

Senate Bill 174

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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**.

Repeals certain provisions requiring data collection by law enforcement.

A BILL FOR AN ACT

1
2 Relating to data collection by law enforcement; amending ORS 181A.692; and repealing ORS
3 181A.450 and 433.009.

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

5 **SECTION 1. ORS 181A.450 and 433.009 are repealed.**

6 **SECTION 2.** ORS 181A.692 is amended to read:

7 181A.692. *[(1) Not later than 90 days after July 22, 2011, the Superintendent of State Police, the*
8 *sheriff of any county with land that is contiguous to the land of a tribal government, or the chief*
9 *executive officer of any other local law enforcement unit whose political boundaries are contiguous to*
10 *the land of a tribal government, may submit a written application requesting that the tribal government*
11 *authorize nontribal police officers employed by the applicant to exercise all or a portion of the powers*
12 *of a tribal police officer while on tribal land. The application shall be addressed to the tribal govern-*
13 *ment and shall propose terms and conditions under which the nontribal police officers employed by the*
14 *applicant would be eligible to exercise all or a portion of the powers of a tribal police officer while on*
15 *tribal lands. The application:]*

16 *[(a) Must name each proposed nontribal police officer employed by the applicant;]*

17 *[(b) Must describe how the nontribal police officers employed by the applicant will comply with*
18 *requirements established by the tribal government that are substantially similar to the requirements*
19 *necessary for a tribal police officer to act as an authorized tribal police officer under ORS 181A.680*
20 *to 181A.692;]*

21 *[(c) Must describe how the political entity that employs the nontribal police officers will comply*
22 *with requirements established by the tribal government that are substantially similar to the require-*
23 *ments necessary for a tribal government to employ authorized tribal police officers under ORS*
24 *181A.680 to 181A.692;]*

25 *[(d) May propose that the tribal government authorize nontribal police officers employed by the*
26 *applicant to enforce state or tribal law while on tribal lands;]*

27 *[(e) May propose that the tribal government adopt provisions of state criminal law into the tribal*
28 *code; and]*

29 *[(f) Must indicate that the nontribal police officers employed by the applicant will complete, before*
30 *exercising all or a portion of the powers of a tribal police officer while on tribal land, any training and*
31 *educational prerequisites specified by the tribal government, including instruction in the tribal*

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 *government's history, culture, sovereign authority, tribal code and court procedures.]*

2 [(2)] (1) When a citation for the commission of a tribal offense is issued by a nontribal police
3 officer [*employed by an applicant and*] authorized by a tribal government to exercise all or a portion
4 of the powers of a tribal police officer as to tribal members suspected of committing violations of
5 tribal law while on tribal land, the citation must:

6 (a) Summon the person cited to appear in the tribal court of the tribal government on whose
7 lands the offense was committed; and

8 (b) Be submitted to the prosecutor of the tribal government on whose lands the tribal offense
9 was committed.

10 [(3)(a)] (2)(a) A tribal government may adopt a provision of tribal law providing that, for pur-
11 poses of the Tort Claims Act of the tribal government, a nontribal police officer [*employed by an*
12 *applicant and*] authorized by a tribal government to exercise all or a portion of the powers of a
13 tribal police officer while on tribal land is not an officer, employee or agent of the tribal govern-
14 ment.

15 (b) Unless the law of the tribal government provides otherwise, a tribal government is not liable
16 for authorizing a nontribal police officer [*employed by an applicant*] to exercise all or a portion of
17 the powers of a tribal police officer while on tribal land or for the acts or omissions of a nontribal
18 police officer authorized under this section.

19 [(4)] (3) Nothing in this section:

20 (a) Affects the authority of the tribal government to appoint any person as a tribal police officer
21 for any purpose;

22 (b) Affects the existing status and sovereignty of the State of Oregon or the tribal government;
23 or

24 (c) Authorizes the State of Oregon or any of its political subdivisions to receive funds from, or
25 in lieu of, a tribal government.

26 [(5)] (4) A tribal government that [*authorizes*] **authorized** a nontribal police officer [*employed*
27 *by an applicant*] to exercise all or a portion of the powers of a tribal police officer while on tribal
28 land may require the [*applicant*] **employer of the officer** to reimburse the tribal government for any
29 costs incurred in carrying out the provisions of this section.

30 [(6)(a)] *A tribal government that employs, or seeks to employ, authorized tribal police officers under*
31 *ORS 181A.680 to 181A.692, no later than 90 days after receiving an application under subsection (1)*
32 *of this section, or within such additional time as the tribal government determines is appropriate, shall*
33 *accept, accept with modifications or reject an application filed under this section.]*

34 [(b)] *Before acting on an application, a tribal government that employs, or seeks to employ, au-*
35 *thorized tribal police officers shall engage in good faith consultation with the applicant concerning the*
36 *terms and conditions of the proposed authorization of nontribal police officers.]*

37 [(7)(a)] *If the tribal government rejects the application, or accepts the application with modifications*
38 *that are rejected by the applicant:]*

39 [(A)] *The applicant and a tribal government that employs, or seeks to employ, authorized tribal*
40 *police officers shall, from the date of rejection until June 1, 2012, collect individualized data on the*
41 *frequency of instances known to the applicant or the tribal government in which nontribal police offi-*
42 *cers employed by the applicant encountered, but were forced to release without further action due to a*
43 *lack of legal authority, persons suspected of committing violations of the law while on tribal lands;]*

44 [(B)] *The applicant shall promptly report any such instance to the tribal government and the tribal*
45 *government shall promptly report any such instance to the applicant;]*

1 *[(C) The applicant and tribal government shall classify the suspected offenses according to their*
2 *potential to endanger public safety; and]*

3 *[(D) The tribal government and applicant shall engage in good faith consultation concerning the*
4 *collection and classification of data; and]*

5 *[(b) No later than September 1, 2013, the tribal government shall report to the Legislative Assem-*
6 *bly, in the manner provided in ORS 192.245, on the data collected under paragraph (a) of this sub-*
7 *section. The tribal government and the applicant shall engage in good faith consultation concerning the*
8 *contents of the report.]*

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