

Judge throws out Arkansas panhandling law

Astoria passed a similar ordinance

By **MATTHEW S. SCHWARTZ**
National Public Radio

When a panhandler approaches a car in the intersection — his hand out, his eyes wide — that physical interaction is protected by the First Amendment, a federal district judge ruled Monday when he threw out an Arkansas city's panhandling ban.

It's the latest such ban to be found unconstitutional since a 2015 U.S. Supreme Court decision made it harder for the government to pass laws regarding the content of speech. That case, *Reed v. Town of Gilbert*, had to do with regulating church signs, but courts around the country have cited the case as they strike down panhandling laws.

To contend with an increase in panhandling at busy intersections, the city of Hot Springs in 2016 passed an ordinance imposing "an absolute ban" on solicitation on streets or in medians. After the American Civil Liberties Union sued, the city repealed the ordinance, according to the Arkansas



AP Photo/Robert F. Bukaty

A man panhandles in the median strip on a street in Portland, Maine, in 2017.

Democrat-Gazette.

In 2017, the city passed a new version of the ordinance. This one eliminated all references to panhandling, and instead made it illegal for pedestrians or the occupant of a motor vehicle to "interact physically" while the engine was running on a public roadway.

But that language was still constitutionally problematic, Judge Robert Dawson wrote, because physical interactions can convey love, disgust, sympathy and myriad other emotions. "All people everywhere rou-

tinely communicate non-verbal messages through physical interaction, often without even noticing it," he said. "It is visceral and instinctive, and it is often the quickest way to communicate."

So banning physical interaction between pedestrians and the occupants of a vehicle clearly has free speech implications, the judge wrote. "The court can think of no reason why a pedestrian would intentionally attempt physical interaction with a motor vehicle or its occupants other

than to communicate a message."

"Putting your hand out expresses you need money," attorney Bettina Brownstein, who handled the case for the ACLU, told National Public Radio. "Unless they're obstructing your traffic, your car, or assaulting you in some way," the speech is protected, she said.

People in their cars may be uncomfortable when panhandlers approach but aren't truly being threatened, said Brownstein. And the First Amendment "takes precedence over everything" — even the right of people to feel comfort in their cars, she said.

"We respect the court's decision," Hot Springs attorney Brian Albright said via email. "However, the safety of pedestrians and motorists are still a concern for the city."

Albright said it's too early to say whether the city will appeal the ruling.

The Reed case "has placed literally every panhandling ordinance in the United States at least under risk," said First Amendment scholar Enrique Armijo, associate dean for academic affairs at Elon University School of Law.

Plenty of cities around the country have seen their pan-

handling laws struck down, Armijo said. Others have changed them to try to fit the new constitutional landscape. Hot Springs "did a better job than most cities with respect to defining the banned activity in a way that refers more to the conduct than the speech," said Armijo, who thinks the judge's ruling could be overturned on appeal.

"It reads the First Amendment a little too broadly, given precedent," he said.

Astoria on Monday approved an ordinance that makes it a \$75 traffic violation to give or take something from a car window while the vehicle is on the roadway.

City leaders said the ordinance, modeled after similar restrictions in other Oregon cities, is meant to improve traffic safety. But it was passed after complaints about panhandling outside a McDonald's drive-thru and near Safeway.

Oregon lawmakers take up a raft of new gun restrictions

By **JONATHAN LEVINSON**
Oregon Public Broadcasting

SALEM — The Oregon Senate Judiciary Committee heard public testimony Tuesday morning for an omnibus bill combining several proposed gun laws.

If passed, the bill would give firearms dealers the option of raising the minimum purchase age to between 18 and 21 and require firearms to be securely stored when not in use. Depending on the specifics, violations of the safe storage law could be a Class A violation, a Class B misdemeanor or a Class A misdemeanor.

The bill also places restrictions on the sale of unfinished and 3D-printed firearms — sometimes called "ghost guns." Other rules in the bill would add hospital reporting requirements for patients injured by firearms and would allow colleges and universities to ban firearms on campus.

Experts and advocates both for and against the legislation packed the Capitol hallways Tuesday and passed through tighter than usual security before heading to testify. Many people also submitted written comments on the omnibus bill.

Hilary Uhlig, a volunteer with the gun safety group Moms Demand Action, voiced their support for the Senate bill, and a similar piece of legislation in the House.

"Both bills will make great strides to prevent gun violence in Oregon and make Oregonians much safer," Uhlig told Oregon Public Broadcasting while waiting to enter the hearing hall.

