

HB 2930-15  
(LC 746)  
4/1/21 (JAS/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 nonvoting member,  
7 acting in an advisory capacity only, from among members of the Senate.

8 “(d) The Speaker of the House of Representatives shall appoint one non-  
9 voting member, acting in an advisory capacity only, from among members  
10 of the House of Representatives.

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

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

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

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

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

22 “(E) Two members who are representatives of local government to repre-  
23 sent the interests of cities and counties.

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

27 “(G) One member who represents the interests of prosecutors in this  
28 state.”.

29 On page 3, line 1, delete “July 1, 2021” and insert “October 1, 2022”.

30 In line 19, delete “(2)(c)” and insert “(2)(e)”.

1 Delete lines 29 through 33 and insert:

2 “(13) A member of the commission who is not a member of the Legislative  
3 Assembly is entitled to compensation and expenses as provided in ORS  
4 292.495.

5 “(14)(a) The commission shall prepare and submit a report in the manner  
6 provided by ORS 192.245 to the House Committee on Judiciary or an interim  
7 committee of the Legislative Assembly related to the judiciary no later than  
8 September 1, 2022, and September 1 every year thereafter.”

9 In line 37, delete “July 1, 2021” and insert “September 1, 2022”.

10 On page 12, after line 14, insert:

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

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

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

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

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