

# D R A F T

## SUMMARY

Discontinues commissions of humane special agents. Becomes operative January 1, 2020.

Takes effect on 91st day after adjournment sine die.

### A BILL FOR AN ACT

1  
2 Relating to humane special agents; creating new provisions; amending ORS  
3 131.915, 133.005, 133.525, 153.005, 161.015, 167.305, 167.350, 181A.010,  
4 181A.355, 181A.490, 609.652, 659A.320 and 686.450; repealing ORS 181A.340  
5 and 181A.345; and prescribing an effective date.

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

7 **SECTION 1. (1) On January 1, 2020, all commissions issued by the**  
8 **Superintendent of State Police to employees of humane investigation**  
9 **agencies as humane special agents shall terminate.**

10 **(2) Except as provided in subsection (4) of this section, a humane**  
11 **investigation agency that is in possession of an animal seized by a**  
12 **humane special agent shall, no later than January 31, 2020, contact a**  
13 **law enforcement agency having jurisdiction over the location where**  
14 **the animal was seized. The law enforcement agency, after an oppor-**  
15 **tunity for comment by the humane investigation agency, shall deter-**  
16 **mine an appropriate placement for the animal. This subsection does**  
17 **not prohibit a law enforcement agency from agreeing to continue**  
18 **placement of the animal with the humane investigation agency.**

19 **(3) A person whose commission as a humane special agent termi-**  
20 **nates under subsection (1) of this section may, prior to January 1, 2020,**

1 **deliver to the Superintendent of State Police any investigative mate-**  
2 **rials or records developed by the person while commissioned as a hu-**  
3 **mane special agent. The superintendent may take charge of any**  
4 **investigative materials or records provided under this subsection and**  
5 **may utilize the investigative materials and records as the superinten-**  
6 **dent deems appropriate. Investigative materials and records delivered**  
7 **by a humane special agent to the superintendent prior to January 1,**  
8 **2020, shall retain their status as investigative materials and records**  
9 **of a law enforcement agency.**

10 **(4) Subsections (1) to (3) of this section do not affect any special**  
11 **agents employed by the Governor under ORS 131.805 to enforce animal**  
12 **welfare laws. If the Governor employs a humane investigation agency**  
13 **employee to be a special agent for the purpose of enforcing animal**  
14 **welfare laws, and the employment as special agent takes effect prior**  
15 **to January 31, 2020, subsection (2) of this section does not apply to the**  
16 **humane investigation agency.**

17 **SECTION 2.** ORS 131.915 is amended to read:

18 131.915. As used in ORS 131.915 to 131.925:

19 (1) "Law enforcement agency" means:

20 (a) The Department of State Police;

21 (b) The Department of Justice;

22 (c) A district attorney's office; and

23 (d) Any of the following that maintains a law enforcement unit as defined  
24 in ORS 181A.355:

25 (A) A political subdivision or an instrumentality of the State of Oregon.

26 (B) A municipal corporation of the State of Oregon.

27 (C) A tribal government.

28 (D) A university.

29 (2) "Law enforcement officer" means:

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

31 (b) A sheriff, constable, marshal, municipal police officer or reserve offi-

1 cer or a police officer commissioned by a university under ORS 352.121 or  
2 353.125;

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

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

7 [(e) *A humane special agent as defined in ORS 181A.345;*]

8 [(f)] (e) A judicial marshal of the Security and Emergency Preparedness  
9 Office of the Judicial Department who is appointed under ORS 1.177 and  
10 trained pursuant to ORS 181A.540;

11 [(g)] (f) A regulatory specialist exercising authority described in ORS  
12 471.775 (2); or

13 [(h)] (g) An authorized tribal police officer as defined in ORS 181A.680.

14 (3) "Profiling" means the targeting of an individual by a law enforcement  
15 agency or a law enforcement officer, on suspicion of the individual's having  
16 violated a provision of law, based solely on the individual's real or perceived  
17 age, race, ethnicity, color, national origin, language, sex, gender identity,  
18 sexual orientation, political affiliation, religion, homelessness or disability,  
19 unless the agency or officer is acting on a suspect description or information  
20 related to an identified or suspected violation of a provision of law.

21 (4) "Sexual orientation" has the meaning given that term in ORS 174.100.

