



# Oregon

Kate Brown, Governor

## Department of Public Safety Standards and Training

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**DATE:** April 4, 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 (AMENDED)

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

**Background:** 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 some of the disciplines that fall within DPSST's jurisdiction include 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.
- ORS 703.090(1)(b): Requires that applicants for licensure as a **general polygraph examiner** be a citizen of the United States.

In addition, the training/testing required for certification or licensure for all of DPSST's public safety disciplines and the private security disciplines require all tests be delivered and successfully completed in English. This requirement is rooted in the recognition of the need that the first responding individuals and entities around the State be able to communicate with each other quickly and efficiently.

**Effect of SB 855 on the BPSST/DPSST:** 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 previous listed disciplines. However, the existing laws listed above would prohibit noncitizens from licensure as a general polygraph examiner and from continued employment as a law enforcement officer.

Additionally, while DPSST/BPSST could develop pathways to certification or licensure in languages other than English, non-English speakers are not likely to pass the requisite testing required for certification or licensure in the public safety and private security disciplines.

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