

# House Bill 4021

Sponsored by Representative BARKER (at the request of Oregon Humane Society) (Pre-session filed.)

## 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**.

Requires Superintendent of State Police to commission employees of humane investigation agency as humane special agents under certain circumstances. Provides humane special agents engaged in enforcement of animal welfare laws with certain powers and protections provided to Oregon law enforcement officers.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to humane special agents; creating new provisions; amending ORS 133.005, 133.525, 133.721,  
3 133.726, 153.005, 161.015, 165.535, 181.010, 181.610, 609.652, 659A.320 and 686.450; and declaring  
4 an emergency.

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

6 **SECTION 1. (1) At the request of a humane investigation agency, the Superintendent of**  
7 **State Police shall commission a designated employee of the humane investigation agency as**  
8 **a humane special agent, if:**

9 (a) **The employee is certified, or is eligible for certification, as a police officer under the**  
10 **provisions of ORS 181.610 to 181.712; and**

11 (b) **The humane investigation agency furnishes to the superintendent a copy of an in-**  
12 **surance policy, purchased and maintained by the humane investigation agency, that the su-**  
13 **perintendent determines is sufficient to satisfy any tort claims or demands that arise out**  
14 **of an alleged act or omission of the employee occurring while the employee is engaged in**  
15 **enforcing animal welfare laws.**

16 (2) **Before granting a commission under this section, the superintendent may require the**  
17 **employee to take and subscribe to an oath of office to support the Constitution and laws of**  
18 **the United States and of the State of Oregon, and to honestly and faithfully perform the**  
19 **duties of a humane special agent.**

20 (3) **The superintendent shall suspend or revoke a commission granted under this section**  
21 **if the superintendent determines that:**

22 (a) **The certification of the employee as a police officer has lapsed or been revoked pur-**  
23 **suant to ORS 181.661, 181.662 and 181.664 (1), and has not been reissued under ORS 181.664**  
24 **(2);**

25 (b) **The employee has been separated from employment with the humane investigation**  
26 **agency; or**

27 (c) **The employee has abused the commission.**

28 (4) **When the superintendent suspends or revokes a commission granted under this sec-**  
29 **tion, the employee of the humane investigation agency is entitled only to an informal op-**  
30 **portunity to be heard by the superintendent, for the purposes of explaining any factual**

**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.

1 circumstances related to the suspension or revocation and attempting to persuade the su-  
 2 perintendent to reverse the decision to suspend or revoke the commission.

3 (5) Humane special agents commissioned under this section serve at the expense of the  
 4 humane investigation agency employing the agent.

5 (6) The superintendent may adopt rules to carry out the provisions of this section.

6 (7) As used in this section:

7 (a) "Animal welfare laws" includes ORS 164.055 (1)(e), 167.310 to 167.351, 167.352, 167.355,  
 8 167.360 to 167.372, 167.374, 167.376, 167.385, 167.388, 167.390 and 167.426 to 167.439.

9 (b) "Humane investigation agency" means a private, nonprofit animal care agency that  
 10 has maintained an animal welfare investigation department for at least five years and has  
 11 had officers employed as special agents under ORS 131.805.

12 **SECTION 2.** (1) A humane special agent shall work cooperatively with law enforcement  
 13 agencies in enforcing animal welfare laws and shall defer to the direction of a law enforce-  
 14 ment agency having jurisdiction over the commission of a violation of animal welfare laws.

15 (2) If a law enforcement agency requests assistance from a humane investigation agency  
 16 in investigating a violation of animal welfare laws, the humane investigation agency shall  
 17 provide assistance to the maximum extent the humane investigation agency determines is  
 18 possible.

19 (3) If a law enforcement agency or a humane investigation agency learns of an allegation  
 20 that a humane special agent has abused the agent's commission, or otherwise has reasonable  
 21 cause to believe that the commission of a humane special agent is subject to suspension or  
 22 revocation under section 1 (3) of this 2012 Act, the agency shall promptly notify the Super-  
 23 intendent of State Police.

24 (4)(a) The State of Oregon and its officers and employees are not liable for the acts or  
 25 omissions of a humane special agent.

26 (b) The humane investigation agency employing the humane special agent is liable for the  
 27 acts and omissions of the agent.

28 (5) As used in this section:

29 (a) "Animal welfare laws" and "humane investigation agency" have the meanings given  
 30 those terms in section 1 of this 2012 Act.

31 (b) "Humane special agent" means a person who is commissioned under section 1 of this  
 32 2012 Act and is engaged in the enforcement of animal welfare laws.

33 (c) "Law enforcement agency" includes the Department of State Police, a county sheriff's  
 34 office, a district attorney's office and a municipal police department.

35 **SECTION 3.** ORS 133.005 is amended to read:

36 133.005. As used in ORS 133.005 to 133.400 and 133.410 to 133.450, unless the context requires  
 37 otherwise:

38 (1) "Arrest" means to place a person under actual or constructive restraint or to take a person  
 39 into custody for the purpose of charging that person with an offense. A "stop" as authorized under  
 40 ORS 131.605 to 131.625 is not an arrest.

41 (2) "Federal officer" means a special agent or law enforcement officer employed by a federal  
 42 agency who is empowered to effect an arrest with or without a warrant for violations of the United  
 43 States Code and who is authorized to carry firearms in the performance of duty.

44 (3) "Peace officer" means:

45 (a) A member of the Oregon State Police;

1 (b) A sheriff, constable, marshal, municipal police officer or reserve officer or a police officer  
2 commissioned by a university under ORS 352.383;

3 (c) An investigator of a district attorney's office if the investigator is or has been certified as  
4 a peace officer in this or any other state;

5 (d) An investigator of the Criminal Justice Division of the Department of Justice of the State  
6 of Oregon;

7 **(e) A humane special agent as defined in section 2 of this 2012 Act; or**

8 [(e)] **(f)** An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws  
9 2011.

10 (4) "Reserve officer" means an officer or member of a law enforcement agency who is:

11 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,  
12 school district, mass transit district, county, county service district authorized to provide law  
13 enforcement services under ORS 451.010, the Criminal Justice Division of the Department of Justice,  
14 the Oregon State Lottery Commission or the Governor or a member of the Department of State  
15 Police;

16 (b) Armed with a firearm; and

17 (c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordi-  
18 nances relating to airport security.

19 **SECTION 4.** ORS 133.005, as amended by section 39, chapter 644, Oregon Laws 2011, is  
20 amended to read:

21 133.005. As used in ORS 133.005 to 133.400 and 133.410 to 133.450, unless the context requires  
22 otherwise:

23 (1) "Arrest" means to place a person under actual or constructive restraint or to take a person  
24 into custody for the purpose of charging that person with an offense. A "stop" as authorized under  
25 ORS 131.605 to 131.625 is not an arrest.

26 (2) "Federal officer" means a special agent or law enforcement officer employed by a federal  
27 agency who is empowered to effect an arrest with or without a warrant for violations of the United  
28 States Code and who is authorized to carry firearms in the performance of duty.