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

23 133.005. As used in ORS 133.005 to 133.400 and 133.410 to 133.450, unless  
24 the context requires otherwise:

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

29 (2) "Federal officer" means a special agent or law enforcement officer  
30 employed by a federal agency who is empowered to effect an arrest with or  
31 without a warrant for violations of the United States Code and who is au-

1 thorized to carry firearms in the performance of duty.

2 (3) "Peace officer" means:

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

4 (b) A sheriff, constable, marshal, municipal police officer or reserve offi-  
5 cer or a police officer commissioned by a university under ORS 352.121 or  
6 353.125;

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

9 (d) An investigator of the Criminal Justice Division of the Department  
10 of Justice of the State of Oregon;

11 [(e) A humane special agent as defined in ORS 181A.345;]

12 [(f)] (e) A regulatory specialist exercising authority described in ORS  
13 471.775 (2);

14 [(g)] (f) An authorized tribal police officer as defined in ORS 181A.680;  
15 or

16 [(h)] (g) A judicial marshal appointed under ORS 1.177 who is trained  
17 pursuant to ORS 181A.540.

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

20 (a) A volunteer or employed less than full-time as a peace officer com-  
21 missioned by a city, port, school district, mass transit district, county,  
22 county service district authorized to provide law enforcement services under  
23 ORS 451.010, the Criminal Justice Division of the Department of Justice, the  
24 Oregon State Lottery Commission or the Governor or a member of the De-  
25 partment of State Police;

26 (b) Armed with a firearm; and

27 (c) Responsible for enforcing the criminal laws and traffic laws of this  
28 state or laws or ordinances relating to airport security.

29 **SECTION 4.** ORS 133.525 is amended to read:

30 133.525. As used in ORS 133.525 to 133.703, unless the context requires  
31 otherwise:

1 (1) “Judge” means any judge of the circuit court, the Court of Appeals,  
2 the Supreme Court, any justice of the peace or municipal judge authorized  
3 to exercise the powers and perform the duties of a justice of the peace.

4 (2) “Police officer” means:

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

6 (b) A sheriff or municipal police officer, a police officer commissioned by  
7 a university under ORS 352.121 or 353.125 or an authorized tribal police of-  
8 ficer as defined in ORS 181A.680;

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

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

13 [*(e) A humane special agent as defined in ORS 181A.345; or*]

14 [*(f)*] (e) A regulatory specialist exercising authority described in ORS  
15 471.775 (2).

16 **SECTION 5.** ORS 153.005 is amended to read:

17 153.005. As used in this chapter:

18 (1) “Enforcement officer” means:

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

20 (b) A sheriff or deputy sheriff.

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

23 (d) A police officer commissioned by a university under ORS 352.121 or  
24 353.125.

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

27 (f) An investigator of the Criminal Justice Division of the Department of  
28 Justice of the State of Oregon.

29 (g) A Port of Portland peace officer.

30 [*(h) A humane special agent as defined in ORS 181A.345.*]

31 [*(i)*] (h) A regulatory specialist exercising authority described in ORS

1 471.775 (2).

2 [(j)] (i) An authorized tribal police officer as defined in ORS 181A.680.

3 [(k)] (j) Any other person specifically authorized by law to issue citations  
4 for the commission of violations.

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

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

7 (4) "Violation proceeding" means a judicial proceeding initiated by issu-  
8 ance of a citation that charges a person with commission of a violation.

9 **SECTION 6.** ORS 161.015 is amended to read:

10 161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635, un-  
11 less the context requires otherwise:

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

16 (2) "Deadly weapon" means any instrument, article or substance specif-  
17 ically designed for and presently capable of causing death or serious physical  
18 injury.

19 (3) "Deadly physical force" means physical force that under the circum-  
20 stances in which it is used is readily capable of causing death or serious  
21 physical injury.

22 (4) "Peace officer" means:

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

24 (b) A sheriff, constable, marshal, municipal police officer or reserve offi-  
25 cer as defined in ORS 133.005, or a police officer commissioned by a univer-  
26 sity under ORS 352.121 or 353.125;

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

29 [(d) *A humane special agent as defined in ORS 181A.345;*]

30 [(e)] (d) A regulatory specialist exercising authority described in ORS  
31 471.775 (2);

1 [(f)] (e) An authorized tribal police officer as defined in ORS 181A.680;  
2 and

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

4 (5) "Person" means a human being and, where appropriate, a public or  
5 private corporation, an unincorporated association, a partnership, a govern-  
6 ment or a governmental instrumentality.

