

SENATE AMENDMENTS TO SENATE BILL 1068

By COMMITTEE ON RULES

July 7

1 On page 1 of the printed bill, line 2, after the first semicolon delete the rest of the line and line
2 3 and insert “amending ORS 133.310.”.

3 Delete lines 5 through 31 and delete pages 2 and 3 and insert:

4 “**SECTION 1.** ORS 133.310 is amended to read:

5 “133.310. (1) A peace officer may arrest a person without a warrant if the officer has probable
6 cause to believe that the person has committed any of the following:

7 “(a) A felony.

8 “(b) A misdemeanor.

9 “(c) An unclassified offense for which the maximum penalty allowed by law is equal to or
10 greater than the maximum penalty allowed for a Class C misdemeanor.

11 “(d) Any other crime committed in the officer’s presence.

12 “(2) A peace officer may arrest a person without a warrant when the peace officer is notified
13 by telegraph, telephone, radio or other mode of communication by another peace officer of any state
14 that there exists a duly issued warrant for the arrest of a person within the other peace officer’s
15 jurisdiction.

16 “(3) A peace officer shall arrest and take into custody a person without a warrant when the
17 peace officer has probable cause to believe that:

18 “(a) There exists an order issued pursuant to ORS 30.866, 107.095 (1)(c) or (d), 107.716, 107.718,
19 124.015, 124.020, 163.738 or 419B.845 restraining the person;

20 “(b) A true copy of the order and proof of service on the person has been filed as required in
21 ORS 107.720, 124.030, 163.741 or 419B.845; and

22 “(c) The person to be arrested has violated the terms of that order.

23 “(4) A peace officer shall arrest and take into custody a person without a warrant if:

24 “(a) The person protected by a foreign restraining order as defined by ORS 24.190 presents a
25 copy of the foreign restraining order to the officer and represents to the officer that the order sup-
26 plied is the most recent order in effect between the parties and that the person restrained by the
27 order has been personally served with a copy of the order or has actual notice of the order; and

28 “(b) The peace officer has probable cause to believe that the person to be arrested has violated
29 the terms of the foreign restraining order.

30 “(5) A peace officer shall arrest and take into custody a person without a warrant if:

31 “(a) The person protected by a foreign restraining order as defined by ORS 24.190 has filed a
32 copy of the foreign restraining order with a court or has been identified by the officer as a party
33 protected by a foreign restraining order entered in the Law Enforcement Data System or in the
34 databases of the National Crime Information Center of the United States Department of Justice; and

35 “(b) The peace officer has probable cause to believe that the person to be arrested has violated

1 the terms of the foreign restraining order.

2 “(6) A peace officer shall arrest and take into custody a person without a warrant if the peace
3 officer has probable cause to believe:

4 “(a) The person has been charged with an offense [*that also constitutes domestic violence, as de-*
5 *fin**ed in ORS 135.230,*] and is presently released as to that charge under ORS 135.230 to 135.290; and

6 “(b) The person has failed to comply with [*the*] a no contact condition of the release
7 agreement.”.

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