The Council declares that this ordinance is necessary for the immediate preservation of the public health, safety and welfare, and, therefore, an emergency is declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **APR 9 1981**

Commissioner Jordan  
KHScoumperdis:djb  
April 2, 1981

Attest:

  
Auditor of the City of Portland

Calendar No. 1126

ORDINANCE No. 151389

Title

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THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Jordan	1	
Lindberg	1	
Schwab	1	
Strachan	1	
Wancie	1	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY  
COMMISSIONER JORDAN

NOTED BY THE COMMISSIONER

Affairs

Finance and Administration

Safety *Charles Jordan*

Utilities

Works

BUREAU APPROVAL

Bureau:

Prepared By: *KHS* Date:

KHS *couperdis*

Budget Impact Review:

Completed  Not required

Bureau Head:

CALENDAR

Consent Regular *X*

NOTED BY

City Attorney *CPT (KHS)*

City Auditor

City Engineer

S

Filed APR 3 1981

GEORGE YERKOVICH  
Auditor of the CITY OF PORTLAND

*George Yerkovich*  
Deputy