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

9 (7) "Physical injury" means impairment of physical condition or substan-  
10 tial pain.

11 (8) "Serious physical injury" means physical injury which creates a sub-  
12 stantial risk of death or which causes serious and protracted disfigurement,  
13 protracted impairment of health or protracted loss or impairment of the  
14 function of any bodily organ.

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

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

23 **SECTION 7.** ORS 167.305 is amended to read:

24 167.305. The Legislative Assembly finds and declares that:

25 (1) Animals are sentient beings capable of experiencing pain, stress and  
26 fear;

27 (2) Animals should be cared for in ways that minimize pain, stress, fear  
28 and suffering;

29 (3) The suffering of animals can be mitigated by expediting the disposition  
30 of abused animals that would otherwise languish in cages while their de-  
31 fendant owners await trial;

1 (4) The suffering of animals at the hands of unlicensed animal rescue or-  
2 ganizations that are unable to provide sufficient food and care for the ani-  
3 mals can be reduced by requiring such organizations to comply with  
4 regulations;

5 (5) The State of Oregon has an interest in facilitating the mitigation of  
6 costs of care incurred by a government agency[, *a humane investigation*  
7 *agency or its agent*] or a person that provides treatment for impounded ani-  
8 mals;

9 (6) A government agency[, *a humane investigation agency or its agent*] or  
10 a person that provides care and treatment for impounded or seized animals:

11 (a) Has an interest in mitigating the costs of the care and treatment in  
12 order to ensure the swift and thorough rehabilitation of the animals; and

13 (b) May mitigate the costs of the care and treatment through funding that  
14 is separate from, and in addition to, any recovery of reasonable costs that  
15 a court orders a defendant to pay while a forfeiture proceeding is pending  
16 or subsequent to a conviction;

17 (7) Use of preconviction civil remedies is not an affront to the  
18 presumption of innocence; and

19 (8) Amendments to current law are needed to ensure that interested par-  
20 ties are afforded adequate notice and an opportunity to be heard and thus  
21 cannot unduly delay or impede animal lien foreclosure and preconviction  
22 forfeiture processes through unfounded due process claims.

23 **SECTION 8.** ORS 167.350 is amended to read:

24 167.350. (1)(a) In addition to and not in lieu of any other sentence it may  
25 impose, a court may require a defendant convicted under ORS 167.315 to  
26 167.333, 167.340, 167.355 or 167.365 to forfeit any rights of the defendant in  
27 the animal subjected to the violation, and to repay the reasonable costs in-  
28 curred by a government agency[, *a humane investigation agency or its agent*]  
29 or a person prior to judgment in caring for each animal associated with the  
30 criminal proceeding.

31 (b) If a government agency [*or a humane investigation agency or its*



1 *agent*] provides care and treatment for impounded or seized animals, a court  
2 that orders a defendant to repay reasonable costs of care under paragraph  
3 (a) of this subsection may not reduce the incurred cost amount based on the  
4 agency having received donations or other funding for the care.

5 (2)(a) When the court orders the defendant's rights in the animal to be  
6 forfeited, the court may further order that those rights be given over to an  
7 appropriate person or agency demonstrating a willingness to accept and care  
8 for the animal or to the county or an appropriate animal care agency for  
9 further disposition in accordance with accepted practices for humane treat-  
10 ment of animals. The court may not transfer the defendant's rights in the  
11 animal to any person who resides with the defendant.

12 (b) This subsection does not limit the right of the person or agency to  
13 whom rights are granted to resell or otherwise make disposition of the ani-  
14 mal. A transfer of rights under this subsection constitutes a transfer of  
15 ownership. The court shall require a person to whom rights are granted to  
16 execute an agreement to provide minimum care to the animal. The agreement  
17 must indicate that allowing the defendant to possess the animal constitutes  
18 a crime.

19 (3) In addition to and not in lieu of any other sentence it may impose, a  
20 court may order the owner or person having custody of an animal to repay  
21 any reasonable costs incurred by a government agency[, *a humane investi-*  
22 *gation agency or its agent*] or a person in providing minimum care to the  
23 animal that are not included in a repayment order under subsection (1) of  
24 this section.

