

HOUSE AMENDMENTS TO HOUSE BILL 4008

By COMMITTEE ON JUDICIARY

February 15

1 In line 2 of the printed bill, after the semicolon delete the rest of the line and insert “amending
2 ORS 243.812 and section 10, chapter 541, Oregon Laws 2021; and declaring an emergency.”.

3 Delete lines 4 through 11 and insert:

4 “**SECTION 1.** ORS 243.812 is amended to read:

5 “243.812. (1) The Commission on Statewide Law Enforcement Standards of Conduct and Disci-
6 pline is established for the purpose of adopting rules that prescribe uniform:

7 “(a) Standards of conduct, including guidelines and procedures, to which law enforcement offi-
8 cers shall adhere; and

9 “(b) Disciplinary standards and procedures, including a range of disciplinary actions that may
10 include consideration of aggravating or mitigating circumstances, by which a law enforcement
11 agency, a civilian or community oversight board, agency or review body, and an arbitrator who
12 serves in an arbitration proceeding described under ORS 243.706 (3) shall make determinations re-
13 garding alleged misconduct by a law enforcement officer, and shall make recommendations for and
14 impose disciplinary action in response to such determinations.

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

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

18 “(b) The Attorney General or a designee from the Attorney General’s office.

19 “(c) The President of the Senate shall appoint one nonvoting member, acting in an advisory ca-
20 pacity only, from among members of the Senate.

21 “(d) The Speaker of the House of Representatives shall appoint one nonvoting member, acting
22 in an advisory capacity only, from among members of the House of Representatives.

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

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

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

27 “(C) Two members who represent historically marginalized groups or community-based organ-
28 izations that represent communities impacted by policing.

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

31 “(E) Two members who are representatives of local government to represent the interests of
32 cities and counties.

33 “(F) One member who represents public defender organizations established under ORS chapter
34 151 or the Oregon Criminal Defense Lawyers Association.

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

1 “(3) At a minimum, the uniform standards described under subsection (1) of this section must
2 address standards of conduct and discipline regarding:

3 “(a) Unjustified or excessive use of physical or deadly force;

4 “(b) Sexual harassment;

5 “(c) Sexual assault;

6 “(d) Assault;

7 “(e) Conduct that is motivated by or based on a real or perceived factor of an individual’s race,
8 ethnicity, national origin, sex, gender identity, sexual orientation, religion or homelessness;

9 “(f) Moral character; and

10 “(g) The use of drugs or alcohol while on duty.

11 “(4) On or before October 1, 2022, the commission shall adopt and publish rules pursuant to ORS
12 chapter 183 to establish the uniform standards described under subsection (1) of this section.

13 “(5) The commission shall review the standards described under subsection (1) of this section
14 at least once every two years.

15 “(6) The meetings of the commission shall be open to the public in accordance with state law.
16 Records of the commission shall be open and available to the public in accordance with state law.

17 “(7) The commission shall establish and implement an open hearing process for public input and
18 deliberation before the commission adopts rules that establish the standards described under sub-
19 section (1) of this section, including:

20 “(a) Public notice;

21 “(b) Public outreach to solicit broad public participation; and

22 “(c) Public hearings to receive public comment.

23 “(8) A majority of the members of the commission constitutes a quorum for the transaction of
24 business.

25 “(9) Official action by the commission requires the approval of a majority of the commission.

26 “(10) The term of a member appointed under subsection (2)(e) of this section shall be two years.
27 If there is a vacancy on the commission for any reason, the Director of the Department of Public
28 Safety Standards and Training and the Attorney General shall appoint a person to the unexpired
29 term.

30 “(11) The members of the commission shall elect one person from the Department of Public
31 Safety Standards and Training and one person from the Department of Justice from among the
32 members of the commission to serve as cochairpersons of the commission who shall preside over
33 meetings and execute the duties determined by the commission to be necessary.

34 “**(12) The commission may hire an executive director and support staff, and may enter
35 into an interagency or intergovernmental agreement to have another state agency or gov-
36 ernmental agency provide support staff.**

37 “[~~(12)~~] **(13)** The commission may adopt rules necessary for the operation of the commission.

38 “[~~(13)~~] **(14)** A member of the commission who is not a member of the Legislative Assembly is
39 entitled to compensation and expenses as provided in ORS 292.495.

40 “[~~(14)(a)~~] **(15)(a)** The commission shall prepare and submit a report in the manner provided by
41 ORS 192.245 to the House Committee on Judiciary or an interim committee of the Legislative As-
42 sembly related to the judiciary no later than September 1, 2022, and September 1 every year there-
43 after.

44 “(b) The initial report must describe the development and adoption of the uniform standards
45 described under subsection (1) of this section, including the methodology used to apprise each law

1 enforcement agency in this state and each civilian or community oversight board, agency or review
2 body, of the standards. The commission shall include in reports submitted after September 1, 2022,
3 information regarding the progress of each law enforcement agency and civilian or community
4 oversight board, agency or review body, towards implementing and applying the uniform standards
5 and the commission's recommendations on updates to the standards, as are considered necessary.

6 “[(15)] (16) As used in this section:

7 “(a) ‘Assault’ has the meaning given that term in ORS 163.115.

8 “(b) ‘Civilian or community oversight board, agency or review body’ means a board, an agency
9 or a body:

10 “(A) Designated by a municipality or a law enforcement agency in performing duties related to
11 investigating allegations of officer misconduct or reviewing police policies and practices; or

12 “(B) Created to oversee disciplinary matters concerning law enforcement officers pursuant to a
13 city charter or ordinance for which a measure that included the question of whether to establish the
14 board, agency or body was referred to and approved by the people of the city at an election held
15 on or after July 1, 2020.

16 “(c) ‘Law enforcement agency’ and ‘law enforcement officer’ have the meanings given those
17 terms in ORS 131.930.

18 “(d) ‘Sexual assault’ has the meaning given that term in ORS 243.317.

19 “**SECTION 2.** Section 10, chapter 541, Oregon Laws 2021, is amended to read:

20 “**Sec. 10.** Section 3, **chapter 541, Oregon Laws 2021**, [*of this 2021 Act*] and the amendments to
21 ORS 243.650 and 243.706 by sections 5 to 7, **chapter 541, Oregon Laws 2021**, [*of this 2021 Act*] apply
22 to collective bargaining agreements entered into or renewed on or after the operative date specified
23 in section 11, **chapter 541, Oregon Laws 2021** [*10 of this 2021 Act*].

24 “**SECTION 3.** **This 2022 Act being necessary for the immediate preservation of the public**
25 **peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect**
26 **on its passage.”.**