

HB 2162-1  
(LC 469)  
3/5/21 (JLM/ps)

Requested by Representative BYNUM

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2162**

1 In line 2 of the printed bill, after the semicolon delete the rest of the line  
2 and delete line 3 and insert “creating new provisions; amending ORS  
3 181A.360, 181A.375 and 181A.640; and prescribing an effective date.”.

4 Delete lines 5 through 12 and insert:

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

7 **“SECTION 2. (1) The Department of Public Safety Standards and**  
8 **Training shall by rule designate an accrediting body for law enforce-**  
9 **ment agencies in this state.**

10 **“(2) No later than July 1, 2025, each law enforcement agency in this**  
11 **state must be accredited by the accrediting body designated by the**  
12 **department under subsection (1) of this section.**

13 **“SECTION 3. No later than January 1, 2022, the Department of**  
14 **Public Safety Standards and Training shall report to the Legislative**  
15 **Assembly, in the manner provided under ORS 192.245, on the amount**  
16 **of additional instruction hours necessary to provide expanded equity**  
17 **training as part of the basic training course for police officers.**

18 **“SECTION 4. ORS 181A.360 is amended to read:**

19 **“181A.360. (1) The Governor shall appoint a Board on Public Safety**  
20 **Standards and Training consisting of [24] 26 members as follows:**

21 **“(a) Two members who are chiefs of police recommended to the Governor**

1 by the Oregon Association Chiefs of Police;

2 “(b) One member who is a sheriff recommended to the Governor by the  
3 Oregon State Sheriffs’ Association;

4 “(c) One member who is a fire chief recommended to the Governor by the  
5 Oregon Fire Chiefs Association;

6 “(d) One member who is a representative of the fire service recommended  
7 to the Governor by the Oregon Fire District Directors Association;

8 “(e) One member who is a member of the Oregon State Fire Fighters  
9 Council recommended to the Governor by the executive body of the council;

10 “(f) One member who is a representative of corrections personnel recom-  
11 mended to the Governor by the Oregon State Sheriffs’ Association;

12 “(g) One member who is a representative of the fire service recommended  
13 to the Governor by the Oregon Volunteer Firefighters Association;

14 “(h) One member who is a representative of public safety telecommu-  
15 nicators;

16 “(i) One member who is a district attorney recommended to the Governor  
17 by the Oregon District Attorneys Association;

18 “(j) One member who is the Superintendent of State Police;

19 “(k) One member who is the Chief of the Portland Police Bureau;

20 “(L) One member who is the State Fire Marshal;

21 “(m) One member who is the Chief of the Portland Fire Bureau;

22 “(n) One member who is the Director of the Department of Corrections;

23 “(o) One nonvoting member who is the Special Agent in Charge of the  
24 Federal Bureau of Investigation for Oregon;

25 “(p) One member who is an administrator of a municipality recommended  
26 to the Governor by the executive body of the League of Oregon Cities;

27 “(q) Two members who are nonmanagement representatives of law  
28 enforcement;

29 “(r) [*One member who is a public member. A person appointed as a public*  
30 *member*] **Three members who are public members. Of the three public**

1 **members appointed** under this section:

2 “(A) [*May have no*] **None may have** personal interest or occupational  
3 responsibilities in the area of responsibility given to the board; [*and*]

4 “(B) **All** must represent the interests of the public in general;

5 “(C) **At least one member must be part of a marginalized or his-**  
6 **torically underrepresented community;**

7 “(D) **One member must be recommended to the Governor by the**  
8 **President of the Senate; and**

9 “(E) **One member must be recommended to the Governor by the**  
10 **Speaker of the House of Representatives;**

11 “(s) Two members recommended by and representing the private security  
12 industry;

13 “(t) One member who is a representative of the collective bargaining unit  
14 that represents the largest number of individual workers in the Department  
15 of Corrections; and

16 “(u) One member who is a nonmanagement parole and probation officer  
17 employed by a community corrections program.

18 “(2) The term of office of a member is three years, and no member may  
19 be removed from office except for cause. Before the expiration of the term  
20 of a member, the Governor shall appoint the member’s successor to assume  
21 the member’s duties on July 1 next following. In case of a vacancy for any  
22 cause, the Governor shall make an appointment, effective immediately, for  
23 the unexpired term.

24 “(3) Except for members who serve by virtue of office, no member shall  
25 serve more than two terms. For purposes of this subsection, a person ap-  
26 pointed to fill a vacancy consisting of an unexpired term of at least one and  
27 one-half years has served a full term.

