

# Enrolled Senate Bill 576

Sponsored by Senators PROZANSKI, KNOPP, Representatives BARKER, HELT; Senators MANNING JR, MONNES ANDERSON, TAYLOR, THATCHER, WAGNER, Representatives BARRETO, BOLES, GORSEK, HAYDEN, KENY-GUYER, LEWIS, MCLANE, NOBLE, PILUSO, POWER, SMITH DB, SPRENGER, STARK, WILLIAMSON, ZIKA (at the request of Crystal and Jamie Sawyer, Oregon Association of Chiefs of Police, Oregon State Sheriff's Association, Oregon Student's Association, Deschutes County District Attorney John Hummel, Attorney General Ellen Rosenblum) (Pre-session filed.)

CHAPTER .....

AN ACT

Relating to campus security officers; creating new provisions; amending ORS 238.082 and 352.118; and declaring an emergency.

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

**SECTION 1.** Section 2 of this 2019 Act shall be known and may be cited as Kaylee's Law.

**SECTION 2.** (1) As used in this section:

- (a) "Institution of higher education" has the meaning given that term in ORS 163A.005.
- (b) "Private security professional" and "private security provider" have the meanings given those terms in ORS 181A.840.

(2) Private security professionals and special campus security officers commissioned under ORS 352.118 who provide security services on the campus of an institution of higher education do not have stop and frisk authority as set forth in ORS 131.605 to 131.625.

**SECTION 3.** Section 2 of this 2019 Act is amended to read:

**Sec. 2.** (1) As used in this section:

- (a) "Institution of higher education" has the meaning given that term in ORS 163A.005.
- (b) "Private security professional" and "private security provider" have the meanings given those terms in ORS 181A.840.

(2)(a) An institution of higher education that employs or contracts with a private security provider, or the governing board of a public university listed in ORS 352.002 that commissions special campus security officers under ORS 352.118 to provide security services on campus, shall ensure that a nationwide criminal records check is conducted for each private security professional or special campus security officer providing security services on campus.

(b) A public university listed in ORS 352.002 that commissions special campus security officers under ORS 352.118 to provide security services on campus shall ensure that each officer undergoes psychological testing to determine the officer's fitness to serve as a special campus security officer.

(3) A law enforcement agency may share information about applicants for employment with the agency with an institution of higher education. An institution of higher education

may use information shared under this subsection for purposes of hiring private security professionals or special campus security officers.

(4) A private security provider that provides security services on the campus of an institution of higher education or the governing board of a public university listed in ORS 352.002 that commissions special campus security officers under ORS 352.118 to provide security services on campus shall ensure that:

(a) Vehicles used by private security professionals or special campus security officers in the scope of their employment on campus are equipped with:

(A) A global positioning system device, as defined in ORS 163.715, for which global positioning data is retained for at least 90 days;

(B) A video camera that records the scene within the vehicle and for which video recordings are retained for at least 90 days; or

(C) A dispatch system for which a record of calls is maintained for at least 90 days.

(b) Uniforms worn by private security professionals or special campus security officers in the scope of their employment on campus can be easily differentiated from the uniform of any law enforcement officer certified by the Department of Public Safety Standards and Training, with differentiations including, but not limited to, prominent designation of "campus security" or prominent use of a school logo or school colors.

(5) An institution of higher education that employs or contracts with a private security provider, or the governing board of a public university listed in ORS 352.002 that commissions special campus security officers under ORS 352.118 to provide security services on campus, shall ensure that vehicles used by private security professionals or special campus security officers in the scope of their employment on campus:

(a) Are clearly identified as a campus vehicle on the front of the vehicle;

(b) Do not use red and blue light bars;

(c) Do not use bumpers intended to ram another vehicle in order to cause a stall; and

(d) Do not use cages.

(6) When a private security professional or special campus security officer makes a probable cause arrest or an arrest under ORS 133.225 in the course of the individual's duties on the campus of an institution of higher education, the institution of higher education or governing board of the public university listed in ORS 352.002 for whom the individual provides security services:

(a) Shall promptly notify a law enforcement agency with jurisdiction over the area in which the arrest took place.

(b) May not retain evidence related to the arrest except for the purpose of providing the evidence to a law enforcement agency with jurisdiction over the area in which the arrest took place.

[(2)] (7) Private security professionals and special campus security officers commissioned under ORS 352.118 who provide security services on the campus of an institution of higher education do not have stop and frisk authority as set forth in ORS 131.605 to 131.625.

(8) If an institution of higher education contracts with a private security provider to provide temporary security for an event, the terms of the contract must require the private security provider to comply with all relevant statutes and rules governing the duties of contracted private security providers.

**SECTION 4.** ORS 352.118 is amended to read:

352.118. (1) A governing board may, in its sole discretion, do all of the following:

(a) Police, control and regulate traffic and parking of vehicles on university property.

(b) Establish a police department and commission one or more employees as police officers in the manner and with all of the privileges and immunities set forth in ORS 352.121. When a governing board establishes a police department and commissions one or more employees as police officers, the president of the university, in cooperation with the chief of the police department, shall establish

a process by which the university will receive and respond to complaints involving the policies of the police department and the conduct of the police officers.

