

HB 2930-11
(LC 746)
3/29/21 (JAS/cpa/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Representative Janelle Bynum)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2930**

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
3 243.706 concerning alleged misconduct by a law enforcement officer:

4 “(a) A law enforcement agency has the burden of proof by a preponder-
5 ance of the evidence to 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,
8 as defined in ORS 236.350.

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

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

19 “(d) The requirements described in this subsection are not subject to col-
20 lective bargaining.”.

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

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

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

4 “(b) The Attorney General or a designee from the Attorney General’s of-
5 fice.

6 “(c) The President of the Senate shall appoint one member from among
7 members of the Senate.

8 “(d) The Speaker of the House of Representatives shall appoint one
9 member from among members of the House of Representatives.

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

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

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

16 “(C) Two members who represent historically marginalized groups or
17 community-based organizations that represent communities impacted by po-
18 licing.

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

21 “(E) One member who represents the League of Oregon Cities.

22 “(F) One member who represents the Association of Oregon Counties.

23 “(G) One member who represents public defender organizations estab-
24 lished under ORS chapter 151 or the Oregon Criminal Defense Lawyers As-
25 sociation.

26 “(H) One member who represents the Oregon District Attorneys Associ-
27 ation.”.

28 On page 3, line 19, delete “(2)(c)” and insert “(2)(e)”.

29 In line 32, delete “Joint Committee on Transparent Policing and Use of
30 Force Reform” and insert “House Committee on Judiciary or an interim

1 committee of the Legislative Assembly related to the judiciary”.

2 On page 12, after line 14 insert:

3 **“SECTION 8. Section 2 of this 2021 Act applies to collective bar-**
4 **gaining agreements entered into or renewed on or after the effective**
5 **date this 2021 Act.”.**

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

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

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

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