

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE 7.32.030, THEFT, AND 7.72.030, RESISTING ARREST AND DECLARING AN EMERGENCY.

WHEREAS, during the 1989 Legislative Session, the State of Oregon revised certain laws that may be enforced by the City of Albany; and

WHEREAS, the Albany Municipal Code currently conflicts with the new legislation; and

WHEREAS, it is in the best interest of the City to conform to state law.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. Albany Municipal Code 7.32.030, Theft, is hereby amended to read as follows:

7.32.030 Theft. A person commits the crime of theft if by other than extortion, he:

- (1) Commits theft as defined in Section 7.32.020 of this chapter; and
- (2) The total value of the property in a single or aggregate transaction is under ~~two~~ five hundred dollars.

Section 2. Albany Municipal Code 7.72.030, Resisting Arrest, is hereby amended to read as follows:

7.72.030 Resisting arrest. (1) A person commits the crime of resisting arrest if he intentionally resists a person known by him to be a peace officer in making an arrest.

(2) "Resists," 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.

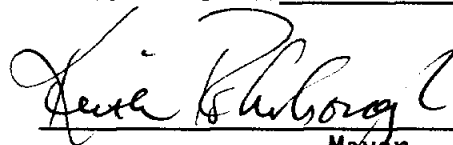
(3) It is no defense to a prosecution under this section that the peace officer lacked legal authority to make the arrest, provided he was acting under the color of his official authority.

Section 3. Emergency Clause. Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of the city of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon its passage by the Council.

Passed by Council: June 27, 1990

Approved by Mayor: June 28, 1990

Effective Date: June 27, 1990



Mayor

ATTEST:



Deputy City Recorder