The House held hearings on a separate bill that would refine a law passed last year that closed the so-called boyfriend loophole — a gap in federal law that prohibited convicted domestic abusers from owning a firearm but not did not apply to intimate partners so long as they didn't live or have children with their partners.

The crowd gathered at the Capitol was passionate, but cordial.

A few feet away from Uhlig, Scott Freshwaters was waiting to enter the hearing and reading a book called, "Navy SEAL Shooting." He had a message on his jacket that said "NRA — Stand and Fight." He pulled a second sticker from his breast pocket that said, "I will not comply."

Freshwaters said he had a "nice" conversation in the cafeteria with a supporter

of the bill but they avoided politics.

"Everybody on either side of the debate have good intentions," he said. "It's just some are misguided," he added with a laugh.

After the House hearing, Rep. Jennifer Williamson, D-Portland, the commit-

tee's chairwoman, said her colleagues are serious about gun safety.

"The chiefs and the sheriffs have been really involved in this as well," she said. "I appreciate everybody coming together and treating this like a public health issue."

WANTED
Alder and Maple Saw Logs & Standing Timber
Northwest Hardwoods • Longview, WA
Contact: John Anderson • 360-269-2500

Farm and garden supplies for pet owners, hobby farmers & serious gardeners

Fruit Trees & Roses 20% OFF
Valid until April 13, 2019

BRIM'S has GREAT TREATS!

"Flock Talk"
April 18, 6:00pm
Learn from the eggsperts
How to raise a healthy flock!
FREE - FAMILY FRIENDLY

SPECIAL ORDERS welcome!

FENCING
Voted **BEST Garden Center**

DEER-RESISTANT PLANTS
• Organic Potting Soils and Compost
• Pest and Disease Controls
• Bulk and Packaged Seeds

CHICKS!

2018 READERS CHOICE AWARDS

BRIM'S Farm & Garden

OPEN: MON-SAT 9AM-5:30PM
www.brimsfarmngarden.com

Consult a PROFESSIONAL

LEO FINZI
Astoria's Best.com
Microsoft REGISTERED Refurbisher
We Match All On-Line Prices!
Mon-Fri 10-6, Sat 11-4
503-325-2300

Q: How do I keep my computer safe for (from?) my grandchildren?

A: Click on the Windows icon, then Settings (the gear), then Accounts, then Family & other users, then Add a User, enter their email and password or click "I don't have their info...", then "Add a User without a Microsoft account," then enter their name and password (password can be left blank if desired).

For additional control over a young child, choose Add a Family member and select a Child account. Enter the appropriate information.

Steve Putman
Medicare Products
503-440-1076
Licensed in Oregon and Washington
putmanagency@gmail.com

Q: If I change my Medicare Part D plan during open enrollment when will my new plan start?

A: The Medicare Annual Enrollment Period runs from October 15th through December 7th to make a selection. The Effective Date for the new plan will be January 1, 2019.

JEFFREY M. LEINASSAR DMD, FAGD
LEINASSAR DENTAL EXCELLENCE
503/325-0310
1414 MARINE DRIVE, ASTORIA
www.smileastoria.com

Q: How does sensitive toothpaste work?

A: Imagine one of your teeth. It has two main sections: the crown above the gum line and the root below. People with sensitive teeth experience pain when their teeth are exposed to something hot, cold or when pressure is applied. The layer of enamel may be thinner and the gum line may have receded, exposing more dentin. Therefore, the recession makes teeth more sensitive. Sensitive toothpaste works by blocking the tubules in the dentine usually contain a chemical called strontium chloride. Repeated use builds up a strong barrier by plugging the tubules more and more, leading to less-sensitive teeth.

ASTORIA CHIROPRACTIC
Barry Sears, D.C.
503-325-3311
2935 Marine Drive Astoria, Oregon

Q: Will insurance cover chiropractic care for auto-related injuries?

A: Yes! Most insurance will cover chiropractic care without a referral from your primary care physician. Call us today for more information or to schedule your appointment. Now accepting new patients.

THE DAILY ASTORIAN
503-325-3211
www.dailyastorian.com
949 Exchange St. Astoria, OR

Q: I'm going out of town and need to stop my Daily Astorian newspaper. What are my options?

A: We have several different options for you if you are heading out of town. We can save your papers in a vacation pack and deliver them when you return. We can switch you to a Web subscription while you are away and you can read the paper online. You can have your delivery stopped and you can donate your missed newspapers to local schools. Whatever option fits your needs, just call our circulation department at 503-325-3211 and we will take care of it for you.

OREGON CAPITAL INSIDER
Get the inside scoop on state government and politics!
We're investing in Salem coverage when other news organizations are cutting back.
OregonCapitalInsider.com