25 (4) A court may order a person convicted under ORS 167.315 to 167.333,  
26 167.340, 167.355, 167.365 or 167.428 to participate in available animal cruelty  
27 prevention programs or education programs, or both, or to obtain psycho-  
28 logical counseling for treatment of mental health disorders that, in the  
29 court's judgment, contributed to the commission of the crime. The person  
30 shall bear any costs incurred by the person for participation in counseling  
31 or treatment programs under this subsection.

1 (5) ORS 131.550 to 131.600 do not apply to the forfeiture of an animal  
2 subjected to a violation of ORS 167.315 to 167.333, 167.340, 167.355, 167.365  
3 or 167.428. Any such animal is subject to forfeiture as provided in sub-  
4 sections (1) to (3) of this section or, if the animal is a fighting bird, as pro-  
5 vided in ORS 167.435.

6 **SECTION 9.** ORS 181A.010 is amended to read:

7 181A.010. As used in ORS 181A.010 to 181A.350, unless the context re-  
8 quires otherwise:

9 (1) “Criminal justice agency” means:

10 (a) The Governor;

11 (b) Courts of criminal jurisdiction;

12 (c) The Attorney General;

13 (d) District attorneys, city attorneys with criminal prosecutorial func-  
14 tions, attorney employees of the office of public defense services and  
15 nonprofit public defender organizations established under contract with the  
16 Public Defense Services Commission;

17 (e) Law enforcement agencies;

18 (f) The Department of Corrections;

19 (g) The Oregon Youth Authority;

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

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

22 (j) The enforcement division of the Oregon Liquor Control Commission  
23 in performing duties related to investigating and enforcing the criminal laws  
24 of this state that the commission is charged to enforce;

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

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

28 (2) “Criminal offender information” includes records and related data as  
29 to physical description and vital statistics, fingerprints received and com-  
30 piled for purposes of identifying criminal offenders and alleged offenders,  
31 records of arrests and the nature and disposition of criminal charges, in-

1 cluding sentencing, confinement, parole and release.

2 (3) "Department" means the Department of State Police established under  
3 ORS 181A.015.

4 (4) "Deputy superintendent" means the Deputy Superintendent of State  
5 Police appointed under ORS 181A.035.

6 (5) "Designated agency" means any state, county or municipal government  
7 agency where Oregon criminal offender information is required to implement  
8 a federal or state statute, executive order or administrative rule that ex-  
9 pressly refers to criminal conduct and contains requirements or exclusions  
10 expressly based on such conduct or for agency employment purposes, licens-  
11 ing purposes or other demonstrated and legitimate needs when designated  
12 by order of the Governor.

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

16 (7) "Law enforcement agency" means:

17 (a) County sheriffs, municipal police departments, police departments es-  
18 tablished by a university under ORS 352.121 or 353.125 and state police;

19 (b) Other police officers of this state or another state[, *including humane*  
20 *special agents as defined in ORS 181A.345*];

21 (c) A tribal government as defined in ORS 181A.680 that employs author-  
22 ized tribal police officers as defined in ORS 181A.680; and

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

24 (8) "State police" means the sworn members of the state police force ap-  
25 pointed under ORS 181A.050.

26 (9) "Superintendent" means the Superintendent of State Police appointed  
27 under ORS 181A.030.

28 **SECTION 10.** ORS 181A.355 is amended to read:

29 181A.355. As used in ORS 181A.355 to 181A.670, unless the context re-  
30 quires otherwise:

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

1 (2) "Board" means the Board on Public Safety Standards and Training  
2 appointed pursuant to ORS 181A.360.

3 (3) "Certified reserve officer" means a reserve officer who has been des-  
4 ignated by a local law enforcement unit, has received training necessary for  
5 certification and has met the minimum standards and training requirements  
6 established under ORS 181A.410.

7 (4) "Commissioned" means being authorized to perform various acts or  
8 duties of a police officer, certified reserve officer or reserve officer and act-  
9 ing under the supervision and responsibility of a county sheriff or as other-  
10 wise provided by law.

