

House Bill 2877

Sponsored by Representative EVANS (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes reserve officers sponsored by law enforcement unit to pay for training as police with cash and G.I. Bill education benefits. Requires Department of Public Safety Standards and Training to increase training class sizes by up to 25 percent as necessary to train sponsored reserve officers. Requires reserve officer to remain with law enforcement unit for at least three years after certification and allows Department of Public Safety Standards and Training to suspend or revoke certification if reserve officer fails to comply without good cause.

Requires Department of Public Safety Standards and Training to conduct study of impact of measure on state and local public safety budgets, recruitment of officers and maintenance of public safety and to submit report to interim committees of Legislative Assembly related to public safety. Sunsets January 2, 2028.

A BILL FOR AN ACT

1
2 Relating to training of police officers; creating new provisions; and amending ORS 181A.640 and
3 408.020.

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

5 **SECTION 1. (1)(a) A law enforcement unit may sponsor a reserve officer of the law**
6 **enforcement unit under this section for training as a police officer under ORS 181A.355 to**
7 **181A.670.**

8 **(b)(A) Notwithstanding ORS 181A.425, the Department of Public Safety Standards and**
9 **Training shall increase class sizes as necessary to train reserve officers sponsored under this**
10 **section.**

11 **(B) Notwithstanding subparagraph (A) of this paragraph, class sizes may not be increased**
12 **by an amount greater than 25 percent of class sizes as of the effective date of this 2021 Act.**

13 **(2)(a) A reserve officer sponsored under this section may pay for the costs of courses**
14 **required for training as a police officer with, in any combination, cash and any state financial**
15 **aid as provided in ORS 408.010 to 408.090 to which the reserve officer is entitled.**

16 **(b) Upon request, the Department of Veterans' Affairs shall provide assistance to reserve**
17 **officers in obtaining reimbursement for the costs of courses required for training under this**
18 **section.**

19 **(3) When a reserve officer sponsored under this section has completed the courses re-**
20 **quired for training as a police officer, the reserve officer:**

21 **(a) Shall be designated by the reserve officer's law enforcement unit as a certified re-**
22 **serve officer; and**

23 **(b) May be employed by any law enforcement unit in this state as a police officer.**

24 **(4)(a) A reserve officer sponsored under this section who has completed the courses re-**
25 **quired for certification as a police officer must remain with a law enforcement agency as a**
26 **certified reserve officer or a police officer for at least three years after the reserve officer's**
27 **date of certification.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **(b) The certification of a reserve officer who does not comply with paragraph (a) of this**
 2 **subsection may be suspended or revoked pursuant to ORS 181A.630, 181A.640 and 181A.650 if**
 3 **the reserve officer fails to comply without good cause, as defined by the Department of**
 4 **Public Safety Standards and Training by rule.**

5 **SECTION 2. (1) Beginning on the date that is four years after the effective date of this**
 6 **2021 Act, the Department of Public Safety Standards and Training shall conduct a study of**
 7 **the impact of this 2021 Act on:**

- 8 **(a) The budgets of law enforcement units and the department;**
- 9 **(b) The recruitment of reserve officers, certified reserve officers and police officers; and**
- 10 **(c) The maintenance of public safety.**

11 **(2) The department shall submit a report in the manner provided in ORS 192.245, and**
 12 **may include recommendations for legislation, to the interim committees of the Legislative**
 13 **Assembly related to public safety no later than September 15, 2026.**

14 **SECTION 3.** ORS 181A.640, as amended by section 6, chapter 7, Oregon Laws 2020 (first special
 15 session), is amended to read:

16 181A.640. (1) The Department of Public Safety Standards and Training may deny the application
 17 for training, or deny, suspend or revoke the certification, of any public safety officer or instructor,
 18 except a youth correction officer or fire service professional, after written notice and hearing con-
 19 sistent with the provisions of ORS 181A.630, based upon a finding that:

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

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

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

27 (d) The public safety officer failed to comply with ORS 181A.790 (3)(b) **or section 1 (4)(a) of this**
 28 **2021 Act.**

29 (2) The department shall deny the application for training or deny, suspend or revoke the cer-
 30 tification of a police officer, after written notice and hearing consistent with the provisions of ORS
 31 181A.630, based upon a finding that:

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

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

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

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

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

45 (f) The officer has been discharged for cause from employment as a police officer as a result of

1 intentional conduct performed under the color of office to:

2 (A) Obtain false confessions;

3 (B) Make false arrests;

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

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

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

9 (F) Gain advantage for a public or private safety agency or for personal gain.

10 (3) The department shall deny, suspend or revoke the certification of a fire service professional,
11 after written notice and hearing consistent with the provisions of ORS 181A.630, based upon a
12 finding that the fire service professional has been convicted in this state of a crime listed in ORS
13 137.700 or in any other jurisdiction of a crime that, if committed in this state, would constitute a
14 crime listed in ORS 137.700.

