

HB 2819 A -A3, -A4 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 4/30, 5/8, 5/14

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:

-A3 The amendment replaces the measure. It adds a definition for "first responder" and allows an enforcement officer authorized by the State Forester to issue a citation when the conduct did not take place in the presence of the enforcement officer, if the enforcement officer has reasonable grounds to believe the violation occurred based on information from a first responder.

-A4 The amendment replaces the measure. It adds a definition for "credible witness" and allows an enforcement officer authorized by the State Forester to issue a citation when the conduct did not take place in the presence of the enforcement officer, if the enforcement officer has probable cause to believe the conduct constitutes a violation based on supporting evidence through investigation, including the information received by a credible witness.

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 2819 A 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.