29 (3) "Peace officer" means:

30 (a) A member of the Oregon State Police;

31 (b) A sheriff, constable, marshal, municipal police officer or reserve officer or a police officer  
32 commissioned by a university under ORS 352.383;

33 (c) An investigator of a district attorney's office if the investigator is or has been certified as  
34 a peace officer in this or any other state; [or]

35 (d) An investigator of the Criminal Justice Division of the Department of Justice of the State  
36 of Oregon; **or**

37 **(e) A humane special agent as defined in section 2 of this 2012 Act.**

38 (4) "Reserve officer" means an officer or member of a law enforcement agency who is:

39 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,  
40 school district, mass transit district, county, county service district authorized to provide law  
41 enforcement services under ORS 451.010, the Criminal Justice Division of the Department of Justice,  
42 the Oregon State Lottery Commission or the Governor or a member of the Department of State  
43 Police;

44 (b) Armed with a firearm; and

45 (c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordi-

1 nances relating to airport security.

2 **SECTION 5.** ORS 133.525 is amended to read:

3 133.525. As used in ORS 133.525 to 133.703, unless the context requires otherwise:

4 (1) "Judge" means any judge of the circuit court, the Court of Appeals, the Supreme Court, any  
5 justice of the peace or municipal judge authorized to exercise the powers and perform the duties  
6 of a justice of the peace.

7 (2) "Police officer" means:

8 (a) A member of the Oregon State Police;

9 (b) A sheriff or municipal police officer, a police officer commissioned by a university under ORS  
10 352.383 or an authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011;

11 (c) An investigator of a district attorney's office if the investigator is or has been certified as  
12 a peace officer in this or any other state; [or]

13 (d) An investigator of the Criminal Justice Division of the Department of Justice; **or**

14 (e) **A humane special agent as defined in section 2 of this 2012 Act.**

15 **SECTION 6.** ORS 133.525, as amended by section 40, chapter 644, Oregon Laws 2011, is  
16 amended to read:

17 133.525. As used in ORS 133.525 to 133.703, unless the context requires otherwise:

18 (1) "Judge" means any judge of the circuit court, the Court of Appeals, the Supreme Court, any  
19 justice of the peace or municipal judge authorized to exercise the powers and perform the duties  
20 of a justice of the peace.

21 (2) "Police officer" means:

22 (a) A member of the Oregon State Police;

23 (b) A sheriff or municipal police officer or a police officer commissioned by a university under  
24 ORS 352.383;

25 (c) An investigator of a district attorney's office if the investigator is or has been certified as  
26 a peace officer in this or any other state; [or]

27 (d) An investigator of the Criminal Justice Division of the Department of Justice; **or**

28 (e) **A humane special agent as defined in section 2 of this 2012 Act.**

29 **SECTION 7.** ORS 133.721 is amended to read:

30 133.721. As used in ORS 41.910 and 133.721 to 133.739, unless the context requires otherwise:

31 (1) "Aggrieved person" means a person who was a party to any wire, electronic or oral com-  
32 munication intercepted under ORS 133.724 or 133.726 or a person against whom the interception was  
33 directed and who alleges that the interception was unlawful.

34 (2) "Contents," when used with respect to any wire, electronic or oral communication, includes  
35 any information concerning the identity of the parties to such communication or the existence,  
36 substance, purport or meaning of that communication.

37 (3) "Electronic communication" means any transfer of signs, signals, writing, images, sounds,  
38 data or intelligence of any nature transmitted in whole or in part by a radio, electromagnetic,  
39 photoelectronic or photo-optical system, or transmitted in part by wire, but does not include:

40 (a) Any oral communication or any communication that is completely by wire; or

41 (b) Any communication made through a tone-only paging device.

42 (4) "Electronic, mechanical or other device" means any device or apparatus that can be used  
43 to intercept a wire, electronic or oral communication other than:

44 (a) Any telephone or telegraph instrument, equipment or facility, or any component thereof that  
45 is furnished to the subscriber or user by a telecommunications carrier in the ordinary course of its

1 business and that is being used by the subscriber or user in the ordinary course of its business or  
2 being used by a telecommunications carrier in the ordinary course of its business, or by an investi-  
3 gative or law enforcement officer in the ordinary course of official duties; or

4 (b) A hearing aid or similar device being used to correct subnormal hearing to not better than  
5 normal.

6 (5) "Intercept" means the acquisition, by listening or recording, of the contents of any wire,  
7 electronic or oral communication through the use of any electronic, mechanical or other device.

8 (6) "Investigative or law enforcement officer" means:

9 (a) An officer or other person employed to investigate or enforce the law by:

10 (A) A county sheriff or municipal police department, or a police department established by a  
11 university under ORS 352.383;

12 (B) The Oregon State Police, the Department of Corrections, the Attorney General or a district  
13 attorney; or

14 (C) Law enforcement agencies of other states or the federal government;

15 **(b) A humane special agent as defined in section 2 of this 2012 Act;** or

16 ~~[(b)]~~ (c) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws  
17 2011.

18 (7) "Oral communication" means:

19 (a) Any oral communication, other than a wire or electronic communication, uttered by a person  
20 exhibiting an expectation that such communication is not subject to interception under circum-  
21 stances justifying such expectation; or

22 (b) An utterance by a person who is participating in a wire or electronic communication, if the  
23 utterance is audible to another person who, at the time the wire or electronic communication oc-  
24 curs, is in the immediate presence of the person participating in the communication.

25 (8) "Telecommunications carrier" means:

26 (a) A telecommunications utility as defined in ORS 759.005; or

27 (b) A cooperative corporation organized under ORS chapter 62 that provides telecommunications  
28 services.

29 (9) "Telecommunications service" has the meaning given that term in ORS 759.005.

30 (10) "Wire communication" means any communication made in whole or in part through the use  
31 of facilities for the transmission of communications by the aid of wire, cable or other like connection  
32 between the point of origin and the point of reception, whether furnished or operated by a public  
33 utility or privately owned or leased.

34 **SECTION 8.** ORS 133.721, as amended by section 70, chapter 644, Oregon Laws 2011, is  
35 amended to read:

36 133.721. As used in ORS 41.910 and 133.721 to 133.739, unless the context requires otherwise:

37 (1) "Aggrieved person" means a person who was a party to any wire, electronic or oral com-  
38 munication intercepted under ORS 133.724 or 133.726 or a person against whom the interception was  
39 directed and who alleges that the interception was unlawful.

40 (2) "Contents," when used with respect to any wire, electronic or oral communication, includes  
41 any information concerning the identity of the parties to such communication or the existence,  
42 substance, purport or meaning of that communication.

43 (3) "Electronic communication" means any transfer of signs, signals, writing, images, sounds,  
44 data or intelligence of any nature transmitted in whole or in part by a radio, electromagnetic,  
45 photoelectronic or photo-optical system, or transmitted in part by wire, but does not include:

1 (a) Any oral communication or any communication that is completely by wire; or

2 (b) Any communication made through a tone-only paging device.

3 (4) "Electronic, mechanical or other device" means any device or apparatus that can be used  
4 to intercept a wire, electronic or oral communication other than:

5 (a) Any telephone or telegraph instrument, equipment or facility, or any component thereof that  
6 is furnished to the subscriber or user by a telecommunications carrier in the ordinary course of its  
7 business and that is being used by the subscriber or user in the ordinary course of its business or  
8 being used by a telecommunications carrier in the ordinary course of its business, or by an investi-  
9 gative or law enforcement officer in the ordinary course of official duties; or

10 (b) A hearing aid or similar device being used to correct subnormal hearing to not better than  
11 normal.

12 (5) "Intercept" means the acquisition, by listening or recording, of the contents of any wire,  
13 electronic or oral communication through the use of any electronic, mechanical or other device.

