

A-Engrossed
House Bill 3145

Ordered by the House April 16
Including House Amendments dated April 16

Sponsored by COMMITTEE ON JUDICIARY (at the request of The Innocence Project, Oregon Justice Resource Center)

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.

[Directs Department of Public Safety Standards and Training to establish publicly available database of certain information about misconduct and discipline of public safety employees established by department.]

[Requires reporting of complaints, allegations, charges, disciplinary proceedings, certain judicial findings and prosecutorial determinations, suspensions and revocations of certification and certain resignations and terminations of public safety employees to department for inclusion in database.]

[Modifies crime of tampering with public records. Creates crime of recklessly tampering with public records, punishable by maximum of 364 days' imprisonment, \$6,250 fine, or both.]

[Allows production of disciplinary records of public safety employees under public records law.]

[Declares emergency, effective on passage.]

Requires law enforcement unit that imposes discipline including economic sanction on police officer to report to Department of Public Safety Standards and Training.

Requires department to include discipline of police officers involving economic sanctions in statewide online database of information about police officers.

A BILL FOR AN ACT

1
2 Relating to records; creating new provisions; and amending section 3, chapter 7, Oregon Laws 2020
3 (first special session).

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

5 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 181A.355 to**
6 **181A.670.**

7 **SECTION 2. Within 10 days after an economic sanction as part of discipline imposed on**
8 **a police officer has become final and the arbitration process is complete, the law enforce-**
9 **ment unit that imposed the discipline shall report on the discipline to the Department of**
10 **Public Safety Standards and Training. The report must include:**

11 **(1) The name and rank of the officer disciplined;**

12 **(2) The name of the law enforcement unit at which the officer is or was employed; and**

13 **(3) A description of the facts underlying the discipline imposed, including a copy of any**
14 **final decision.**

15 **SECTION 3. Section 3, chapter 7, Oregon Laws 2020 (first special session), is amended to read:**

16 **Sec. 3.** (1) The Department of Public Safety Standards and Training shall establish a statewide
17 online database of suspensions and revocations of the certifications of police officers **and discipline**
18 **of police officers involving economic sanctions** that is accessible by the public.

19 (2) The department shall publish information on the database when the department suspends or
20 revokes the certification of a police officer under ORS 181A.630, 181A.640 and 181A.650, **and when**

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 **the department receives notice of discipline of a police officer under section 2 of this 2021**
2 **Act**, including but not limited to:

3 (a) The name of the officer;

4 (b) The law enforcement unit at which the officer was employed; and

5 (c) A description of the facts underlying the suspension [*or*], revocation **or discipline**.

6 (3)(a) The department shall publish the information **related to a suspension or revocation of**
7 **certification** required under subsection (2) of this section within 10 days after:

8 [*a*] (A) The time for filing an appeal of the department's decision under ORS 181A.650 has
9 passed and no appeal has been filed; or

10 [*b*] (B) The decision of the department is appealed under ORS 181A.650 and the department's
11 decision has been sustained by the Court of Appeals or the appeal has been dropped.

12 (b) **The department shall publish the information related to discipline of an officer re-**
13 **quired under subsection (2) of this section within 10 days after receiving notice of the disci-**
14 **pline under section 2 of this 2021 Act.**

15 (4) The department shall submit an annual report to an appropriate committee of the Legislative
16 Assembly summarizing and analyzing the data in the database.

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