

Enrolled
House Bill 2162

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Office of the Governor)

CHAPTER

AN ACT

Relating to the Department of Public Safety Standards and Training; creating new provisions; amending ORS 181A.360, 181A.375 and 181A.640; and prescribing an effective date.

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

SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 181A.355 to 181A.670.

SECTION 2. (1) The Department of Public Safety Standards and Training shall by rule designate one or more accrediting bodies for law enforcement agencies in this state with 35 or more sworn police officers.

(2)(a) No later than July 1, 2025, each law enforcement agency in this state with 100 or more sworn police officers must be accredited by an accrediting body designated by the department under subsection (1) of this section.

(b) No later than July 1, 2026, each law enforcement agency in this state with 35 or more sworn police officers must be accredited by an accrediting body designated by the department under subsection (1) of this section.

SECTION 3. Section 2 of this 2021 Act is amended to read:

Sec. 2. (1) The Department of Public Safety Standards and Training shall by rule designate one or more accrediting bodies for law enforcement agencies in this state with 35 or more sworn police officers.

[(2)(a) No later than July 1, 2025, each law enforcement agency in this state with 100 or more sworn police officers must be accredited by an accrediting body designated by the department under subsection (1) of this section.]

[(b)] (2) [No later than July 1, 2026,] Each law enforcement agency in this state with 35 or more sworn police officers must be accredited by an accrediting body designated by the department under subsection (1) of this section.

SECTION 4. The amendments to section 2 of this 2021 Act by section 3 of this 2021 Act become operative on January 1, 2027.

SECTION 5. No later than January 1, 2022, the Department of Public Safety Standards and Training shall report to the Legislative Assembly, in the manner provided under ORS 192.245, on the amount of additional instruction hours necessary to provide expanded equity training as part of the basic training course for police officers.

SECTION 6. Section 5 of this 2021 Act is repealed on July 1, 2022.

SECTION 7. ORS 181A.360 is amended to read:

181A.360. (1) The Governor shall appoint a Board on Public Safety Standards and Training consisting of [24] **26** members as follows:

(a) Two members who are chiefs of police recommended to the Governor by the Oregon Association Chiefs of Police;

(b) One member who is a sheriff recommended to the Governor by the Oregon State Sheriffs' Association;

(c) One member who is a fire chief recommended to the Governor by the Oregon Fire Chiefs Association;

(d) One member who is a representative of the fire service recommended to the Governor by the Oregon Fire District Directors Association;

(e) One member who is a member of the Oregon State Fire Fighters Council recommended to the Governor by the executive body of the council;

(f) One member who is a representative of corrections personnel recommended to the Governor by the Oregon State Sheriffs' Association;

(g) One member who is a representative of the fire service recommended to the Governor by the Oregon Volunteer Firefighters Association;

(h) One member who is a representative of public safety telecommunicators;

(i) One member who is a district attorney recommended to the Governor by the Oregon District Attorneys Association;

(j) One member who is the Superintendent of State Police;

(k) One member who is the Chief of the Portland Police Bureau;

(L) One member who is the State Fire Marshal;

(m) One member who is the Chief of the Portland Fire Bureau;

(n) One member who is the Director of the Department of Corrections;

(o) One nonvoting member who is the Special Agent in Charge of the Federal Bureau of Investigation for Oregon;

(p) One member who is an administrator of a municipality recommended to the Governor by the executive body of the League of Oregon Cities;

(q) Two members who are nonmanagement representatives of law enforcement;

(r) [*One member who is a public member. A person appointed as a public member*] **Three members who are public members. Of the three public members appointed** under this section:

(A) [*May have no*] **None may have** personal interest or occupational responsibilities in the area of responsibility given to the board; [*and*]

(B) **All** must represent the interests of the public in general;

(C) **At least one member must be part of a marginalized or historically underrepresented community;**

(D) **One member must be recommended to the Governor by the President of the Senate; and**

(E) **One member must be recommended to the Governor by the Speaker of the House of Representatives;**

(s) Two members recommended by and representing the private security industry;

(t) One member who is a representative of the collective bargaining unit that represents the largest number of individual workers in the Department of Corrections; and

(u) One member who is a nonmanagement parole and probation officer employed by a community corrections program.

(2) The term of office of a member is three years, and no member may be removed from office except for cause. Before the expiration of the term of a member, the Governor shall appoint the member's successor to assume the member's duties on July 1 next following. In case of a vacancy for any cause, the Governor shall make an appointment, effective immediately, for the unexpired term.