14 (6) "Investigative or law enforcement officer" means:

15 (a) An officer or other person employed to investigate or enforce the law by:

16 [(a)] (A) A county sheriff or municipal police department, or a police department established by  
17 a university under ORS 352.383;

18 [(b)] (B) The Oregon State Police, the Department of Corrections, the Attorney General or a  
19 district attorney; or

20 [(c)] (C) Law enforcement agencies of other states or the federal government; **or**

21 **(b) A humane special agent as defined in section 2 of this 2012 Act.**

22 (7) "Oral communication" means:

23 (a) Any oral communication, other than a wire or electronic communication, uttered by a person  
24 exhibiting an expectation that such communication is not subject to interception under circum-  
25 stances justifying such expectation; or

26 (b) An utterance by a person who is participating in a wire or electronic communication, if the  
27 utterance is audible to another person who, at the time the wire or electronic communication oc-  
28 curs, is in the immediate presence of the person participating in the communication.

29 (8) "Telecommunications carrier" means:

30 (a) A telecommunications utility as defined in ORS 759.005; or

31 (b) A cooperative corporation organized under ORS chapter 62 that provides telecommunications  
32 services.

33 (9) "Telecommunications service" has the meaning given that term in ORS 759.005.

34 (10) "Wire communication" means any communication made in whole or in part through the use  
35 of facilities for the transmission of communications by the aid of wire, cable or other like connection  
36 between the point of origin and the point of reception, whether furnished or operated by a public  
37 utility or privately owned or leased.

38 **SECTION 9.** ORS 133.726 is amended to read:

39 133.726. (1) Notwithstanding ORS 133.724, under the circumstances described in this section, a  
40 law enforcement officer is authorized to intercept an oral communication to which the officer or a  
41 person under the direct supervision of the officer is a party, without obtaining an order for the in-  
42 terception of a wire, electronic or oral communication under ORS 133.724.

43 (2) For purposes of this section and ORS 133.736, a person is a party to an oral communication  
44 if the oral communication is made in the person's immediate presence and is audible to the person  
45 regardless of whether the communication is specifically directed to the person.

1 (3) An ex parte order for intercepting an oral communication in any county of this state under  
 2 this section may be issued by any judge as defined in ORS 133.525 upon written application made  
 3 upon oath or affirmation of the district attorney or a deputy district attorney authorized by the  
 4 district attorney for the county in which the order is sought or upon the oath or affirmation of any  
 5 peace officer as defined in ORS 133.005. The application shall include:

6 (a) The name of the applicant and the applicant's authority to make the application;

7 (b) A statement demonstrating that there is probable cause to believe that a person whose oral  
 8 communication is to be intercepted is engaged in committing, has committed or is about to commit  
 9 a particular felony, or a misdemeanor under ORS 167.007 or 167.008, and that intercepting the oral  
 10 communication will yield evidence thereof; and

11 (c) The identity of the person, if known, suspected of committing the crime and whose oral  
 12 communication is to be intercepted.

13 (4) The judge may require the applicant to furnish further testimony or documentary evidence  
 14 in support of the application.

15 (5) Upon examination of the application and evidence, the judge may enter an ex parte order,  
 16 as requested or as modified, authorizing or approving the interception of an oral communication  
 17 within the state if the judge determines on the basis of the facts submitted by the applicant that:

18 (a) There is probable cause to believe that a person is engaged in committing, has committed  
 19 or is about to commit a particular felony, or a misdemeanor under ORS 167.007 or 167.008; and

20 (b) There is probable cause to believe that the oral communication to be obtained will contain  
 21 evidence concerning that crime.

22 (6) An order authorizing or approving the interception of an oral communication under this  
 23 section must specify:

24 (a) The identity of the person, if known, whose oral communication is to be intercepted;

25 (b) A statement identifying the particular crime to which the oral communication is expected  
 26 to relate;

27 (c) The agency authorized under the order to intercept the oral communication;

28 (d) The name and office of the applicant and the signature and title of the issuing judge;

29 (e) A period of time after which the order shall expire; and

30 (f) A statement that the order authorizes only the interception of an oral communication to  
 31 which a law enforcement officer or a person under the direct supervision of a law enforcement of-  
 32 ficer is a party.

33 (7) An order under ORS 133.724 or this section is not required when a law enforcement officer  
 34 intercepts an oral communication to which the officer or a person under the direct supervision of  
 35 the officer is a party if the oral communication is made by a person whom the officer has probable  
 36 cause to believe has committed, is engaged in committing or is about to commit:

37 (a) A crime punishable as a felony under ORS 475.752, 475.806 to 475.894 or 475.906 or as a  
 38 misdemeanor under ORS 167.007 or 167.008; or

39 (b) Any other crime punishable as a felony if the circumstances at the time the oral communi-  
 40 cation is intercepted are of such exigency that it would be unreasonable to obtain a court order  
 41 under ORS 133.724 or this section.

42 (8) A law enforcement officer who intercepts an oral communication pursuant to this section  
 43 may not intentionally fail to record and preserve the oral communication in its entirety. A law  
 44 enforcement officer, or a person under the direct supervision of the officer, who is authorized under  
 45 this section to intercept an oral communication is not required to exclude from the interception an

1 oral communication made by a person for whom probable cause does not exist if the officer or the  
 2 person under the officer’s direct supervision is a party to the oral communication.

3 (9) A law enforcement officer may not divulge the contents of an oral communication intercepted  
 4 under this section before a preliminary hearing or trial in which an oral communication is going to  
 5 be introduced as evidence against a person except:

6 (a) To a superior officer or other official with whom the law enforcement officer is cooperating  
 7 in the enforcement of the criminal laws of this state or the United States;

8 (b) To a magistrate;

9 (c) In a presentation to a federal or state grand jury; or

10 (d) In compliance with a court order.

11 (10) A law enforcement officer may intercept an oral communication under this section only  
 12 when acting within the scope of the officer’s employment and as a part of assigned duties.

13 (11) As used in this section, “law enforcement officer” means:

14 (a) An officer employed to enforce criminal laws by:

15 (A) The United States, this state or a municipal government within this state;

16 (B) A political subdivision, agency, department or bureau of the governments described in sub-  
 17 paragraph (A) of this paragraph; or

18 (C) A police department established by a university under ORS 352.383;

19 **(b) A humane special agent as defined in section 2 of this 2012 Act;** or

20 ~~[(b)]~~ (c) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws  
 21 2011.

22 (12) Violation of subsection (9) of this section is a Class A misdemeanor.

23 **SECTION 10.** ORS 133.726, as amended by section 71, chapter 644, Oregon Laws 2011, is  
 24 amended to read:

25 133.726. (1) Notwithstanding ORS 133.724, under the circumstances described in this section, a  
 26 law enforcement officer is authorized to intercept an oral communication to which the officer or a  
 27 person under the direct supervision of the officer is a party, without obtaining an order for the in-  
 28 terception of a wire, electronic or oral communication under ORS 133.724.

29 (2) For purposes of this section and ORS 133.736, a person is a party to an oral communication  
 30 if the oral communication is made in the person’s immediate presence and is audible to the person  
 31 regardless of whether the communication is specifically directed to the person.