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

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

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

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

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

30 (7) Notwithstanding the lapse, suspension, revocation or surrender of the certification of a pub-
31 lic safety officer or instructor, the department may:

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

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

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

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

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

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

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

2 **SECTION 4.** ORS 181A.640, as amended by section 6, chapter 7, Oregon Laws 2020 (first special
3 session), and section 3 of this 2021 Act, is amended to read:

4 181A.640. (1) The Department of Public Safety Standards and Training may deny the application
5 for training, or deny, suspend or revoke the certification, of any public safety officer or instructor,
6 except a youth correction officer or fire service professional, after written notice and hearing con-
7 sistent with the provisions of ORS 181A.630, based upon a finding that:

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

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

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

15 (d) The public safety officer failed to comply with ORS 181A.790 (3)(b) [*or section 1 (4)(a) of this*
16 *2021 Act*].

17 (2) The department shall deny the application for training or deny, suspend or revoke the cer-
18 tification of a police officer, after written notice and hearing consistent with the provisions of ORS
19 181A.630, based upon a finding that:

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

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

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

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

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

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

35 (A) Obtain false confessions;

36 (B) Make false arrests;

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

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

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

42 (F) Gain advantage for a public or private safety agency or for personal gain.

43 (3) The department shall deny, suspend or revoke the certification of a fire service professional,
44 after written notice and hearing consistent with the provisions of ORS 181A.630, based upon a
45 finding that the fire service professional has been convicted in this state of a crime listed in ORS

1 137.700 or in any other jurisdiction of a crime that, if committed in this state, would constitute a
 2 crime listed in ORS 137.700.

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

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

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

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

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

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

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

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

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

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

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

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

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

35 **SECTION 5.** ORS 408.020 is amended to read:

36 408.020. (1) The Department of Veterans' Affairs may provide financial aid to beneficiaries who
 37 desire to pursue an approved course of study or professional training, **including training as a po-**
 38 **lice officer under ORS 181A.355 to 181A.670 pursuant to section 1 of this 2021 Act**, in or in
 39 connection with any accredited state or other public school or accredited private school or accred-
 40 ited college consistent with ORS 408.010 to 408.090.

41 (2) Financial aid under this section may not exceed \$150 per month for each month of full-time
 42 study or training or \$100 per month for each month of part-time study or training.

43 (3) The total number of monthly payments under subsection (2) of this section may not exceed
 44 the total number of months served in the Armed Forces of the United States or 36, whichever is less.

45 (4) The Director of Veterans' Affairs may permit a beneficiary to attend a school or college

1 outside of this state upon a satisfactory showing that the training required is not available in an
2 accredited institution within this state.

3 (5) A beneficiary may not receive payments or benefits under ORS 408.010 to 408.090 at the same
4 time that the beneficiary is receiving educational aid under any federal Act based upon prior service
5 in the Armed Forces. Time spent by a person who applies for benefits under ORS 408.010 to 408.090
6 in the army specialized training program, the Navy V-12 program or other like training program
7 may not be counted as service in the Armed Forces within the purview of ORS 408.010.

8 **SECTION 6.** ORS 408.020, as amended by section 5 of this 2021 Act, is amended to read:

9 408.020. (1) The Department of Veterans' Affairs may provide financial aid to beneficiaries who
10 desire to pursue an approved course of study or professional training[, *including training as a police*
11 *officer under ORS 181A.355 to 181A.670 pursuant to section 1 of this 2021 Act,*] in or in connection
12 with any accredited state or other public school or accredited private school or accredited college
13 consistent with ORS 408.010 to 408.090.

14 (2) Financial aid under this section may not exceed \$150 per month for each month of full-time
15 study or training or \$100 per month for each month of part-time study or training.

16 (3) The total number of monthly payments under subsection (2) of this section may not exceed
17 the total number of months served in the Armed Forces of the United States or 36, whichever is less.

18 (4) The Director of Veterans' Affairs may permit a beneficiary to attend a school or college
19 outside of this state upon a satisfactory showing that the training required is not available in an
20 accredited institution within this state.

21 (5) A beneficiary may not receive payments or benefits under ORS 408.010 to 408.090 at the same
22 time that the beneficiary is receiving educational aid under any federal Act based upon prior service
23 in the Armed Forces. Time spent by a person who applies for benefits under ORS 408.010 to 408.090
24 in the army specialized training program, the Navy V-12 program or other like training program
25 may not be counted as service in the Armed Forces within the purview of ORS 408.010.

26 **SECTION 7.** (1) **Section 1 of this 2021 Act is repealed on January 2, 2028.**

27 **(2) The amendments to ORS 181A.640 and 408.020 by sections 4 and 6 of this 2021 Act**
28 **become operative on January 2, 2028.**

29 **(3) Section 2 of this 2021 Act is repealed on December 31, 2026.**

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