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

13 (a) Is charged with and primarily performs the duty of custody, control  
14 or supervision of individuals convicted of or arrested for a criminal offense  
15 and confined in a place of incarceration or detention other than a place used  
16 exclusively for incarceration or detention of juveniles; or

17 (b) Has been certified as a corrections officer described in paragraph (a)  
18 of this subsection and has supervisory or management authority for cor-  
19 rections officers described in paragraph (a) of this subsection.

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

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

24 (8) "Domestic violence" means abuse between family or household mem-  
25 bers.

26 (9) "Emergency medical dispatcher" means a person who has responsibil-  
27 ity to process requests for medical assistance from the public or to dispatch  
28 medical care providers.

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

31 (11) "Fire service professional" means a paid or volunteer firefighter, an

1 officer or a member of a public or private fire protection agency that is en-  
2 gaged primarily in fire investigation, fire prevention, fire safety, fire control  
3 or fire suppression or providing emergency medical services, light and heavy  
4 rescue services, search and rescue services or hazardous materials incident  
5 response. “Fire service professional” does not mean forest fire protection  
6 agency personnel.

7 (12) “Law enforcement unit” means:

8 (a) A police force or organization of the state, a city, university that has  
9 established a police department under ORS 352.121 or 353.125, port, school  
10 district, mass transit district, county, county service district authorized to  
11 provide law enforcement services under ORS 451.010, tribal government as  
12 defined in ORS 181A.680 that employs authorized tribal police officers as  
13 defined in ORS 181A.680, the Criminal Justice Division of the Department  
14 of Justice, the Department of Corrections, the Oregon State Lottery Com-  
15 mission, the Security and Emergency Preparedness Office of the Judicial  
16 Department or common carrier railroad the primary duty of which, as pre-  
17 scribed by law, ordinance or directive, is one or more of the following:

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

20 (B) The custody, control or supervision of individuals convicted of or ar-  
21 rested for a criminal offense and confined to a place of incarceration or de-  
22 tention other than a place used exclusively for incarceration or detention  
23 of juveniles; or

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

27 (b) A police force or organization of a private entity with a population  
28 of more than 1,000 residents in an unincorporated area the employees of  
29 which are commissioned by a county sheriff;

30 (c) A district attorney’s office; **or**

31 (d) The Oregon Liquor Control Commission with regard to regulatory

1 specialists.[; or]

2 [(e) *A humane investigation agency as defined in ORS 181A.340.*]

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

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

6 (A) Community protection by controlling, investigating, supervising and  
7 providing or making referrals to reformatory services for adult parolees or  
8 probationers or offenders on post-prison supervision; or

9 (B) Investigating adult offenders on parole or probation or being consid-  
10 ered for parole or probation; or

11 (b) An officer who:

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

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

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

17 (i) Community protection by controlling, investigating, supervising and  
18 providing or making referrals to reformatory services for adult parolees or  
19 probationers or offenders on post-prison supervision; or

20 (ii) Investigating adult offenders on parole or probation or being consid-  
21 ered for parole or probation.

22 (14) “Police officer” means:

23 (a) An officer, member or employee of a law enforcement unit employed  
24 full-time as a peace officer who is:

25 (A) Commissioned by a city, port, school district, mass transit district,  
26 county, county service district authorized to provide law enforcement ser-  
27 vices under ORS 451.010, tribal government as defined in ORS 181A.680, the  
28 Criminal Justice Division of the Department of Justice, the Oregon State  
29 Lottery Commission, a university that has established a police department  
30 under ORS 352.121 or 353.125, the Governor or the Department of State Po-  
31 lice; and

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

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

5 [(c) *A humane special agent commissioned under ORS 181A.340;*]

6 [(d)] (c) A judicial marshal appointed under ORS 1.177 who is trained  
7 pursuant to ORS 181A.540; or

8 [(e)] (d) An authorized tribal police officer as defined in ORS 181A.680.

9 (15) "Public or private safety agency" means a unit of state or local gov-  
10 ernment, a special purpose district or a private firm that provides, or has  
11 authority to provide, fire fighting, police, ambulance or emergency medical  
12 services.

13 (16) "Public safety personnel" and "public safety officer" include cor-  
14 rections officers, youth correction officers, emergency medical dispatchers,  
15 parole and probation officers, police officers, certified reserve officers, re-  
16 serve officers, telecommunicators, regulatory specialists and fire service  
17 professionals.