(c) Commission special campus security officers who, when acting in the scope of their employment, shall have *[stop and frisk authority as set forth in ORS 131.605 to 131.625 and]* probable cause arrest authority and the accompanying immunities as set forth in ORS 133.310 and 133.315. Special campus security officers may not be authorized to carry firearms as police officers and, except as provided in subsection (2) of this section, may not be considered police officers for purposes of ORS 181A.355, 238.005, 243.005 or 243.736.

(2) A public university listed in ORS 352.002, acting by and through its special campus security officers, is a criminal justice agency for purposes of rules adopted pursuant to ORS 181A.280 (3).

**SECTION 5.** ORS 238.082 is amended to read:

238.082. (1) Subject to the limitations in this section, any public employer may employ any member who is retired for service if the administrative head of the public employer is satisfied that such employment is in the public interest.

(2) Except as provided in this section, the period or periods of employment by one or more public employers of a retired member who is reemployed under this section may not total 1,040 hours or more in any calendar year.

(3) A retired member who is receiving old-age, survivors or disability insurance benefits under the federal Social Security Act may be employed under this section for the number of hours permitted by subsection (2) of this section, or for the number of hours for which the salary equals the maximum allowed for receipt of the full amount of those benefits to which the person is entitled, whichever is greater.

(4) Except as provided in subsection (9) of this section, the limitations on employment imposed by subsections (2) and (3) of this section do not apply to a retired member who is employed as a teacher or as an administrator, as those terms are defined in ORS 342.120, if the retired member is employed by a school district or community college district located within a county with a population of not more than 35,000 inhabitants according to the latest federal decennial census, or is employed by an education service district and the retired member's primary work duties are performed in a county with a population of not more than 35,000 inhabitants according to the latest federal decennial census. A retired member who is employed under this subsection as a teacher, as defined in ORS 342.120, by the same public employer that employed the member at the time of retirement remains in the same collective bargaining unit that included the member before retirement.

(5) Except as provided in subsection (9) of this section, the limitations on employment imposed by subsections (2) and (3) of this section do not apply to a retired member who is employed:

(a) By the sheriff of a county with a population of fewer than 75,000 inhabitants, according to the latest federal decennial census;

(b) By the municipal police department of a city with a population of fewer than 15,000 inhabitants, according to the latest federal decennial census;

(c) By the state or a county for work in a correctional institution located in a county with a population of fewer than 75,000 inhabitants, according to the latest federal decennial census;

(d) By the Black Butte Ranch Rural Fire Protection District, the Black Butte Ranch Service District or the Sunriver Service District;

(e) By the Oregon State Police for work in a county with a population of fewer than 75,000 inhabitants, according to the latest federal decennial census;

(f) As a deputy director or assistant director of the Department of Human Services, if the Governor approves the exemption for the person from the limitations on employment imposed in subsections (2) and (3) of this section; *[or]*

(g) As a deputy director or assistant director of the Oregon Health Authority, if the Governor approves the exemption for the person from the limitations on employment imposed in subsections (2) and (3) of this section~~].~~;

**(h) As a special campus security officer commissioned by the governing board of a public university listed in ORS 352.002 under ORS 352.118; or**

**(i) As a security officer for a community college, as defined in ORS 341.005.**

(6) Except as provided in subsection (9) of this section, the limitations on employment imposed by subsections (2) and (3) of this section do not apply to a retired member who is employed to temporarily replace an employee who serves in the National Guard or in a reserve component of the Armed Forces of the United States and who is called to federal active duty.

(7) Except as provided in subsection (9) of this section, the limitations on employment imposed by subsections (2) and (3) of this section do not apply to a retired member who is employed by a road assessment district organized under ORS 371.405 to 371.535.

(8) Except as provided in subsection (9) of this section, the limitations on employment imposed by subsections (2) and (3) of this section do not apply to a retired member who is a nurse and is employed by a public employer as a nurse or for the purpose of teaching nursing during the period in which a nursing workforce shortage declared by the Legislative Assembly or the Governor is in effect.

(9)(a) Except as provided in paragraph (b) of this subsection, subsections (4) to (8) of this section do not apply to any member who retires under the provisions of ORS 238.280 (1), (2) or (3).

(b) Subsection (4) of this section applies to a person who retires under the provisions of ORS 238.280 (1), (2) or (3) as long as the person's date of retirement is more than six months before the date the person is employed under subsection (4) of this section.

(10) Employment under this section does not affect the status of a person as a retired member of the system and a recipient of retirement benefits under this chapter.

(11) Hours worked by a person employed under subsections (4) to (8) of this section shall not be counted for the purpose of the limitations on employment imposed by subsections (2) and (3) of this section.

**SECTION 6. (1) The amendments to section 2 of this 2019 Act by section 3 of this 2019 Act and the amendments to ORS 238.082 by section 5 of this 2019 Act become operative on January 1, 2020.**

**(2) The amendments to ORS 238.082 by section 5 of this 2019 Act apply only to retired members who are employed as special campus security officers or security officers on or after the operative date specified in subsection (1) of this section.**

**SECTION 7. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.**

**Passed by Senate April 23, 2019**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House May 16, 2019**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M,....., 2019

**Approved:**

.....M,....., 2019

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2019

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Bev Clarno, Secretary of State