28 “(4) Appointments of members of the board by the Governor, except for  
29 those members who serve by virtue of office, are subject to confirmation by  
30 the Senate in the manner provided in ORS 171.562 and 171.565.

1 “(5) A member of the board is entitled to compensation and expenses as  
2 provided in ORS 292.495.

3 **“SECTION 5.** ORS 181A.375 is amended to read:

4 “181A.375. (1) The Board on Public Safety Standards and Training shall  
5 establish the following policy committees:

6 “(a) Corrections Policy Committee;

7 “(b) Fire Policy Committee;

8 “(c) Police Policy Committee;

9 “(d) Telecommunications Policy Committee; and

10 “(e) Private Security Policy Committee.

11 “(2) The members of each policy committee shall select a chairperson and  
12 vice chairperson for the policy committee. Only members of the policy com-  
13 mittee who are also members of the board are eligible to serve as a chair-  
14 person or vice chairperson. The vice chairperson may act as chairperson in  
15 the absence of the chairperson.

16 “(3) The Corrections Policy Committee consists of:

17 “(a) All of the board members who represent the corrections discipline;

18 “(b) The chief administrative officer of the training division of the De-  
19 partment of Corrections;

20 “(c) A security manager from the Department of Corrections recommended  
21 by the Director of the Department of Corrections; and

22 “(d) The following, who may not be current board members, appointed by  
23 the chairperson of the board:

24 “(A) One person recommended by and representing the Oregon State  
25 Sheriffs’ Association;

26 “(B) Two persons recommended by and representing the Oregon Sheriff’s  
27 Jail Command Council;

28 “(C) One person recommended by and representing a statewide association  
29 of community corrections directors;

30 “(D) One nonmanagement corrections officer employed by the Department

1 of Corrections;

2 “(E) One corrections officer who is employed by the Department of Cor-  
3 rections at a women’s correctional facility and who is a member of a bar-  
4 gaining unit;

5 “(F) Two nonmanagement corrections officers; and

6 “(G) One person representing the public who:

7 “(i) Has never been employed or utilized as a corrections officer or as a  
8 parole and probation officer; and

9 “(ii) Is not related within the second degree by affinity or consanguinity  
10 to a person who is employed or utilized as a corrections officer or parole and  
11 probation officer.

12 “(4) The Fire Policy Committee consists of:

13 “(a) All of the board members who represent the fire service discipline;  
14 and

15 “(b) The following, who may not be current board members, appointed by  
16 the chairperson of the board:

17 “(A) One person recommended by and representing a statewide association  
18 of fire instructors;

19 “(B) One person recommended by and representing a statewide association  
20 of fire marshals;

21 “(C) One person recommended by and representing community college fire  
22 programs;

23 “(D) One nonmanagement firefighter recommended by a statewide organ-  
24 ization of firefighters;

25 “(E) One person representing the forest protection agencies and recom-  
26 mended by the State Forestry Department; and

27 “(F) One person representing the public who:

28 “(i) Has never been employed or utilized as a fire service professional; and

29 “(ii) Is not related within the second degree by affinity or consanguinity  
30 to a person who is employed or utilized as a fire service professional.

1 “(5) The Police Policy Committee consists of:  
2 “(a) All of the board members who represent the law enforcement disci-  
3 pline; and  
4 “(b) The following, who may not be current board members, appointed by  
5 the chairperson of the board:  
6 “(A) One person recommended by and representing the Oregon Associ-  
7 ation Chiefs of Police;  
8 “(B) Two persons recommended by and representing the Oregon State  
9 Sheriffs’ Association;  
10 “(C) One command officer recommended by and representing the Oregon  
11 State Police;  
12 “(D) Three nonmanagement law enforcement officers; and  
13 “(E) [*One person*] **Two persons** representing the public [*who*]:  
14 “(i) [*Has*] **Who have** never been employed or utilized as a police officer,  
15 certified reserve officer, reserve officer or regulatory specialist; [*and*]  
16 “(ii) [*Is*] **Who are** not related within the second degree by affinity or  
17 consanguinity to a person who is employed or utilized as a police officer,  
18 certified reserve officer, reserve officer or regulatory specialist[.]; **and**  
19 “(iii) **One of whom is a member of a marginalized or historically**  
20 **underrepresented community.**  
21 “(6) The Telecommunications Policy Committee consists of:  
22 “(a) All of the board members who represent the telecommunications dis-  
23 cipline; and  
24 “(b) The following, who may not be current board members, appointed by  
25 the chairperson of the board:  
26 “(A) Two persons recommended by and representing a statewide associ-  
27 ation of public safety communications officers;  
28 “(B) One person recommended by and representing the Oregon Associ-  
29 ation Chiefs of Police;  
30 “(C) One person recommended by and representing the Oregon State Po-