18 (17) "Regulatory specialist" has the meaning given that term in ORS  
19 471.001.

20 (18) "Reserve officer" means an officer or member of a law enforcement  
21 unit who is:

22 (a) A volunteer or employed less than full-time as a peace officer com-  
23 missioned by a city, port, school district, mass transit district, county,  
24 county service district authorized to provide law enforcement services under  
25 ORS 451.010, tribal government as defined in ORS 181A.680, the Criminal  
26 Justice Division of the Department of Justice, the Oregon State Lottery  
27 Commission, a university that has established a police department under  
28 ORS 352.121 or 353.125, the Governor or the Department of State Police;

29 (b) Armed with a firearm; and

30 (c) Responsible for enforcing the criminal laws and traffic laws of this  
31 state or laws or ordinances relating to airport security.

1 (19) “Telecommunicator” means a person employed as an emergency com-  
2 munications worker as defined in ORS 243.736 or a public safety dispatcher  
3 whose primary duties are receiving, processing and transmitting public safety  
4 information received through the emergency communications system as de-  
5 fined in ORS 403.105.

6 (20) “Youth correction officer” means an employee of the Oregon Youth  
7 Authority who is charged with and primarily performs the duty of custody,  
8 control or supervision of youth offenders confined in a youth correction fa-  
9 cility.

10 **SECTION 11.** ORS 609.652 is amended to read:

11 609.652. As used in ORS 609.654:

12 (1)(a) “Aggravated animal abuse” means any animal abuse as described  
13 in ORS 167.322.

14 (b) “Aggravated animal abuse” does not include:

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

16 (B) Any exemption listed in ORS 167.335.

17 (2) “Law enforcement agency” means:

18 (a) Any city or municipal police department.

19 (b) A police department established by a university under ORS 352.121 or  
20 353.125.

21 (c) Any county sheriff’s office.

22 (d) The Oregon State Police.

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

25 [(f) *A humane investigation agency as defined in ORS 181A.340 that em-*  
26 *ployes humane special agents commissioned under ORS 181A.340.*]

27 (3) “Public or private official” means:

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

29 (b) A dentist.

30 (c) A school employee.

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



1 (e) An employee of the Department of Human Services, Oregon Health  
2 Authority, Early Learning Division, Youth Development Division, Office of  
3 Child Care, the Oregon Youth Authority, a local health department, a com-  
4 munity mental health program, a community developmental disabilities pro-  
5 gram, a county juvenile department, a child-caring agency as defined in ORS  
6 418.205 or an alcohol and drug treatment program.

7 (f) A peace officer.

8 (g) A psychologist.

9 (h) A member of the clergy.

10 (i) A regulated social worker.

11 (j) An optometrist.

12 (k) A chiropractor.

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

14 (m) An attorney.

15 (n) A naturopathic physician.

16 (o) A licensed professional counselor.

17 (p) A licensed marriage and family therapist.

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

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

20 (s) A child care provider registered or certified under ORS 329A.030 and  
21 329A.250 to 329A.450.

22 (t) A member of the Legislative Assembly.

23 **SECTION 12.** ORS 659A.320 is amended to read:

24 659A.320. (1) Except as provided in subsection (2) of this section, it is an  
25 unlawful employment practice for an employer to obtain or use for employ-  
26 ment purposes information contained in the credit history of an applicant for  
27 employment or an employee, or to refuse to hire, discharge, demote, suspend,  
28 retaliate or otherwise discriminate against an applicant or an employee with  
29 regard to promotion, compensation or the terms, conditions or privileges of  
30 employment based on information in the credit history of the applicant or  
31 employee.

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

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

3 (b) Employers that are required by state or federal law to use individual  
4 credit history for employment purposes;

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

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

8 (B) Employed as a peace officer commissioned by a city, port, school dis-  
9 trict, mass transit district, county, university under ORS 352.121 or 353.125,  
10 Indian reservation, [*the Superintendent of State Police under ORS*  
11 *181A.340,*] the Criminal Justice Division of the Department of Justice, the  
12 Oregon State Lottery Commission or the Governor or employed as a regula-  
13 tory specialist by the Oregon Liquor Control Commission; and

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

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

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

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

27 **SECTION 13.** ORS 686.450 is amended to read:

28 686.450. As used in ORS 686.450 to 686.465 and 686.990 (3):

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

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

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

2 (B) Any exemption listed in ORS 167.335.