32 (3) An ex parte order for intercepting an oral communication in any county of this state under  
 33 this section may be issued by any judge as defined in ORS 133.525 upon written application made  
 34 upon oath or affirmation of the district attorney or a deputy district attorney authorized by the  
 35 district attorney for the county in which the order is sought or upon the oath or affirmation of any  
 36 peace officer as defined in ORS 133.005. The application shall include:

37 (a) The name of the applicant and the applicant’s authority to make the application;

38 (b) A statement demonstrating that there is probable cause to believe that a person whose oral  
 39 communication is to be intercepted is engaged in committing, has committed or is about to commit  
 40 a particular felony, or a misdemeanor under ORS 167.007 or 167.008, and that intercepting the oral  
 41 communication will yield evidence thereof; and

42 (c) The identity of the person, if known, suspected of committing the crime and whose oral  
 43 communication is to be intercepted.

44 (4) The judge may require the applicant to furnish further testimony or documentary evidence  
 45 in support of the application.

1 (5) Upon examination of the application and evidence, the judge may enter an ex parte order,  
 2 as requested or as modified, authorizing or approving the interception of an oral communication  
 3 within the state if the judge determines on the basis of the facts submitted by the applicant that:

4 (a) There is probable cause to believe that a person is engaged in committing, has committed  
 5 or is about to commit a particular felony, or a misdemeanor under ORS 167.007 or 167.008; and

6 (b) There is probable cause to believe that the oral communication to be obtained will contain  
 7 evidence concerning that crime.

8 (6) An order authorizing or approving the interception of an oral communication under this  
 9 section must specify:

10 (a) The identity of the person, if known, whose oral communication is to be intercepted;

11 (b) A statement identifying the particular crime to which the oral communication is expected  
 12 to relate;

13 (c) The agency authorized under the order to intercept the oral communication;

14 (d) The name and office of the applicant and the signature and title of the issuing judge;

15 (e) A period of time after which the order shall expire; and

16 (f) A statement that the order authorizes only the interception of an oral communication to  
 17 which a law enforcement officer or a person under the direct supervision of a law enforcement of-  
 18 ficer is a party.

19 (7) An order under ORS 133.724 or this section is not required when a law enforcement officer  
 20 intercepts an oral communication to which the officer or a person under the direct supervision of  
 21 the officer is a party if the oral communication is made by a person whom the officer has probable  
 22 cause to believe has committed, is engaged in committing or is about to commit:

23 (a) A crime punishable as a felony under ORS 475.752, 475.806 to 475.894 or 475.906 or as a  
 24 misdemeanor under ORS 167.007 or 167.008; or

25 (b) Any other crime punishable as a felony if the circumstances at the time the oral communi-  
 26 cation is intercepted are of such exigency that it would be unreasonable to obtain a court order  
 27 under ORS 133.724 or this section.

28 (8) A law enforcement officer who intercepts an oral communication pursuant to this section  
 29 may not intentionally fail to record and preserve the oral communication in its entirety. A law  
 30 enforcement officer, or a person under the direct supervision of the officer, who is authorized under  
 31 this section to intercept an oral communication is not required to exclude from the interception an  
 32 oral communication made by a person for whom probable cause does not exist if the officer or the  
 33 person under the officer's direct supervision is a party to the oral communication.

34 (9) A law enforcement officer may not divulge the contents of an oral communication intercepted  
 35 under this section before a preliminary hearing or trial in which an oral communication is going to  
 36 be introduced as evidence against a person except:

37 (a) To a superior officer or other official with whom the law enforcement officer is cooperating  
 38 in the enforcement of the criminal laws of this state or the United States;

39 (b) To a magistrate;

40 (c) In a presentation to a federal or state grand jury; or

41 (d) In compliance with a court order.

42 (10) A law enforcement officer may intercept an oral communication under this section only  
 43 when acting within the scope of the officer's employment and as a part of assigned duties.

44 (11) As used in this section, "law enforcement officer" means:

45 (a) An officer employed to enforce criminal laws by:

1 [(a)] (A) The United States, this state or a municipal government within this state;

2 [(b)] (B) A political subdivision, agency, department or bureau of the governments described in  
3 paragraph (a) of this subsection; or

4 [(c)] (C) A police department established by a university under ORS 352.383; or

5 **(b) A humane special agent as defined in section 2 of this 2012 Act.**

6 (12) Violation of subsection (9) of this section is a Class A misdemeanor.

7 **SECTION 11.** ORS 153.005 is amended to read:

8 153.005. As used in this chapter:

9 (1) "Enforcement officer" means:

10 (a) A member of the Oregon State Police.

11 (b) A sheriff or deputy sheriff.

12 (c) A city marshal or a member of the police of a city, municipal or quasi-municipal corporation.

13 (d) A police officer commissioned by a university under ORS 352.383.

14 (e) An investigator of a district attorney's office if the investigator is or has been certified as  
15 a peace officer in this or any other state.

16 (f) An investigator of the Criminal Justice Division of the Department of Justice of the State  
17 of Oregon.

18 (g) A Port of Portland peace officer.

19 **(h) A humane special agent as defined in section 2 of this 2012 Act.**

20 [(h)] (i) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws  
21 2011.

22 [(i)] (j) Any other person specifically authorized by law to issue citations for the commission of  
23 violations.

24 (2) "Traffic offense" has the meaning given that term in ORS 801.555.

25 (3) "Violation" means an offense described in ORS 153.008.

26 (4) "Violation proceeding" means a judicial proceeding initiated by issuance of a citation that  
27 charges a person with commission of a violation.

28 **SECTION 12.** ORS 153.005, as amended by section 45, chapter 644, Oregon Laws 2011, is  
29 amended to read:

30 153.005. As used in this chapter:

31 (1) "Enforcement officer" means:

32 (a) A member of the Oregon State Police.

33 (b) A sheriff or deputy sheriff.

34 (c) A city marshal or a member of the police of a city, municipal or quasi-municipal corporation.

35 (d) A police officer commissioned by a university under ORS 352.383.

36 (e) An investigator of a district attorney's office if the investigator is or has been certified as  
37 a peace officer in this or any other state.

38 (f) An investigator of the Criminal Justice Division of the Department of Justice of the State  
39 of Oregon.

40 (g) A Port of Portland peace officer.

41 **(h) A humane special agent as defined in section 2 of this 2012 Act.**

42 [(h)] (i) Any other person specifically authorized by law to issue citations for the commission  
43 of violations.

44 (2) "Traffic offense" has the meaning given that term in ORS 801.555.

45 (3) "Violation" means an offense described in ORS 153.008.

1 (4) "Violation proceeding" means a judicial proceeding initiated by issuance of a citation that  
 2 charges a person with commission of a violation.

3 **SECTION 13.** ORS 161.015 is amended to read:

4 161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635, unless the context requires  
 5 otherwise:

6 (1) "Dangerous weapon" means any weapon, device, instrument, material or substance which  
 7 under the circumstances in which it is used, attempted to be used or threatened to be used, is  
 8 readily capable of causing death or serious physical injury.

9 (2) "Deadly weapon" means any instrument, article or substance specifically designed for and  
 10 presently capable of causing death or serious physical injury.

11 (3) "Deadly physical force" means physical force that under the circumstances in which it is  
 12 used is readily capable of causing death or serious physical injury.