(3) Except for members who serve by virtue of office, no member shall serve more than two terms. For purposes of this subsection, a person appointed to fill a vacancy consisting of an unexpired term of at least one and one-half years has served a full term.

(4) Appointments of members of the board by the Governor, except for those members who serve by virtue of office, are subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

(5) A member of the board is entitled to compensation and expenses as provided in ORS 292.495.

SECTION 8. ORS 181A.375 is amended to read:

181A.375. (1) The Board on Public Safety Standards and Training shall establish the following policy committees:

- (a) Corrections Policy Committee;
- (b) Fire Policy Committee;
- (c) Police Policy Committee;
- (d) Telecommunications Policy Committee; and
- (e) Private Security Policy Committee.

(2) The members of each policy committee shall select a chairperson and vice chairperson for the policy committee. Only members of the policy committee who are also members of the board are eligible to serve as a chairperson or vice chairperson. The vice chairperson may act as chairperson in the absence of the chairperson.

(3) The Corrections Policy Committee consists of:

- (a) All of the board members who represent the corrections discipline;
- (b) The chief administrative officer of the training division of the Department of Corrections;
- (c) A security manager from the Department of Corrections recommended by the Director of the Department of Corrections; and

(d) The following, who may not be current board members, appointed by the chairperson of the board:

- (A) One person recommended by and representing the Oregon State Sheriffs' Association;
- (B) Two persons recommended by and representing the Oregon Sheriff's Jail Command Council;
- (C) One person recommended by and representing a statewide association of community corrections directors;
- (D) One nonmanagement corrections officer employed by the Department of Corrections;
- (E) One corrections officer who is employed by the Department of Corrections at a women's correctional facility and who is a member of a bargaining unit;
- (F) Two nonmanagement corrections officers; and
- (G) One person representing the public who:
 - (i) Has never been employed or utilized as a corrections officer or as a parole and probation officer; and
 - (ii) Is not related within the second degree by affinity or consanguinity to a person who is employed or utilized as a corrections officer or parole and probation officer.

(4) The Fire Policy Committee consists of:

- (a) All of the board members who represent the fire service discipline; and
- (b) The following, who may not be current board members, appointed by the chairperson of the board:

- (A) One person recommended by and representing a statewide association of fire instructors;
- (B) One person recommended by and representing a statewide association of fire marshals;
- (C) One person recommended by and representing community college fire programs;
- (D) One nonmanagement firefighter recommended by a statewide organization of firefighters;
- (E) One person representing the forest protection agencies and recommended by the State Forestry Department; and
- (F) One person representing the public who:
 - (i) Has never been employed or utilized as a fire service professional; and

(ii) Is not related within the second degree by affinity or consanguinity to a person who is employed or utilized as a fire service professional.

(5) The Police Policy Committee consists of:

(a) All of the board members who represent the law enforcement discipline; and

(b) The following, who may not be current board members, appointed by the chairperson of the board:

(A) One person recommended by and representing the Oregon Association Chiefs of Police;

(B) Two persons recommended by and representing the Oregon State Sheriffs' Association;

(C) One command officer recommended by and representing the Oregon State Police;

(D) Three nonmanagement law enforcement officers; and

(E) *[One person]* **Two persons** representing the public *[who]*:

(i) *[Has]* **Who have** never been employed or utilized as a police officer, certified reserve officer, reserve officer or regulatory specialist; *[and]*

(ii) *[Is]* **Who are** not related within the second degree by affinity or consanguinity to a person who is employed or utilized as a police officer, certified reserve officer, reserve officer or regulatory specialist[.]; **and**

(iii) One of whom is a member of a marginalized or historically underrepresented community.

(6) The Telecommunications Policy Committee consists of:

(a) All of the board members who represent the telecommunications discipline; and

(b) The following, who may not be current board members, appointed by the chairperson of the board:

(A) Two persons recommended by and representing a statewide association of public safety communications officers;

(B) One person recommended by and representing the Oregon Association Chiefs of Police;

(C) One person recommended by and representing the Oregon State Police;

(D) Two persons representing telecommunicators;

(E) One person recommended by and representing the Oregon State Sheriffs' Association;

(F) One person recommended by and representing the Oregon Fire Chiefs Association;

(G) One person recommended by and representing the Emergency Medical Services and Trauma Systems Program of the Oregon Health Authority;

(H) One person representing emergency medical services providers and recommended by a statewide association dealing with fire medical issues; and

(I) One person representing the public who:

(i) Has never been employed or utilized as a telecommunicator or an emergency medical dispatcher; and

(ii) Is not related within the second degree by affinity or consanguinity to a person who is employed or utilized as a telecommunicator or an emergency medical dispatcher.

