

HB 2819 A -A2 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 4/30, 5/7

WHAT THE MEASURE DOES:

The measure authorizes the State Forester, or a person authorized by the State Forester to issue citations for fire protection violations not witnessed firsthand if reasonable grounds exist based on information received, scene investigation, or a witness statement.

HOUSE VOTE: Ayes, 38; Nays, 18

ISSUES DISCUSSED:

- Probable cause vs. reasonable grounds
- Whether other agencies have the authority to issue citations on reasonable grounds or probable cause
- Sufficiency of reasonable grounds to issue a non-criminal citation

EFFECT OF AMENDMENT:

-A2 The amendment removes "reasonable grounds" and heightens the standard to "probable cause"

BACKGROUND:

Oregon law allows an enforcement officer to issue a violation citation only if the conduct takes place in the presence of the enforcement officer and the enforcement officer has reasonable grounds to believe that the conduct constitutes a violation. There are a number of statutes that allow an agency to issue a citation for a violation of conduct that did not take place in the presence of the enforcement officer so long the enforcement officer received information from an authorized agency employee as a basis for reasonable grounds. House Bill 2819A allows the State Forester, or person authorized by the State Forester, to issue a citation without personally witnessing the conduct of a fire protection law violation, and use information received from any person including agency employees as a basis for reasonable grounds. The measure also allows the enforcement officer to conduct an on-site investigation to establish reasonable grounds.