13 (4) "Peace officer" means:

14 (a) A member of the Oregon State Police;

15 (b) A sheriff, constable, marshal, municipal police officer or reserve officer as defined in ORS  
 16 133.005, or a police officer commissioned by a university under ORS 352.383;

17 (c) An investigator of the Criminal Justice Division of the Department of Justice or investigator  
 18 of a district attorney's office;

19 **(d) A humane special agent as defined in section 2 of this 2012 Act;**

20 [(d)] (e) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws  
 21 2011; and

22 [(e)] (f) Any other person designated by law as a peace officer.

23 (5) "Person" means a human being and, where appropriate, a public or private corporation, an  
 24 unincorporated association, a partnership, a government or a governmental instrumentality.

25 (6) "Physical force" includes, but is not limited to, the use of an electrical stun gun, tear gas  
 26 or mace.

27 (7) "Physical injury" means impairment of physical condition or substantial pain.

28 (8) "Serious physical injury" means physical injury which creates a substantial risk of death or  
 29 which causes serious and protracted disfigurement, protracted impairment of health or protracted  
 30 loss or impairment of the function of any bodily organ.

31 (9) "Possess" means to have physical possession or otherwise to exercise dominion or control  
 32 over property.

33 (10) "Public place" means a place to which the general public has access and includes, but is  
 34 not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting  
 35 rooms or apartments designed for actual residence, and highways, streets, schools, places of  
 36 amusement, parks, playgrounds and premises used in connection with public passenger transporta-  
 37 tion.

38 **SECTION 14.** ORS 161.015, as amended by section 46, chapter 644, Oregon Laws 2011, is  
 39 amended to read:

40 161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635, unless the context requires  
 41 otherwise:

42 (1) "Dangerous weapon" means any weapon, device, instrument, material or substance which  
 43 under the circumstances in which it is used, attempted to be used or threatened to be used, is  
 44 readily capable of causing death or serious physical injury.

45 (2) "Deadly weapon" means any instrument, article or substance specifically designed for and

1 presently capable of causing death or serious physical injury.

2 (3) "Deadly physical force" means physical force that under the circumstances in which it is  
3 used is readily capable of causing death or serious physical injury.

4 (4) "Peace officer" means:

5 (a) A member of the Oregon State Police;

6 (b) A sheriff, constable, marshal, municipal police officer or reserve officer as defined in ORS  
7 133.005, or a police officer commissioned by a university under ORS 352.383;

8 (c) An investigator of the Criminal Justice Division of the Department of Justice or investigator  
9 of a district attorney's office;

10 **(d) A humane special agent as defined in section 2 of this 2012 Act;** and

11 [(d)] **(e)** Any other person designated by law as a peace officer.

12 (5) "Person" means a human being and, where appropriate, a public or private corporation, an  
13 unincorporated association, a partnership, a government or a governmental instrumentality.

14 (6) "Physical force" includes, but is not limited to, the use of an electrical stun gun, tear gas  
15 or mace.

16 (7) "Physical injury" means impairment of physical condition or substantial pain.

17 (8) "Serious physical injury" means physical injury which creates a substantial risk of death or  
18 which causes serious and protracted disfigurement, protracted impairment of health or protracted  
19 loss or impairment of the function of any bodily organ.

20 (9) "Possess" means to have physical possession or otherwise to exercise dominion or control  
21 over property.

22 (10) "Public place" means a place to which the general public has access and includes, but is  
23 not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting  
24 rooms or apartments designed for actual residence, and highways, streets, schools, places of  
25 amusement, parks, playgrounds and premises used in connection with public passenger transporta-  
26 tion.

27 **SECTION 15.** ORS 165.535 is amended to read:

28 165.535. As used in ORS 41.910, 133.723, 133.724, 165.540 and 165.545:

29 (1) "Conversation" means the transmission between two or more persons of an oral communi-  
30 cation which is not a telecommunication or a radio communication.

31 (2) "Person" has the meaning given that term in ORS 174.100 and includes:

32 (a) Public officials and law enforcement officers of:

33 (A) The state and of a county, municipal corporation or any other political subdivision of the  
34 state; and

35 (B) A police department established by a university under ORS 352.383;

36 **(b) A humane special agent as defined in section 2 of this 2012 Act;** and

37 [(b)] **(c)** An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws  
38 2011.

39 (3) "Radio communication" means the transmission by radio or other wireless methods of writ-  
40 ing, signs, signals, pictures and sounds of all kinds, including all instrumentalities, facilities, equip-  
41 ment and services (including, among other things, the receipt, forwarding and delivering of  
42 communications) incidental to such transmission.

43 (4) "Telecommunication" means the transmission of writing, signs, signals, pictures and sounds  
44 of all kinds by aid of wire, cable or other similar connection between the points of origin and re-  
45 ception of such transmission, including all instrumentalities, facilities, equipment and services (in-

cluding, among other things, the receipt, forwarding and delivering of communications) incidental to such transmission.

**SECTION 16.** ORS 165.535, as amended by section 74, chapter 644, Oregon Laws 2011, is amended to read:

165.535. As used in ORS 41.910, 133.723, 133.724, 165.540 and 165.545:

(1) "Conversation" means the transmission between two or more persons of an oral communication which is not a telecommunication or a radio communication.

(2) "Person" has the meaning given that term in ORS 174.100 and includes:

(a) Public officials and law enforcement officers of:

[(a)] (A) The state and of a county, municipal corporation or any other political subdivision of the state; and

[(b)] (B) A police department established by a university under ORS 352.383; and

**(b) A humane special agent as defined in section 2 of this 2012 Act.**

(3) "Radio communication" means the transmission by radio or other wireless methods of writing, signs, signals, pictures and sounds of all kinds, including all instrumentalities, facilities, equipment and services (including, among other things, the receipt, forwarding and delivering of communications) incidental to such transmission.

(4) "Telecommunication" means the transmission of writing, signs, signals, pictures and sounds of all kinds by aid of wire, cable or other similar connection between the points of origin and reception of such transmission, including all instrumentalities, facilities, equipment and services (including, among other things, the receipt, forwarding and delivering of communications) incidental to such transmission.

**SECTION 17.** ORS 181.010 is amended to read:

181.010. As used in ORS 181.010 to 181.560 and 181.715 to 181.730, unless the context requires otherwise:

(1) "Criminal justice agency" means:

(a) The Governor;

(b) Courts of criminal jurisdiction;

(c) The Attorney General;

(d) District attorneys, city attorneys with criminal prosecutorial functions, attorney employees of the office of public defense services and nonprofit public defender organizations established under contract with the Public Defense Services Commission;

(e) Law enforcement agencies;

(f) The Department of Corrections;

(g) The Oregon Youth Authority;

(h) The State Board of Parole and Post-Prison Supervision;

(i) The Department of Public Safety Standards and Training;

(j) Regional information systems that share programs to track, identify and remove cross-jurisdictional criminal and terrorist conspiracies; and

(k) Any other state or local agency with law enforcement authority.

(2) "Criminal offender information" includes records and related data as to physical description and vital statistics, fingerprints received and compiled for purposes of identifying criminal offenders and alleged offenders, records of arrests and the nature and disposition of criminal charges, including sentencing, confinement, parole and release.

(3) "Department" means the Department of State Police established under ORS 181.020.

1 (4) “Deputy superintendent” means the Deputy Superintendent of State Police appointed under  
2 ORS 181.220.

3 (5) “Designated agency” means any state, county or municipal government agency where Oregon  
4 criminal offender information is required to implement a federal or state statute, executive order  
5 or administrative rule that expressly refers to criminal conduct and contains requirements or ex-  
6 clusions expressly based on such conduct or for agency employment purposes, licensing purposes or  
7 other demonstrated and legitimate needs when designated by order of the Governor.