3 (2) “Law enforcement agency” means:

4 (a) Any city or municipal police department.

5 (b) A police department established by a university under ORS 352.121 or  
6 353.125.

7 (c) Any county sheriff’s office.

8 (d) The Oregon State Police.

9 *[(e) A law enforcement division of a humane society in Oregon that employs*  
10 *special agents authorized under ORS 131.805 or humane special agents com-*  
11 *missioned under ORS 181A.340.]*

12 *[(f)] (e) A law enforcement division of a county or municipal animal*  
13 *control agency that employs sworn officers.*

14 (3) “Veterinarian” means a person licensed to practice veterinary medi-  
15 cine under ORS chapter 686.

16 **SECTION 14.** ORS 181A.490 is amended to read:

17 181A.490. (1) Except for a person who has requested and obtained an ex-  
18 tension from the Department of Public Safety Standards and Training pur-  
19 suant to subsection (2) of this section, a person may not be employed as a  
20 police officer, or utilized as a certified reserve officer, by a law enforcement  
21 unit for more than 18 months unless the person:

22 (a)(A) Is a citizen of the United States; or

23 (B) Is a nonimmigrant legally admitted to the United States under a  
24 Compact of Free Association; and

25 (b) Has been certified as being qualified as a police officer or certified  
26 reserve officer under the provisions of ORS 181A.355 to 181A.670 and the  
27 certification has not lapsed or been revoked pursuant to ORS 181A.630,  
28 181A.640 and 181A.650 (1) and not been reissued under ORS 181A.650 (2).

29 (2) The department, upon the facts contained in an affidavit accompanying  
30 the request for an extension, may find good cause for failure to obtain cer-  
31 tification within the time period described in subsection (1) of this section.

1 If the department finds that there is good cause for failure to timely obtain  
2 certification, the department may extend for up to one year the period that  
3 a person may serve as a police officer or reserve officer without certification.  
4 The grant or denial of an extension is within the sole discretion of the de-  
5 partment.

6 (3) Except as provided in subsection (4) of this section, a person employed  
7 as a police officer by a law enforcement unit shall commence the training  
8 necessary for certification under ORS 181A.355 to 181A.670 at an academy  
9 operated by the department not later than the 90th day after the date of the  
10 officer's employment by the law enforcement unit.

11 (4) A law enforcement unit may delay the commencement of training of  
12 a police officer for up to 120 days from the date of the officer's employment  
13 when it considers the delay necessary. When a law enforcement unit delays  
14 commencement of a police officer's training under this subsection, the law  
15 enforcement unit shall file a written statement of the law enforcement unit's  
16 reasons with the department.

17 (5) When a delay in the commencement of training necessary for certi-  
18 fication under ORS 181A.355 to 181A.670 at an academy operated by the de-  
19 partment is caused by the inability of the department, for any reason, to  
20 provide that training, the period of the delay may not be counted as part of  
21 the periods set forth in subsections (3) and (4) of this section within which  
22 the training must be commenced.

23 (6) A person utilized as a certified reserve officer by a law enforcement  
24 unit must complete the training necessary for certification under ORS  
25 181A.355 to 181A.670 at a site approved by the department.

26 *[(7) Notwithstanding any other provision of law, the law enforcement unit*  
27 *described in ORS 181A.355 (12)(e) shall bear the expense of training necessary*  
28 *for certification under ORS 181A.355 to 181A.670.]*

29 **SECTION 15. ORS 181A.340 and 181A.345 are repealed.**

30 **SECTION 16. The repeal of ORS 181A.340 and 181A.345 by section 15**  
31 **of this 2019 Act and the amendments to ORS 131.915, 133.005, 133.525,**

1 153.005, 161.015, 167.305, 167.350, 181A.010, 181A.355, 181A.490, 609.652,  
2 659A.320 and 686.450 by sections 2 to 14 of this 2019 Act become opera-  
3 tive on January 1, 2020.

4 SECTION 17. This 2019 Act takes effect on the 91st day after the  
5 date on which the 2019 regular session of the Eightieth Legislative  
6 Assembly adjourns sine die.

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