1 lice;

2 “(D) Two persons representing telecommunicators;

3 “(E) One person recommended by and representing the Oregon State  
4 Sheriffs’ Association;

5 “(F) One person recommended by and representing the Oregon Fire Chiefs  
6 Association;

7 “(G) One person recommended by and representing the Emergency Med-  
8 ical Services and Trauma Systems Program of the Oregon Health Authority;

9 “(H) One person representing emergency medical services providers and  
10 recommended by a statewide association dealing with fire medical issues; and

11 “(I) One person representing the public who:

12 “(i) Has never been employed or utilized as a telecommunicator or an  
13 emergency medical dispatcher; and

14 “(ii) Is not related within the second degree by affinity or consanguinity  
15 to a person who is employed or utilized as a telecommunicator or an emer-  
16 gency medical dispatcher.

17 “(7) The Private Security Policy Committee consists of:

18 “(a) All of the board members who represent the private security industry;  
19 and

20 “(b) The following, who may not be current board members, appointed by  
21 the chairperson of the board:

22 “(A) One person representing unarmed private security professionals;

23 “(B) One person representing armed private security professionals;

24 “(C) One person representing the health care industry;

25 “(D) One person representing the manufacturing industry;

26 “(E) One person representing the retail industry;

27 “(F) One person representing the hospitality industry;

28 “(G) One person representing private business or a governmental entity  
29 that utilizes private security services;

30 “(H) One person representing persons who monitor alarm systems;

1 “(I) Two persons who are investigators licensed under ORS 703.430, one  
2 of whom is recommended by the Oregon State Bar and one of whom is in  
3 private practice; and

4 “(J) One person representing the public who:

5 “(i) Has never been employed or utilized as a private security provider,  
6 as defined in ORS 181A.840, or an investigator, as defined in ORS 703.401;  
7 and

8 “(ii) Is not related within the second degree by affinity or consanguinity  
9 to a person who is employed or utilized as a private security provider, as  
10 defined in ORS 181A.840, or an investigator, as defined in ORS 703.401.

11 “(8) In making appointments to the policy committees under this section,  
12 the chairperson of the board shall seek to reflect the diversity of the state’s  
13 population. An appointment made by the chairperson of the board must be  
14 ratified by the board before the appointment is effective. The chairperson of  
15 the board may remove an appointed member for just cause. An appointment  
16 to a policy committee that is based on the member’s employment is auto-  
17 matically revoked if the member changes employment. The chairperson of the  
18 board shall fill a vacancy in the same manner as making an initial appoint-  
19 ment. The term of an appointed member is two years. An appointed member  
20 may be appointed to a second term.

21 “(9) A policy committee may meet at such times and places as determined  
22 by the policy committee in consultation with the Department of Public  
23 Safety Standards and Training. A majority of a policy committee constitutes  
24 a quorum to conduct business. A policy committee may create subcommittees  
25 if needed.

26 “(10)(a) Each policy committee shall develop policies, requirements, stan-  
27 dards and rules relating to its specific discipline. A policy committee shall  
28 submit its policies, requirements, standards and rules to the board for the  
29 board’s consideration. When a policy committee submits a policy, require-  
30 ment, standard or rule to the board for the board’s consideration, the board



1 shall:

2 “(A) Approve the policy, requirement, standard or rule;

3 “(B) Disapprove the policy, requirement, standard or rule; or

4 “(C) Defer a decision and return the matter to the policy committee for  
5 revision or reconsideration.

6 “(b) The board may defer a decision and return a matter submitted by a  
7 policy committee under paragraph (a) of this subsection only once. If a pol-  
8 icy, requirement, standard or rule that was returned to a policy committee  
9 is resubmitted to the board, the board shall take all actions necessary to  
10 implement the policy, requirement, standard or rule unless the board disap-  
11 proves the policy, requirement, standard or rule.

