

House Bill 2929

Sponsored by Representative BYNUM (Presession 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**.

Modifies police officer's duty to report misconduct. Requires law enforcement unit to investigate reports of misconduct.

Directs Bureau of Labor and Industries to establish and maintain form and database for reports of misconduct and to investigate certain reports of misconduct.

A BILL FOR AN ACT

1
2 Relating to police officer misconduct; creating new provisions; and amending section 2, chapter 5,
3 Oregon Laws 2020 (first special session) (Enrolled House Bill 4205).

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

5 **SECTION 1.** Section 2, chapter 5, Oregon Laws 2020 (first special session) (Enrolled House Bill
6 4205), is amended to read:

7 **Sec. 2.** (1) As used in this section, "misconduct" means:

8 (a) Unjustified or excessive force that is objectively unreasonable under the circumstances or
9 in violation of the use of force policy for the law enforcement unit employing the offending officer;

10 (b) Sexual harassment or sexual misconduct;

11 (c) Discrimination against a person based on race, color, religion, sex, sexual orientation, na-
12 tional origin, disability or age;

13 (d) A crime; or

14 (e) A violation of the minimum standards for physical, emotional, intellectual and moral fitness
15 for public safety personnel established under ORS 181A.410.

16 (2) Without regard to rank or assignment, a police officer or reserve officer shall intervene to
17 prevent or stop another police officer or reserve officer engaged in any act the intervening officer
18 knows or reasonably should know is misconduct, unless the intervening officer cannot intervene
19 safely.

20 (3)(a) A police officer or reserve officer who witnesses another police officer or reserve officer
21 engaging in misconduct shall report the misconduct [*to a supervisor*] as soon as practicable, but no
22 later than 72 hours after witnessing the misconduct, **to:**

23 **(A) A direct supervisor of the reporting officer;**

24 **(B) A person in the reporting officer's chain of command;**

25 **(C) Another person who the reporting officer believes has authority to investigate mis-**
26 **conduct and impose discipline; or**

27 **(D) The Bureau of Labor and Industries as provided in section 2 of this 2021 Act.**

28 **(b) If the person to whom an officer reports misconduct does not have authority to in-**
29 **vestigate misconduct and impose discipline, the person shall report the misconduct to a**
30 **person who has authority to investigate misconduct and impose discipline as soon as practi-**

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 **cable, but no later than 72 hours after receiving the report.**

2 **(c) A person with authority to investigate misconduct and impose discipline who receives**
3 **a report of misconduct under paragraph (a) or (b) of this subsection shall:**

4 **(A) Open an investigation of the misconduct within 48 hours after receiving the report;**

5 **(B) Transmit the report to the Bureau of Labor and Industries as provided in section 2**
6 **of this 2021 Act; and**

7 **(C) If the reported misconduct was committed against a civilian, transmit the report to**
8 **the Department of Justice.**

9 **(d) A law enforcement unit that receives a report of misconduct under this subsection**
10 **shall complete an investigation of the misconduct within three months after the date of the**
11 **report. The law enforcement unit shall notify the Bureau of Labor and Industries of the**
12 **outcome of the investigation.**

13 (4) Failure to intervene or report as required by subsections (2) and (3) of this section is grounds
14 for disciplinary action against a police officer or reserve officer by the law enforcement unit em-
15 ploying the officer or for the Department of Public Safety Standards and Training to suspend or
16 revoke the officer's certification as provided in ORS 181A.630, 181A.640 and 181A.650.

17 (5) An employer may not discharge, demote, suspend or in any manner discriminate or retaliate
18 against a police officer or reserve officer with regard to promotion, compensation or other terms,
19 conditions or privileges of employment for the reason that the officer intervened or reported as re-
20 quired by subsections (2) and (3) of this section. Violation of this subsection is an unlawful employ-
21 ment practice as provided in ORS 659A.199.

22 (6) The Department of Public Safety Standards and Training shall report at least annually to
23 an appropriate committee of the Legislative Assembly on any rules adopted by the department im-
24 plementing this section.

25 **SECTION 2. (1)(a) The Bureau of Labor and Industries shall establish and maintain a**
26 **form and database for reports of misconduct under section 2, chapter 5, Oregon Laws 2020**
27 **(first special session) (Enrolled House Bill 4205).**

28 **(b) The form must be available on the bureau's website.**

29 **(c) The bureau shall document verbal reports in the database.**

30 **(d) The bureau shall make the database available to the Department of Justice.**

31 **(2) When the bureau receives a report of misconduct directly from a police officer or**
32 **reserve officer under section 2 (3)(a)(D), chapter 5, Oregon Laws 2020 (first special session)**
33 **(Enrolled House Bill 4205), the bureau shall investigate the report and notify the law**
34 **enforcement agency employing the subject of the report of the outcome of the investigation.**

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