

# Senate Bill 760

Sponsored by Senator DINGFELDER

## 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 **as introduced**.

For purposes of invoking justification for use of physical force, requires person who uses physical force in self-defense to make good faith effort to retreat.

## A BILL FOR AN ACT

1  
2 Relating to the use of physical force; creating new provisions; and amending ORS 161.215.

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

4 **SECTION 1.** ORS 161.215 is amended to read:

5 161.215. Notwithstanding ORS 161.209, a person is not justified in using physical force upon  
6 another person if:

7 (1) **The person uses physical force in self-defense and fails to make a good faith effort to**  
8 **retreat from the other person, except that the use of physical force upon another person is**  
9 **justifiable without such effort if the person using physical force reasonably believes that re-**  
10 **treating creates a risk of harm to any person;**

11 [(1)] (2) With intent to cause physical injury or death to another person, the person provokes  
12 the use of unlawful physical force by [*that*] **the other** person; [*or*]

13 [(2)] (3) The person is the initial aggressor, except that the use of physical force upon another  
14 person under such circumstances is justifiable if the person withdraws from the encounter and ef-  
15 fectively communicates to the other person the intent to [*do so*] **withdraw**, but the [*latter*] **other**  
16 **person** nevertheless continues or threatens to continue the use of unlawful physical force; or

17 [(3)] (4) The physical force involved is the product of a combat by agreement not specifically  
18 authorized by law.

19 **SECTION 2.** **The amendments to ORS 161.215 by section 1 of this 2013 Act apply to con-**  
20 **duct occurring on or after the effective date of this 2013 Act.**

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**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.