

# House Bill 3406

Sponsored by Representative GORSEK

## 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 law enforcement agency that employs police officer involved in use of deadly force, or officer who is victim of violence, to provide officer with paid leave, mental health support resources and other care after incident.

Requires felony charge against involved officer to be first heard in preliminary hearing rather than grand jury proceeding.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1 Relating to police officers; and declaring an emergency.

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

3 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS 181.610 to**  
4 **181.712.**

5 **SECTION 2. (1) The law enforcement agency that employs an involved officer, as defined**  
6 **in ORS 181.789, or a police officer who is the victim of violence, shall provide the officer with**  
7 **paid leave, mental health support resources and other care after an incident described in**  
8 **ORS 181.789 (1) or the act of violence of which the officer is a victim.**

9 **(2) The resources made available pursuant to this section are in addition to any resources**  
10 **made available to officers under other provisions of law.**

11 **SECTION 3. Section 2 of this 2015 Act applies to incidents described in ORS 181.789 (1)**  
12 **or acts of violence against police officers that occur on or after the effective date of this 2015**  
13 **Act.**

14 **SECTION 4. (1)(a) If a district attorney believes that the official conduct or official order**  
15 **of an involved officer as defined in ORS 181.789 constitutes a crime punishable as a felony,**  
16 **the district attorney shall file an information against the involved officer in circuit court**  
17 **and, except as provided in paragraph (b) of this subsection, shall proceed to charge the of-**  
18 **fense in a preliminary hearing.**

19 **(b) The involved officer may waive preliminary hearing.**

20 **(2) The preliminary hearing required under this section is in lieu of a grand jury pro-**  
21 **ceeding.**

22 **(3) ORS 135.175 and 135.185 apply to a preliminary hearing held pursuant to this section.**

23 **SECTION 5. Section 4 of this 2015 Act applies to official conduct or official orders of in-**  
24 **involved officers that occur on or after the effective date of this 2015 Act.**

25 **SECTION 6. This 2015 Act being necessary for the immediate preservation of the public**  
26 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
27 **on its passage.**

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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.