



# CITY OF BEAVERTON

## CITY ORDINANCES

**ORDINANCE** #3868-AMENDING B.C. SECTION 5.08.610, ASSAULTING AN OFFICER,

TO PROVIDE FOR UNIFORM APPLICATION, AND DECLARING AN EMERGENCY

**NUMBER OF PAGES** 3

# CODE

ORDINANCE NO. 3868

**AN ORDINANCE AMENDING BEAVERTON CODE SECTION 5.08.610, ASSAULTING AN OFFICER, TO PROVIDE FOR UNIFORM APPLICATION, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the 1993 Oregon Legislative Assembly amended ORS 163.208 (Assaulting a Public Safety Officer) effective November 4, 1993, to make criminal and punish the use of mace, tear gas, pepper mace or any other similar deleterious agent against peace officers and firefighters; and

**WHEREAS**, the City Council of the City of Beaverton finds that the use of mace, tear gas, pepper mace or any other similar deleterious agent peace officers or firefighters is conduct which it wishes to make criminal and punish pursuant to the Beaverton Code, 1982; and

**WHEREAS**, justice is best served when the criminal laws of the State of Oregon and the City of Beaverton are consistent and applicable on or about the same effective date; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** BC 5.08.610 is hereby amended and shall read as follows:

"5.08.610 Assaulting an Officer.

A. No person shall intentionally or knowingly cause physical injury to the other person, knowing the other person to be a peace officer or firefighter, and while the other person is acting in the course of official duty; or

B. Uses or causes to be used any mace, tear gas, pepper mace or any similar deleterious agent against the other person, knowing the other person to be a peace officer or firefighter, and while the other person is acting in the course of official duty.

C. As used in this ordinance, 'mace, tear gas, pepper mace or similar deleterious agent' means sternutator, lacrimator or any substance composed of a mixture of sternutator or lacrimator including, but not limited to, chloroacetophenone, alpha-chloroacetophenone, phenylchloromethylketone, orthochlorobenzalmalonitrile, oleoresin capsicum or a chemically similar sternutator or lacrimator by whatever name known, or phosgene or other gas or substance capable of generating offensive, noxious or suffocating fumes, gases or vapor or capable of immobilizing a person.

D. A person convicted under this ordinance shall be sentenced to not less than seven days in jail and shall not be granted bench parole, probation, or suspension of sentence before serving at least seven days of the sentence."


**Section 2. Emergency Clause.** An emergency is declared to exist and this ordinance shall take effect on November 4, 1993 after its reading, passage and signing by the Mayor in order to preserve the peace, health and safety of the City and to maintain consistency among state laws and city ordinances.

First reading this ~~25th~~ day of October, 1993.

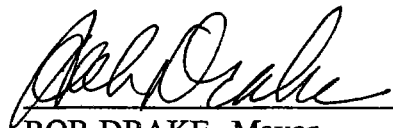
Passed by the Council 1st day of November, 1993.

Approved by the Mayor this 1 day of November, 1993.

ATTEST:

  
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SUE NELSON, Deputy City Recorder

APPROVED:

  
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ROB DRAKE, Mayor