8 (6) “Disposition report” means a form or process prescribed or furnished by the department,  
9 containing a description of the ultimate action taken subsequent to an arrest.

10 (7) “Law enforcement agency” means:

11 (a) County sheriffs, municipal police departments, police departments established by a university  
12 under ORS 352.383 and State Police;

13 (b) Other police officers of this state or another state, **including humane special agents as**  
14 **defined in section 2 of this 2012 Act;**

15 (c) A tribal government as defined in section 1, chapter 644, Oregon Laws 2011, that employs  
16 authorized tribal police officers as defined in section 1, chapter 644, Oregon Laws 2011; and

17 (d) Law enforcement agencies of the federal government.

18 (8) “State police” means the sworn members of the state police force appointed under ORS  
19 181.250.

20 (9) “Superintendent” means the Superintendent of State Police appointed under ORS 181.200.

21 **SECTION 18.** ORS 181.010, as amended by section 49, chapter 644, Oregon Laws 2011, is  
22 amended to read:

23 181.010. As used in ORS 181.010 to 181.560 and 181.715 to 181.730, unless the context requires  
24 otherwise:

25 (1) “Criminal justice agency” means:

26 (a) The Governor;

27 (b) Courts of criminal jurisdiction;

28 (c) The Attorney General;

29 (d) District attorneys, city attorneys with criminal prosecutorial functions, attorney employees  
30 of the office of public defense services and nonprofit public defender organizations established under  
31 contract with the Public Defense Services Commission;

32 (e) Law enforcement agencies;

33 (f) The Department of Corrections;

34 (g) The Oregon Youth Authority;

35 (h) The State Board of Parole and Post-Prison Supervision;

36 (i) The Department of Public Safety Standards and Training;

37 (j) Regional information systems that share programs to track, identify and remove cross-  
38 jurisdictional criminal and terrorist conspiracies; and

39 (k) Any other state or local agency with law enforcement authority.

40 (2) “Criminal offender information” includes records and related data as to physical description  
41 and vital statistics, fingerprints received and compiled for purposes of identifying criminal offenders  
42 and alleged offenders, records of arrests and the nature and disposition of criminal charges, includ-  
43 ing sentencing, confinement, parole and release.

44 (3) “Department” means the Department of State Police established under ORS 181.020.

45 (4) “Deputy superintendent” means the Deputy Superintendent of State Police appointed under

1 ORS 181.220.

2 (5) "Designated agency" means any state, county or municipal government agency where Oregon  
3 criminal offender information is required to implement a federal or state statute, executive order  
4 or administrative rule that expressly refers to criminal conduct and contains requirements or ex-  
5 clusions expressly based on such conduct or for agency employment purposes, licensing purposes or  
6 other demonstrated and legitimate needs when designated by order of the Governor.

7 (6) "Disposition report" means a form or process prescribed or furnished by the department,  
8 containing a description of the ultimate action taken subsequent to an arrest.

9 (7) "Law enforcement agency" means:

10 (a) County sheriffs, municipal police departments, police departments established by a university  
11 under ORS 352.383 and State Police;

12 (b) Other police officers of this state or another state, **including humane special agents as**  
13 **defined in section 2 of this 2012 Act;** and

14 (c) Law enforcement agencies of the federal government.

15 (8) "State police" means the sworn members of the state police force appointed under ORS  
16 181.250.

17 (9) "Superintendent" means the Superintendent of State Police appointed under ORS 181.200.

18 **SECTION 19.** ORS 181.610 is amended to read:

19 181.610. In ORS 181.610 to 181.712, unless the context requires otherwise:

20 (1) "Abuse" has the meaning given the term in ORS 107.705.

21 (2) "Board" means the Board on Public Safety Standards and Training appointed pursuant to  
22 ORS 181.620.

23 (3) "Certified reserve officer" means a reserve officer who has been designated by a local law  
24 enforcement unit, has received training necessary for certification and has met the minimum stan-  
25 dards and training requirements established under ORS 181.640.

26 (4) "Commissioned" means being authorized to perform various acts or duties of a police officer  
27 or certified reserve officer and acting under the supervision and responsibility of a county sheriff  
28 or as otherwise provided by law.

29 (5) "Corrections officer" means an officer or member employed full-time by a law enforcement  
30 unit who:

31 (a) Is charged with and primarily performs the duty of custody, control or supervision of indi-  
32 viduals convicted of or arrested for a criminal offense and confined in a place of incarceration or  
33 detention other than a place used exclusively for incarceration or detention of juveniles; or

34 (b) Has been certified as a corrections officer described in paragraph (a) of this subsection and  
35 has supervisory or management authority for corrections officers described in paragraph (a) of this  
36 subsection.

37 (6) "Department" means the Department of Public Safety Standards and Training.

38 (7) "Director" means the Director of the Department of Public Safety Standards and Training.

39 (8) "Domestic violence" means abuse between family or household members.

40 (9) "Emergency medical dispatcher" means a person who has responsibility to process requests  
41 for medical assistance from the public or to dispatch medical care providers.

42 (10) "Family or household members" has the meaning given that term in ORS 107.705.

43 (11) "Fire service professional" means a paid or volunteer firefighter, an officer or a member  
44 of a public or private fire protection agency that is engaged primarily in fire investigation, fire  
45 prevention, fire safety, fire control or fire suppression or providing emergency medical services, light

1 and heavy rescue services, search and rescue services or hazardous materials incident response.  
 2 “Fire service professional” does not mean forest fire protection agency personnel.

3 (12) “Law enforcement unit” means:

4 (a) A police force or organization of the state, a city, university that has established a police  
 5 department under ORS 352.383, port, school district, mass transit district, county, county service  
 6 district authorized to provide law enforcement services under ORS 451.010, tribal government as  
 7 defined in section 1, chapter 644, Oregon Laws 2011, that employs authorized tribal police officers  
 8 as defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the De-  
 9 partment of Justice, the Department of Corrections, the Oregon State Lottery Commission or com-  
 10 mon carrier railroad the primary duty of which, as prescribed by law, ordinance or directive, is one  
 11 or more of the following:

12 (A) Detecting crime and enforcing the criminal laws of this state or laws or ordinances relating  
 13 to airport security;

14 (B) The custody, control or supervision of individuals convicted of or arrested for a criminal  
 15 offense and confined to a place of incarceration or detention other than a place used exclusively for  
 16 incarceration or detention of juveniles; or

17 (C) The control, supervision and reformation of adult offenders placed on parole or sentenced  
 18 to probation and investigation of adult offenders on parole or probation or being considered for  
 19 parole or probation;

20 (b) A police force or organization of a private entity with a population of more than 1,000 resi-  
 21 dents in an unincorporated area the employees of which are commissioned by a county sheriff;

22 (c) A district attorney’s office; or

23 (d) *[A private, nonprofit animal care agency that has maintained an animal welfare investigation*  
 24 *department for at least five years and has had officers commissioned as special agents by the*  
 25 *Governor]* **A humane investigation agency as defined in section 1 of this 2012 Act.**

26 (13) “Parole and probation officer” means:

27 (a) An officer who is employed full-time by the Department of Corrections, a county or a court  
 28 and who is charged with and performs the duty of:

29 (A) Community protection by controlling, investigating, supervising and providing or making  
 30 referrals to reformative services for adult parolees or probationers or offenders on post-prison  
 31 supervision; or

32 (B) Investigating adult offenders on parole or probation or being considered for parole or pro-  
 33 bation; or

34 (b) An officer who:

35 (A) Is certified and has been employed as a full-time parole and probation officer for more than  
 36 one year;

37 (B) Is employed part-time by the Department of Corrections, a county or a court; and

38 (C) Is charged with and performs the duty of:

39 (i) Community protection by controlling, investigating, supervising and providing or making re-  
 40 ferrals to reformative services for adult parolees or probationers or offenders on post-prison super-  
 41 vision; or

42 (ii) Investigating adult offenders on parole or probation or being considered for parole or pro-  
 43 bation.

