

HB 2819 B STAFF MEASURE SUMMARY

Carrier: Sen. Broadman

Senate Committee On Judiciary

Action Date: 05/19/25

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

Vote: 6-0-0-0

Yeas: 6 - Broadman, Gelser Blouin, Manning Jr, McLane, Prozanski, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: Has minimal revenue impact

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Meeting Dates: 4/30, 5/8, 5/14, 5/19

WHAT THE MEASURE DOES:

The measure authorizes the State Forester, or a person authorized by the State Forester, to issue a citation when the conduct did not take place in the presence of the enforcement officer issuing the citation, if the enforcement officer has probable cause to believe the conduct constitutes a violation based on evidence collected during investigation, including the information received from a credible witness.

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:

The amendment replaces the measure.

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 as the enforcement officer received information from an authorized agency employee as the 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.