(7) The Private Security Policy Committee consists of:

(a) All of the board members who represent the private security industry; and

(b) The following, who may not be current board members, appointed by the chairperson of the board:

(A) One person representing unarmed private security professionals;

(B) One person representing armed private security professionals;

(C) One person representing the health care industry;

(D) One person representing the manufacturing industry;

(E) One person representing the retail industry;

(F) One person representing the hospitality industry;

(G) One person representing private business or a governmental entity that utilizes private security services;

(H) One person representing persons who monitor alarm systems;

(I) Two persons who are investigators licensed under ORS 703.430, one of whom is recommended by the Oregon State Bar and one of whom is in private practice; and

(J) One person representing the public who:

(i) Has never been employed or utilized as a private security provider, as defined in ORS 181A.840, or an investigator, as defined in ORS 703.401; and

(ii) Is not related within the second degree by affinity or consanguinity to a person who is employed or utilized as a private security provider, as defined in ORS 181A.840, or an investigator, as defined in ORS 703.401.

(8) In making appointments to the policy committees under this section, the chairperson of the board shall seek to reflect the diversity of the state's population. An appointment made by the chairperson of the board must be ratified by the board before the appointment is effective. The chairperson of the board may remove an appointed member for just cause. An appointment to a policy committee that is based on the member's employment is automatically revoked if the member changes employment. The chairperson of the board shall fill a vacancy in the same manner as making an initial appointment. The term of an appointed member is two years. An appointed member may be appointed to a second term.

(9) A policy committee may meet at such times and places as determined by the policy committee in consultation with the Department of Public Safety Standards and Training. A majority of a policy committee constitutes a quorum to conduct business. A policy committee may create subcommittees if needed.

(10)(a) Each policy committee shall develop policies, requirements, standards and rules relating to its specific discipline. A policy committee shall submit its policies, requirements, standards and rules to the board for the board's consideration. When a policy committee submits a policy, requirement, standard or rule to the board for the board's consideration, the board shall:

(A) Approve the policy, requirement, standard or rule;

(B) Disapprove the policy, requirement, standard or rule; or

(C) Defer a decision and return the matter to the policy committee for revision or reconsideration.

(b) The board may defer a decision and return a matter submitted by a policy committee under paragraph (a) of this subsection only once. If a policy, requirement, standard or rule that was returned to a policy committee is resubmitted to the board, the board shall take all actions necessary to implement the policy, requirement, standard or rule unless the board disapproves the policy, requirement, standard or rule.

(c) Disapproval of a policy, requirement, standard or rule under paragraph (a) or (b) of this subsection requires a two-thirds vote by the members of the board.

(11) At any time after submitting a matter to the board, the chairperson of the policy committee may withdraw the matter from the board's consideration.

SECTION 9. Section 10 of this 2021 Act is added to and made a part of ORS 181A.355 to 181A.670.

SECTION 10. (1) The Department of Public Safety Standards and Training shall develop, and the Board on Public Safety Standards and Training shall establish by rule, a statewide equity training program for police officers.

(2) The department shall include the equity training described in subsection (1) of this section in the minimum training required to obtain and maintain basic certification as a police officer under ORS 181A.490.

SECTION 11. ORS 181A.640, as amended by section 6, chapter 7, Oregon Laws 2020 (first special session), is amended to read:

181A.640. (1) The Department of Public Safety Standards and Training may deny the application for training, or deny, suspend or revoke the certification, of any public safety officer or instructor, except a youth correction officer or fire service professional, after written notice and hearing consistent with the provisions of ORS 181A.630, based upon a finding that:

(a) The public safety officer or instructor falsified any information submitted on the application for certification or on any documents submitted to the Board on Public Safety Standards and Training or the department.

(b) The public safety officer or instructor has been convicted of a crime or violation in this state or any other jurisdiction.

(c) The public safety officer or instructor does not meet the applicable minimum standards, minimum training or the terms and conditions established under ORS 181A.410 (1)(a) to (d).

(d) The public safety officer failed to comply with ORS 181A.790 (3)(b).