44 (14) “Police officer” means an officer, member or employee of a law enforcement unit employed  
 45 full-time as a peace officer who is:

1 (a)(A) Commissioned by a city, port, school district, mass transit district, county, county service  
 2 district authorized to provide law enforcement services under ORS 451.010, tribal government as  
 3 defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the Depart-  
 4 ment of Justice, the Oregon State Lottery Commission, a university that has established a police  
 5 department under ORS 352.383, the Governor or the Department of State Police; and

6 (B) Responsible for enforcing the criminal laws of this state or laws or ordinances relating to  
 7 airport security; or

8 (b) An investigator of a district attorney’s office if the investigator is or has been certified as  
 9 a peace officer in this or another state [or is], an authorized tribal police officer as defined in sec-  
 10 tion 1, chapter 644, Oregon Laws 2011, **or a humane special agent commissioned under section**  
 11 **1 of this 2012 Act.**

12 (15) “Public or private safety agency” means a unit of state or local government, a special pur-  
 13 pose district or a private firm that provides, or has authority to provide, fire fighting, police, am-  
 14 bulance or emergency medical services.

15 (16) “Public safety personnel” and “public safety officer” include corrections officers, youth  
 16 correction officers, emergency medical dispatchers, parole and probation officers, police officers,  
 17 certified reserve officers, telecommunicators and fire service professionals.

18 (17) “Reserve officer” means an officer or member of a law enforcement unit who is:

19 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,  
 20 school district, mass transit district, county, county service district authorized to provide law  
 21 enforcement services under ORS 451.010, tribal government as defined in section 1, chapter 644,  
 22 Oregon Laws 2011, the Criminal Justice Division of the Department of Justice, the Oregon State  
 23 Lottery Commission, a university that has established a police department under ORS 352.383, the  
 24 Governor or the Department of State Police;

25 (b) Armed with a firearm; and

26 (c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordi-  
 27 nances relating to airport security.

28 (18) “Telecommunicator” means a person employed as an emergency telephone worker as de-  
 29 fined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing  
 30 and transmitting public safety information received through a 9-1-1 emergency reporting system as  
 31 defined in ORS 403.105.

32 (19) “Youth correction officer” means an employee of the Oregon Youth Authority who is  
 33 charged with and primarily performs the duty of custody, control or supervision of youth offenders  
 34 confined in a youth correction facility.

35 **SECTION 20.** ORS 181.610, as amended by section 50, chapter 644, Oregon Laws 2011, is  
 36 amended to read:

37 181.610. In ORS 181.610 to 181.712, unless the context requires otherwise:

38 (1) “Abuse” has the meaning given the term in ORS 107.705.

39 (2) “Board” means the Board on Public Safety Standards and Training appointed pursuant to  
 40 ORS 181.620.

41 (3) “Certified reserve officer” means a reserve officer who has been designated by a local law  
 42 enforcement unit, has received training necessary for certification and has met the minimum stan-  
 43 dards and training requirements established under ORS 181.640.

44 (4) “Commissioned” means being authorized to perform various acts or duties of a police officer  
 45 or certified reserve officer and acting under the supervision and responsibility of a county sheriff

1 or as otherwise provided by law.

2 (5) "Corrections officer" means an officer or member employed full-time by a law enforcement  
3 unit who:

4 (a) Is charged with and primarily performs the duty of custody, control or supervision of indi-  
5 viduals convicted of or arrested for a criminal offense and confined in a place of incarceration or  
6 detention other than a place used exclusively for incarceration or detention of juveniles; or

7 (b) Has been certified as a corrections officer described in paragraph (a) of this subsection and  
8 has supervisory or management authority for corrections officers described in paragraph (a) of this  
9 subsection.

10 (6) "Department" means the Department of Public Safety Standards and Training.

11 (7) "Director" means the Director of the Department of Public Safety Standards and Training.

12 (8) "Domestic violence" means abuse between family or household members.

13 (9) "Emergency medical dispatcher" means a person who has responsibility to process requests  
14 for medical assistance from the public or to dispatch medical care providers.

15 (10) "Family or household members" has the meaning given that term in ORS 107.705.

16 (11) "Fire service professional" means a paid or volunteer firefighter, an officer or a member  
17 of a public or private fire protection agency that is engaged primarily in fire investigation, fire  
18 prevention, fire safety, fire control or fire suppression or providing emergency medical services, light  
19 and heavy rescue services, search and rescue services or hazardous materials incident response.  
20 "Fire service professional" does not mean forest fire protection agency personnel.

21 (12) "Law enforcement unit" means:

22 (a) A police force or organization of the state, a city, university that has established a police  
23 department under ORS 352.383, port, school district, mass transit district, county, county service  
24 district authorized to provide law enforcement services under ORS 451.010, tribal government, the  
25 Criminal Justice Division of the Department of Justice, the Department of Corrections, the Oregon  
26 State Lottery Commission or common carrier railroad the primary duty of which, as prescribed by  
27 law, ordinance or directive, is one or more of the following:

28 (A) Detecting crime and enforcing the criminal laws of this state or laws or ordinances relating  
29 to airport security;

30 (B) The custody, control or supervision of individuals convicted of or arrested for a criminal  
31 offense and confined to a place of incarceration or detention other than a place used exclusively for  
32 incarceration or detention of juveniles; or

33 (C) The control, supervision and reformation of adult offenders placed on parole or sentenced  
34 to probation and investigation of adult offenders on parole or probation or being considered for  
35 parole or probation;

36 (b) A police force or organization of a private entity with a population of more than 1,000 resi-  
37 dents in an unincorporated area the employees of which are commissioned by a county sheriff;

38 (c) A district attorney's office; or

39 (d) [A *private, nonprofit animal care agency that has maintained an animal welfare investigation*  
40 *department for at least five years and has had officers commissioned as special agents by the*  
41 *Governor*] **A humane investigation agency as defined in section 1 of this 2012 Act.**

42 (13) "Parole and probation officer" means:

43 (a) An officer who is employed full-time by the Department of Corrections, a county or a court  
44 and who is charged with and performs the duty of:

45 (A) Community protection by controlling, investigating, supervising and providing or making

1 referrals to reformative services for adult parolees or probationers or offenders on post-prison  
 2 supervision; or

3 (B) Investigating adult offenders on parole or probation or being considered for parole or pro-  
 4 bation; or

5 (b) An officer who:

6 (A) Is certified and has been employed as a full-time parole and probation officer for more than  
 7 one year;

8 (B) Is employed part-time by the Department of Corrections, a county or a court; and

9 (C) Is charged with and performs the duty of:

10 (i) Community protection by controlling, investigating, supervising and providing or making re-  
 11 ferrals to reformative services for adult parolees or probationers or offenders on post-prison super-  
 12 vision; or

13 (ii) Investigating adult offenders on parole or probation or being considered for parole or pro-  
 14 bation.