12 “(c) Disapproval of a policy, requirement, standard or rule under para-  
13 graph (a) or (b) of this subsection requires a two-thirds vote by the members  
14 of the board.

15 “(11) At any time after submitting a matter to the board, the chairperson  
16 of the policy committee may withdraw the matter from the board’s consid-  
17 eration.

18 **“SECTION 6. Section 7 of this 2021 Act is added to and made a part  
19 of ORS 181A.355 to 181A.670.**

20 **“SECTION 7. (1) The Department of Public Safety Standards and  
21 Training shall develop, and the Board on Public Safety Standards and  
22 Training shall establish by rule, a statewide equity training program  
23 for police officers.**

24 **“(2) The department shall include the equity training described in  
25 subsection (1) of this section in the minimum training required to ob-  
26 tain and maintain basic certification as a police officer under ORS  
27 181A.490.**

28 **“SECTION 8. ORS 181A.640, as amended by section 6, chapter 7, Oregon  
29 Laws 2020 (first special session), is amended to read:**

30 **“181A.640. (1) The Department of Public Safety Standards and Training**

1 may deny the application for training, or deny, suspend or revoke the certi-  
2 fication, of any public safety officer or instructor, except a youth correction  
3 officer or fire service professional, after written notice and hearing consist-  
4 ent with the provisions of ORS 181A.630, based upon a finding that:

5 “(a) The public safety officer or instructor falsified any information sub-  
6 mitted on the application for certification or on any documents submitted to  
7 the Board on Public Safety Standards and Training or the department.

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

10 “(c) The public safety officer or instructor does not meet the applicable  
11 minimum standards, minimum training or the terms and conditions estab-  
12 lished under ORS 181A.410 (1)(a) to (d).

13 “(d) The public safety officer failed to comply with ORS 181A.790 (3)(b).

14 “(2) The department shall deny the application for training or deny, sus-  
15 pend or revoke the certification of a police officer, after written notice and  
16 hearing consistent with the provisions of ORS 181A.630, based upon a finding  
17 that:

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

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

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

28 “(d) The officer has a conviction in any jurisdiction for any offense in-  
29 volving abuse, as defined in ORS 107.705, of a child who is under 18 years  
30 of age and is a natural child, adopted child, stepchild, a child under the

1 guardianship of, or a child who regularly resides or formerly resided in the  
2 same household as, the officer;

3 “(e) The officer is a sex offender as defined in ORS 163A.005; [or]

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

7 “(A) Obtain false confessions;

8 “(B) Make false arrests;

9 “(C) Create or use falsified evidence, including false testimony, or to de-  
10 stroy evidence to create a false impression;

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

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

15 “(F) Gain advantage for a public or private safety agency or for personal  
16 gain[.];

17 **“(g) The officer engaged in the use of force that was determined to  
18 be excessive or without justification;**

19 **“(h) The officer engaged in the abuse of lawful authority; or**

20 **“(i) The officer engaged in policing indicative of bias or  
21 discriminatory intent against an individual based on the individual’s  
22 real or perceived age, race, ethnicity, color, national origin, language,  
23 sex, gender identity, sexual orientation, political affiliation, religion,  
24 homelessness or disability.**

25 “(3) The department shall deny, suspend or revoke the certification of a  
26 fire service professional, after written notice and hearing consistent with the  
27 provisions of ORS 181A.630, based upon a finding that the fire service pro-  
28 fessional has been convicted in this state of a crime listed in ORS 137.700  
29 or in any other jurisdiction of a crime that, if committed in this state, would  
30 constitute a crime listed in ORS 137.700.

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

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

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

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

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

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

22 “(a) Proceed with any investigation of, or any action or disciplinary pro-  
23 ceedings against, the public safety officer or instructor; or

24 “(b) Revise or render void an order suspending or revoking the certifica-  
25 tion.

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

1 “(9) When the department completes an investigation relating to a  
2 person’s qualifications for employment, training or certification under this  
3 section, the department shall issue a report.

4 “(10) In cases involving a proposed denial of training or certification of  
5 a public safety officer or instructor by the department, the department has  
6 jurisdiction to proceed with any action against the public safety officer or  
7 instructor notwithstanding a subsequent change in the employment status  
8 of the officer or instructor, if:

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

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

12 **“SECTION 9. This 2021 Act takes effect on the 91st day after the**  
13 **date on which the 2021 regular session of the Eighty-first Legislative**  
14 **Assembly adjourns sine die.”.**

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