



Oregon

Kate Brown, Governor

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DATE: March 19, 2019

TO: Senate Business and General Government Committee
Chuck Riley, Chair
Fred Girod, Vice-Chair
Michael Dembrow
Mark Hass
Alan Olsen

FROM: Linsay Hale, Professional Standards Division Director

SUBJECT: Senate Bill 855

Summary: SB 855 would require professional licensing boards to develop pathways to licensure, certification or other authorization for persons who are noncitizens.

Effect of SB 855 on the BPSST/DPSST: The Department of Public Safety Standards and Training (DPSST), in consultation with the Board on Public Safety Standards and Training (BPSST), is responsible for the certification and licensure for Oregon's nearly 42,000 public and private safety providers. The DPSST/BPSST regulatory constituency includes law enforcement officers (police, corrections, parole & probation and OLCC regulatory specialists), telecommunicators (9-1-1), emergency medical dispatchers, criminal justice instructors, fire service professionals, private security providers, private investigators and polygraph examiners.

The statutes that govern the employment and certification of law enforcement officers includes some prohibitions that may directly conflict with the intent of this bill. Specifically:

- ORS 181A.490: Prohibits a person from being employed by a law enforcement unit as a **police officer**, or **certified reserve officer** for more than 18 months unless the person is a citizen of the United States or is a nonimmigrant legally admitted to the United States under a Compact of Free Association (COFA).
- ORS 181A.520: Prohibits a person from being employed by a law enforcement unit as a **corrections officer** for more than 12 months unless the person is a citizen of the United States or is a nonimmigrant legally admitted to the United States under a COFA.
- ORS 181A.530: Prohibits a person from being employed by a law enforcement unit as a **parole and probation officer** for more than 18 months unless the person is a citizen of the United States or is a nonimmigrant legally admitted to the United States under a COFA.
- ORS 181A.550: Prohibits a person from being employed by the Oregon Liquor Control Commission as a **regulatory specialist** for more than 18 months unless the person is a citizen of the United States.

The DPSST/BPSST could, in essence, comply with the provisions of this bill by establishing the prescribed pathways noncitizens to earn certification or licensure in any of the above listed law

enforcement disciplines. However, a noncitizen would be prohibited by law from continuing employment in this capacity unless they become U.S. citizens within the prescribed timelines or are nonimmigrants of a COFA nation.

In addition, ORS 703.090(1)(b) requires that applicants for licensure as a general polygraph examiner be a citizen of the United States. This requirement also appears to directly conflict with the intent of SB 855.