15 (14) "Police officer" means an officer, member or employee of a law enforcement unit employed  
 16 full-time as a peace officer who is:

17 (a)(A) Commissioned by a city, port, school district, mass transit district, county, county service  
 18 district authorized to provide law enforcement services under ORS 451.010, tribal government, the  
 19 Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a  
 20 university that has established a police department under ORS 352.383, the Governor or the De-  
 21 partment of State Police; and

22 (B) Responsible for enforcing the criminal laws of this state or laws or ordinances relating to  
 23 airport security; or

24 (b) An investigator of a district attorney's office if the investigator is or has been certified as  
 25 a peace officer in this or another state **or a humane special agent commissioned under section**  
 26 **1 of this 2012 Act.**

27 (15) "Public or private safety agency" means a unit of state or local government, a special pur-  
 28 pose district or a private firm that provides, or has authority to provide, fire fighting, police, am-  
 29 bulance or emergency medical services.

30 (16) "Public safety personnel" and "public safety officer" include corrections officers, youth  
 31 correction officers, emergency medical dispatchers, parole and probation officers, police officers,  
 32 certified reserve officers, telecommunicators and fire service professionals.

33 (17) "Reserve officer" means an officer or member of a law enforcement unit who is:

34 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,  
 35 school district, mass transit district, county, county service district authorized to provide law  
 36 enforcement services under ORS 451.010, tribal government, the Criminal Justice Division of the  
 37 Department of Justice, the Oregon State Lottery Commission, a university that has established a  
 38 police department under ORS 352.383, the Governor or the Department of State Police;

39 (b) Armed with a firearm; and

40 (c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordi-  
 41 nances relating to airport security.

42 (18) "Telecommunicator" means a person employed as an emergency telephone worker as de-  
 43 fined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing  
 44 and transmitting public safety information received through a 9-1-1 emergency reporting system as  
 45 defined in ORS 403.105.

1 (19) "Youth correction officer" means an employee of the Oregon Youth Authority who is  
2 charged with and primarily performs the duty of custody, control or supervision of youth offenders  
3 confined in a youth correction facility.

4 **SECTION 21.** ORS 609.652 is amended to read:

5 609.652. As used in ORS 609.654:

6 (1)(a) "Aggravated animal abuse" means any animal abuse as described in ORS 167.322.

7 (b) "Aggravated animal abuse" does not include:

8 (A) Good animal husbandry, as defined in ORS 167.310; or

9 (B) Any exemption listed in ORS 167.335.

10 (2) "Law enforcement agency" means:

11 (a) Any city or municipal police department.

12 (b) A police department established by a university under ORS 352.383.

13 (c) Any county sheriff's office.

14 (d) The Oregon State Police.

15 (e) A law enforcement division of a county or municipal animal control agency that employs  
16 sworn officers.

17 **(f) A humane investigation agency as defined in section 1 of this 2012 Act that employs**  
18 **humane special agents commissioned under section 1 of this 2012 Act.**

19 (3) "Public or private official" means:

20 (a) A physician, including any intern or resident.

21 (b) A dentist.

22 (c) A school employee.

23 (d) A licensed practical nurse or registered nurse.

24 (e) An employee of the Department of Human Services, Oregon Health Authority, State Com-  
25 mission on Children and Families, Child Care Division of the Employment Department, the Oregon  
26 Youth Authority, a county health department, a community mental health program, a community  
27 developmental disabilities program, a county juvenile department, a licensed child-caring agency or  
28 an alcohol and drug treatment program.

29 (f) A peace officer.

30 (g) A psychologist.

31 (h) A member of the clergy.

32 (i) A regulated social worker.

33 (j) An optometrist.

34 (k) A chiropractor.

35 (L) A certified provider of foster care, or an employee thereof.

36 (m) An attorney.

37 (n) A naturopathic physician.

38 (o) A licensed professional counselor.

39 (p) A licensed marriage and family therapist.

40 (q) A firefighter or emergency medical services provider.

41 (r) A court appointed special advocate, as defined in ORS 419A.004.

42 (s) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.

43 (t) A member of the Legislative Assembly.

44 **SECTION 22.** ORS 659A.320 is amended to read:

45 659A.320. (1) Except as provided in subsection (2) of this section, it is an unlawful employment

1 practice for an employer to obtain or use for employment purposes information contained in the  
 2 credit history of an applicant for employment or an employee, or to refuse to hire, discharge, de-  
 3 mote, suspend, retaliate or otherwise discriminate against an applicant or an employee with regard  
 4 to promotion, compensation or the terms, conditions or privileges of employment based on informa-  
 5 tion in the credit history of the applicant or employee.

6 (2) Subsection (1) of this section does not apply to:

7 (a) Employers that are federally insured banks or credit unions;

8 (b) Employers that are required by state or federal law to use individual credit history for em-  
 9 ployment purposes;

10 (c) The application for employment or the employment of a public safety officer who will be or  
 11 who is:

12 (A) A member of a law enforcement unit;

13 (B) Employed as a peace officer commissioned by a city, port, school district, mass transit dis-  
 14 trict, county, university under ORS 352.383, Indian reservation, **the Superintendent of State Police**  
 15 **under section 1 of this 2012 Act**, the Criminal Justice Division of the Department of Justice, the  
 16 Oregon State Lottery Commission or the Governor; and

17 (C) Responsible for enforcing the criminal laws of this state or laws or ordinances related to  
 18 airport security; or

19 (d) The obtainment or use by an employer of information in the credit history of an applicant  
 20 or employee because the information is substantially job-related and the employer's reasons for the  
 21 use of such information are disclosed to the employee or prospective employee in writing.

22 (3) An employee or an applicant for employment may file a complaint under ORS 659A.820 for  
 23 violations of this section and may bring a civil action under ORS 659A.885 and recover the relief  
 24 as provided by ORS 659A.885 (1) and (2).

25 (4) As used in this section, "credit history" means any written or other communication of any  
 26 information by a consumer reporting agency that bears on a consumer's creditworthiness, credit  
 27 standing or credit capacity.

28 **SECTION 23.** ORS 686.450 is amended to read:

29 686.450. As used in ORS 686.450 to 686.465 and 686.990 (3):

30 (1)(a) "Aggravated animal abuse" means any animal abuse as described in ORS 167.322.

31 (b) "Aggravated animal abuse" does not include:

32 (A) Good animal husbandry, as defined in ORS 167.310; or

33 (B) Any exemption listed in ORS 167.335.

34 (2) "Law enforcement agency" means:

35 (a) Any city or municipal police department.

36 (b) A police department established by a university under ORS 352.383.

37 (c) Any county sheriff's office.

38 (d) The Oregon State Police.

39 (e) A law enforcement division of a humane society in Oregon that employs special agents au-  
 40 thorized under ORS 131.805 **or humane special agents commissioned under section 1 of this**  
 41 **2012 Act.**

42 (f) A law enforcement division of a county or municipal animal control agency that employs  
 43 sworn officers.

44 (3) "Veterinarian" means a person licensed to practice veterinary medicine under ORS chapter  
 45 686.

1        **SECTION 22.** This 2012 Act being necessary for the immediate preservation of the public  
2        peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect  
3        on its passage.

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