(2) The department shall deny the application for training or deny, suspend or revoke the certification of a police officer, after written notice and hearing consistent with the provisions of ORS 181A.630, based upon a finding that:

(a) The officer has a conviction for any offense designated under the law of the jurisdiction where the conviction occurred as being punishable as a felony or as a crime for which a maximum term of imprisonment of more than one year may be imposed;

(b) The officer has a conviction in any jurisdiction for any offense involving the unlawful use, possession, delivery or manufacture of a controlled substance, narcotic or dangerous drug, except for offenses involving the use or possession of marijuana;

(c) The officer has a conviction in any jurisdiction for any offense involving domestic violence, as defined in ORS 135.230;

(d) The officer has a conviction in any jurisdiction for any offense involving abuse, as defined in ORS 107.705, of a child who is under 18 years of age and is a natural child, adopted child, stepchild, a child under the guardianship of, or a child who regularly resides or formerly resided in the same household as, the officer;

(e) The officer is a sex offender as defined in ORS 163A.005; or

(f) The officer has been discharged for cause from employment as a police officer as a result of intentional conduct performed under the color of office to:

(A) Obtain false confessions;

(B) Make false arrests;

(C) Create or use falsified evidence, including false testimony, or to destroy evidence to create a false impression;

(D) Compel a person to abstain from doing, or to do, any act that the person has a legal right to do or abstain from doing;

(E) Deprive, or attempt to deprive, another person or persons of their legal rights; *[or]*

(F) Gain advantage for a public or private safety agency or for personal gain[.];

(G) Use force that was determined to be excessive or without justification;

(H) Engage in the abuse of lawful authority; or

(I) Engage in policing indicative of bias or discriminatory intent against an individual based on the individual's real or perceived age, race, ethnicity, color, national origin, language, sex, gender identity, sexual orientation, political affiliation, religion, homelessness or disability.

(3) The department shall deny, suspend or revoke the certification of a fire service professional, after written notice and hearing consistent with the provisions of ORS 181A.630, based upon a finding that the fire service professional has been convicted in this state of a crime listed in ORS 137.700 or in any other jurisdiction of a crime that, if committed in this state, would constitute a crime listed in ORS 137.700.

(4) The department may deny, suspend or revoke the certification of any fire service professional after written notice and hearing consistent with the provisions of ORS 181A.630, based upon a finding:

(a) That the fire service professional falsified any information submitted on the application for certification or on any documents submitted to the board or the department; or

(b) Consistent with ORS 670.280, that the fire service professional is not fit to receive or hold the certification as a result of conviction of a crime in this state, or in any other jurisdiction, other than a crime described in subsection (3) of this section.

(5) The department shall deny, suspend or revoke the certification of any public safety officer or instructor, except a youth correction officer, after written notice and hearing consistent with the provisions of ORS 181A.630, based upon a finding that the public safety officer or instructor has been discharged for cause from employment as a public safety officer.

(6) The department, in consultation with the board, shall adopt rules specifying those crimes and violations for which a conviction requires the denial, suspension or revocation of the certification of a public safety officer or instructor.

(7) Notwithstanding the lapse, suspension, revocation or surrender of the certification of a public safety officer or instructor, the department may:

(a) Proceed with any investigation of, or any action or disciplinary proceedings against, the public safety officer or instructor; or

(b) Revise or render void an order suspending or revoking the certification.

(8) The department shall deny, suspend or revoke the accreditation of a training or educational program or any course, subject, facility or instruction thereof if the program, course, subject, facility or instruction is not in compliance with rules adopted or conditions prescribed under ORS 181A.410 (1)(g) or 181A.590 (3).

(9) When the department completes an investigation relating to a person's qualifications for employment, training or certification under this section, the department shall issue a report.

(10) In cases involving a proposed denial of training or certification of a public safety officer or instructor by the department, the department has jurisdiction to proceed with any action against the public safety officer or instructor notwithstanding a subsequent change in the employment status of the officer or instructor, if:

(a) The department has issued a notice of intent to deny training or certification; and

(b) The officer or instructor has requested a hearing.

SECTION 12. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (1), chapter _____, Oregon Laws 2021 (Enrolled House Bill 5031), for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Department of Public Safety Standards and Training, for operations, is increased by \$409,468, for the purpose of carrying out the provisions of this 2021 Act.

SECTION 13. This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.

Passed by House June 24, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 26, 2021

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2021

Approved:

.....M,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2021

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Shemia Fagan, Secretary of State