

SB 423 A STAFF MEASURE SUMMARY

Carrier: Sen. Frederick, Sen. Manning Jr

Senate Committee On Judiciary

Action Date: 03/07/19
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 7-0-0-0
Yeas: 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Channa Newell, Counsel
Meeting Dates: 2/12, 3/7

WHAT THE MEASURE DOES:

Requires a law enforcement agency to screen applicants for law enforcement officer positions prior to employment as a law enforcement officer. Specifies screening must be completed by licensed mental health professional. Requires Department of Public Safety Standards and Training to develop rules on standards and procedures for screenings and qualifications of licensed mental health professionals. Becomes operative January 1, 2020; takes effect 91 days after sine die.

ISSUES DISCUSSED:

- Current practices relating to screening of candidates
- Lack of statewide standards and practices
- Costs of screening balanced against potential harms
- Refinement on application provisions through amendment

EFFECT OF AMENDMENT:

Refines definition of law enforcement. Requires licensed mental health professional to meet qualifications and training requirements established by Board on Public Safety Standards and Training. Clarifies that screening is required when officer is hired, including when transferring from one agency to another.

BACKGROUND:

The minimum statewide qualifications for employment as a law enforcement officer are established in rule by the Department of Public Safety Standards and Training (DPSST). Currently, Oregon Administrative Rule 259-008-0010 lists several standards for employment, such as citizenship, education, criminal records, and physical health. The rules specify that all law enforcement officers must be of good moral fitness. Lack of good moral fitness includes, but is not limited to, discharge from employment based on false arrests, confessions, or evidence; intimidation; brutality; corruption; or sexual abuse. Several other factors may lead to denial or revocation of a license, including varying levels of misconduct. Grounds for discretionary denial include failure to attend at least one session with a mental health professional within six months after an officer used deadly physical force. See OAR 259-008-0070(4)(a)(E).

Senate Bill 423 A prohibits law enforcement agencies from hiring officers unless the officers have undergone a psychological screening to determine the officer's fitness to serve as a law enforcement officer. The measure calls for DPSST to develop standards by rule, but requires that all screenings be administered by a licensed mental health professional.