

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. No later than January 1, 2022, the Department of**
6 **Public Safety Standards and Training shall report to the Legislative**
7 **Assembly, in the manner provided under ORS 192.245, on the amount**
8 **of additional instruction hours necessary to provide expanded equity**
9 **training as part of the basic training course for police officers.**

10 **“SECTION 2. ORS 181A.360 is amended to read:**

11 **“181A.360. (1) The Governor shall appoint a Board on Public Safety**
12 **Standards and Training consisting of [24] 26 members as follows:**

13 **“(a) Two members who are chiefs of police recommended to the Governor**
14 **by the Oregon Association Chiefs of Police;**

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

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

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

21 **“(e) One member who is a member of the Oregon State Fire Fighters**

1 Council recommended to the Governor by the executive body of the council;

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

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

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

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

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

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

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

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

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

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

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

19 “(q) Two members who are nonmanagement representatives of law
20 enforcement;

21 “(r) [*One member who is a public member. A person appointed as a public*
22 *member*] **Three members who are public members. Of the three public**
23 **members appointed** under this section:

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

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

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

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

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

3 “(s) Two members recommended by and representing the private security
4 industry;

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

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

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

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

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

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

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

26 “181A.375. (1) The Board on Public Safety Standards and Training shall
27 establish the following policy committees:

28 “(a) Corrections Policy Committee;

29 “(b) Fire Policy Committee;

30 “(c) Police Policy Committee;

1 “(d) Telecommunications Policy Committee; and

2 “(e) Private Security Policy Committee.

3 “(2) The members of each policy committee shall select a chairperson and
4 vice chairperson for the policy committee. Only members of the policy com-
5 mittee who are also members of the board are eligible to serve as a chair-
6 person or vice chairperson. The vice chairperson may act as chairperson in
7 the absence of the chairperson.

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

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

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

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

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

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

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

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

22 “(D) One nonmanagement corrections officer employed by the Department
23 of Corrections;

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

27 “(F) Two nonmanagement corrections officers; and

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

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

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

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

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

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

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

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

13 “(C) One person recommended by and representing community college fire
14 programs;

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

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

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

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

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

23 “(5) The Police Policy Committee consists of:

24 “(a) All of the board members who represent the law enforcement disci-
25 pline; and

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

28 “(A) One person recommended by and representing the Oregon Associ-
29 ation Chiefs of Police;

30 “(B) Two persons recommended by and representing the Oregon State

1 Sheriffs' Association;

2 “(C) One command officer recommended by and representing the Oregon
3 State Police;

4 “(D) Three nonmanagement law enforcement officers; and

5 “(E) [*One person*] **Two persons** representing the public [*who*]:

6 “(i) [*Has*] **Who have** never been employed or utilized as a police officer,
7 certified reserve officer, reserve officer or regulatory specialist; [*and*]

8 “(ii) [*Is*] **Who are** not related within the second degree by affinity or
9 consanguinity to a person who is employed or utilized as a police officer,
10 certified reserve officer, reserve officer or regulatory specialist[.]; **and**

11 “(iii) **One of whom is a member of a marginalized or historically**
12 **underrepresented community.**

13 “(6) The Telecommunications Policy Committee consists of:

14 “(a) All of the board members who represent the telecommunications dis-
15 cipline; and

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

18 “(A) Two persons recommended by and representing a statewide associ-
19 ation of public safety communications officers;

20 “(B) One person recommended by and representing the Oregon Associ-
21 ation Chiefs of Police;

22 “(C) One person recommended by and representing the Oregon State Po-
23 lice;

24 “(D) Two persons representing telecommunicators;

25 “(E) One person recommended by and representing the Oregon State
26 Sheriffs' Association;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 “(ii) Is not related within the second degree by affinity or consanguinity

1 to a person who is employed or utilized as a private security provider, as
2 defined in ORS 181A.840, or an investigator, as defined in ORS 703.401.

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

13 “(9) A policy committee may meet at such times and places as determined
14 by the policy committee in consultation with the Department of Public
15 Safety Standards and Training. A majority of a policy committee constitutes
16 a quorum to conduct business. A policy committee may create subcommittees
17 if needed.

18 “(10)(a) Each policy committee shall develop policies, requirements, stan-
19 dards and rules relating to its specific discipline. A policy committee shall
20 submit its policies, requirements, standards and rules to the board for the
21 board’s consideration. When a policy committee submits a policy, require-
22 ment, standard or rule to the board for the board’s consideration, the board
23 shall:

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

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

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

28 “(b) The board may defer a decision and return a matter submitted by a
29 policy committee under paragraph (a) of this subsection only once. If a pol-
30 icy, requirement, standard or rule that was returned to a policy committee

1 is resubmitted to the board, the board shall take all actions necessary to
2 implement the policy, requirement, standard or rule unless the board disap-
3 proves the policy, requirement, standard or rule.

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

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

10 **“SECTION 4. Section 5 of this 2021 Act is added to and made a part**
11 **of ORS 181A.355 to 181A.670.**

12 **“SECTION 5. (1) The Department of Public Safety Standards and**
13 **Training shall develop, and the Board on Public Safety Standards and**
14 **Training shall establish by rule, a statewide equity training program**
15 **for police officers.**

16 **“(2) The department shall include the equity training described in**
17 **subsection (1) of this section in the minimum training required to ob-**
18 **tain and maintain basic certification as a police officer under ORS**
19 **181A.490.**

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

22 “181A.640. (1) The Department of Public Safety Standards and Training
23 may deny the application for training, or deny, suspend or revoke the certi-
24 fication, of any public safety officer or instructor, except a youth correction
25 officer or fire service professional, after written notice and hearing consist-
26 ent with the provisions of ORS 181A.630, based upon a finding that:

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

30 “(b) The public safety officer or instructor has been convicted of a crime

1 or violation in this state or any other jurisdiction.

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

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

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

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

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

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

20 “(d) The officer has a conviction in any jurisdiction for any offense in-
21 volving abuse, as defined in ORS 107.705, of a child who is under 18 years
22 of age and is a natural child, adopted child, stepchild, a child under the
23 guardianship of, or a child who regularly resides or formerly resided in the
24 same household as, the officer;

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

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

29 “(A) Obtain false confessions;

30 “(B) Make false arrests;

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

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

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

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

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

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

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

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

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

26 “(a) That the fire service professional falsified any information submitted
27 on the application for certification or on any documents submitted to the
28 board or the department; or

29 “(b) Consistent with ORS 670.280, that the fire service professional is not
30 fit to receive or hold the certification as a result of conviction of a crime

1 in this state, or in any other jurisdiction, other than a crime described in
2 subsection (3) of this section.

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

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

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

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

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

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

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

26 “(10) In cases involving a proposed denial of training or certification of
27 a public safety officer or instructor by the department, the department has
28 jurisdiction to proceed with any action against the public safety officer or
29 instructor notwithstanding a subsequent change in the employment status
30 of the officer or instructor, if:

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

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

4 “**SECTION 7. This 2021 Act takes effect on the 91st day after the**
5 **date on which the 2021 regular session of the Eighty-first Legislative**
6 **Assembly adjourns sine die.”**

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