

Requested by Representative NOBLE

**PROPOSED AMENDMENTS TO
HOUSE BILL 2929**

1 On page 1 of the printed bill, delete lines 5 through 30 and delete page
2 2 and insert:

3 **“SECTION 1.** Section 2, chapter 5, Oregon Laws 2020 (first special ses-
4 sion), is amended to read:

5 **“Sec. 2.** (1) As used in this section, ‘misconduct’ means:

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

9 “(b) Sexual harassment or sexual misconduct;

10 “(c) Discrimination against a person based on race, color, religion, sex,
11 sexual orientation, national origin, disability or age;

12 “(d) A crime; or

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

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

20 “(3)(a) A police officer or reserve officer who witnesses another police
21 officer or reserve officer engaging in misconduct shall report the misconduct

1 [to a supervisor] as soon as practicable, but no later than 72 hours after
2 witnessing the misconduct, to:

3 **“(A) A direct supervisor of the reporting officer;**

4 **“(B) A person in the reporting officer’s chain of command; or**

5 **“(C) The Department of Public Safety Standards and Training.**

6 **“(b) If the person to whom a police officer reports misconduct does**
7 **not have the authority to direct an investigation into the alleged**
8 **misconduct, the person shall forward the report of misconduct to a**
9 **person who has the authority to direct an investigation into the al-**
10 **leged misconduct as soon as practicable, but no later than 72 hours**
11 **after receiving the report.**

12 **“(c) A law enforcement unit that receives a report of misconduct**
13 **under this subsection shall complete an investigation of the miscon-**
14 **duct within three months after the date of the report unless circum-**
15 **stances prevent the investigation from being completed. The law**
16 **enforcement unit shall notify the Department of Public Safety Stan-**
17 **dards and Training when an investigation results in a finding that**
18 **sustains the report of misconduct.**

19 **“(4) Failure to intervene or report as required by subsections (2) and (3)**
20 **of this section is grounds for disciplinary action against a police officer or**
21 **reserve officer by the law enforcement unit employing the officer or for the**
22 **Department of Public Safety Standards and Training to suspend or revoke**
23 **the officer’s certification as provided in ORS 181A.630, 181A.640 and**
24 **181A.650.**

25 **“(5) An employer may not discharge, demote, suspend or in any manner**
26 **discriminate or retaliate against a police officer or reserve officer with re-**
27 **gard to promotion, compensation or other terms, conditions or privileges of**
28 **employment for the reason that the officer intervened or reported as required**
29 **by subsections (2) and (3) of this section. Violation of this subsection is an**
30 **unlawful employment practice as provided in ORS 659A.199.**

1 “(6) The Department of Public Safety Standards and Training shall report
2 at least annually to an appropriate committee of the Legislative Assembly
3 on any rules adopted by the department implementing this section.

4 “**SECTION 2.** (1) **The Department of Public Safety Standards and**
5 **Training shall establish and maintain a form and database for reports**
6 **of misconduct under section 2, chapter 5, Oregon Laws 2020 (first spe-**
7 **cial session). The form must be available on the department’s website.**

8 “(2) **When the department receives a report of misconduct directly**
9 **from a police officer or reserve officer under section 2 (3)(a)(C), chap-**
10 **ter 5, Oregon Laws 2020 (first special session), the department shall**
11 **forward the report to the law enforcement unit employing the subject**
12 **of the report for investigation.”.**

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