

## HOUSE AMENDMENTS TO HOUSE BILL 2930

By COMMITTEE ON JUDICIARY

April 23

1 On page 1 of the printed bill, delete lines 7 through 12 and insert:

2 “**SECTION 2.** (1) For purposes of an arbitration proceeding under ORS 243.706 concerning al-  
3 leged misconduct by a law enforcement officer:

4 “(a) A law enforcement agency has the burden of proof by a preponderance of the evidence to  
5 show that:

6 “(A) The officer engaged in the alleged misconduct; and

7 “(B) Any disciplinary action taken against the officer was with just cause, as defined in ORS  
8 236.350.

9 “(b) In determining the reasonableness of a disciplinary action imposed by an agency, including  
10 whether the level of discipline is appropriate, an arbitrator shall uphold the disciplinary action un-  
11 less the arbitrator finds that the disciplinary action is arbitrary and capricious.

12 “(c) When the imposed disciplinary action is termination of employment, an arbitrator may not  
13 set aside or reduce the imposed disciplinary action if setting aside or reducing the disciplinary  
14 action is inconsistent with the public interest in maintaining community trust, enforcing a higher  
15 standard of conduct for law enforcement officers and ensuring an accountable, fair and just disci-  
16 plinary process.

17 “(d) The requirements described in this subsection are not subject to collective bargaining.”.

18 On page 2, delete lines 21 through 34 and insert:

19 “(2) The commission consists of 15 members as follows:

20 “(a) The Director of the Department of Public Safety Standards and Training or a designee from  
21 the department.

22 “(b) The Attorney General or a designee from the Attorney General’s office.

23 “(c) The President of the Senate shall appoint one nonvoting member, acting in an advisory ca-  
24 pacity only, from among members of the Senate.

25 “(d) The Speaker of the House of Representatives shall appoint one nonvoting member, acting  
26 in an advisory capacity only, from among members of the House of Representatives.

27 “(e) The Director of the Department of Public Safety Standards and Training and the Attorney  
28 General shall jointly appoint 11 members of the commission consistent with the following:

29 “(A) Two members who are chief law enforcement officers.

30 “(B) Two members who represent labor organizations who represent law enforcement officers.

31 “(C) Two members who represent historically marginalized groups or community-based organ-  
32 izations that represent communities impacted by policing.

33 “(D) One member who represents a federally recognized Indian tribe or association of tribes  
34 within this state.

35 “(E) Two members who are representatives of local government to represent the interests of

1 cities and counties.

2 “(F) One member who represents public defender organizations established under ORS chapter  
3 151 or the Oregon Criminal Defense Lawyers Association.

4 “(G) One member who represents the interests of prosecutors in this state.”.

5 On page 3, line 1, delete “July 1, 2021” and insert “October 1, 2022”.

6 In line 19, delete “(2)(c)” and insert “(2)(e)”.

7 Delete lines 29 through 33 and insert:

8 “(13) A member of the commission who is not a member of the Legislative Assembly is entitled  
9 to compensation and expenses as provided in ORS 292.495.

10 “(14)(a) The commission shall prepare and submit a report in the manner provided by ORS  
11 192.245 to the House Committee on Judiciary or an interim committee of the Legislative Assembly  
12 related to the judiciary no later than September 1, 2022, and September 1 every year thereafter.”.

13 In line 37, delete “July 1, 2021” and insert “September 1, 2022”.

14 On page 12, after line 14, insert:

15 **“SECTION 8. Section 2 of this 2021 Act applies to collective bargaining agreements en-  
16 tered into or renewed on or after the effective date of this 2021 Act.”.**

17 In line 15, delete “8” and insert “9”.

18 In line 18, delete “9” and insert “10”.

19 In line 21, delete “10” and insert “11”.

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