



CITY OF BEAVERTON

CITY ORDINANCES

ORDINANCE 3696

AN ORDINANCE AMENDING BEAVERTON CODE SECTION 5.08.630(B),
RESISTING AN OFFICER, TO PROVIDE FOR UNIFORM APPLICATION
OF THE DEFINITION OF THE TERM "RESIST", AND DECLARING AN
EMERGENCY.

NUMBER OF PAGES

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CODE

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WHEREAS, the 1989 Oregon Legislative Assembly amended ORS 162.315 (Resisting Arrest) to define the term "resist" in a different way than the term had been defined in the past; and,

WHEREAS, BC 5.08.630 (Resisting an Officer) also defines the term "resist" and generally prohibits the same conduct as ORS 162.315; and,

WHEREAS, BC 5.08.630 should now be amended so the criminal law of the State of Oregon and the City of Beaverton are consistent; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. BC 5.08.630(B) is hereby amended to read as follows:

"B. "Resist," as used in this section means the use or threatened use of violence, physical force or any other means that creates a substantial risk of physical injury to any person and includes behavior clearly intended to prevent being taken into custody by overcoming the actions of the arresting officer. The behavior does not have to result in actual physical injury to the arresting officer. Passive resistance does not constitute behavior intended to prevent being taken into custody."

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Section 2. Emergency Clause. An emergency is hereby declared to exist and this ordinance shall take effect immediately upon its reading, passage and signing by the Mayor in order to preserve the peace, health and safety of the City and to maintain the consistency among State laws and City ordinances.

First reading this 6th day of November, 1989.

Passed by the Council this 6th day of November, 1989.

Approved by the Mayor this BTH day of NOVEMBER, 1989.

ATTEST:

APPROVED:

Ann L. Johnson
ANN L. JOHNSON, City Recorder

Larry D. Cole
LARRY D. COLE, Mayor