

House Bill 2757

Sponsored by COMMITTEE ON BUSINESS AND LABOR (at the request of AFSCME Local 88)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits public official or local government from authorizing person to enforce animal protection laws on behalf of local government unless person is peace officer or commissioned animal control officer. Prohibits dog control district from appointing dog control officer who is not commissioned by county as animal control officer. Requires county employing animal control officer to commission officer to enforce animal protection laws. Requires Department of Public Safety Standards and Training to make training and certification available for animal control officers.

A BILL FOR AN ACT

1
2 Relating to animal control officers; creating new provisions; and amending ORS 133.065, 133.069,
3 133.070, 133.073, 133.220, 133.375, 133.377, 153.005, 181.610, 181.637, 181.660 and 686.450.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS 609.035 to**
6 **609.110.**

7 **SECTION 2. (1) As used in this section, "animal control officer" has the meaning given**
8 **that term in ORS 133.375.**

9 **(2) A dog control district board of supervisors may not authorize a person to act as a dog**
10 **control officer for the district unless the county in which the district is located commissions**
11 **the person as a peace officer or an animal control officer.**

12 **SECTION 3. (1) As used in this section:**

13 **(a) "Animal control officer" has the meaning given that term in ORS 133.375.**

14 **(b) "Commissioned" has the meaning given that term in ORS 181.610.**

15 **(2) Only a county employee may be authorized to act as an animal control officer.**

16 **(3) Notwithstanding ORS 133.225, 267.150 and 268.360, a public official or local government**
17 **may not authorize a person other than a peace officer or a county animal control officer to**
18 **enforce ORS 167.310 to 167.351, 167.352, 167.355, 167.360 to 167.375, 167.390 or 167.426 to 167.439**
19 **or any local ordinance establishing crimes involving animals.**

20 **(4) A county employing an animal control officer shall commission the officer to enforce**
21 **ORS 167.310 to 167.351, 167.352, 167.355, 167.360 to 167.375, 167.390 or 167.426 to 167.439 or any**
22 **local ordinance establishing crimes involving animals within the jurisdiction of the county.**
23 **The county shall commission the animal control officer to issue citations as described in**
24 **section 5 of this 2007 Act and ORS chapter 153. If the animal control officer has completed**
25 **training and certification by the Department of Public Safety Standards and Training, the**
26 **county may commission the officer to make arrests as provided in section 12 of this 2007**
27 **Act.**

28 **SECTION 4. Section 5 of this 2007 Act is added to and made a part of ORS 133.055 to**
29 **133.076.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **SECTION 5. (1) An animal control officer, as defined in ORS 133.375, may issue a criminal**
 2 **citation to a person if the officer has probable cause to believe that the person has commit-**
 3 **ted a misdemeanor described in subsection (2) of this section or has committed any felony**
 4 **described in subsection (2) of this section that is subject to misdemeanor treatment under**
 5 **ORS 161.705. The officer shall deliver a copy of the criminal citation to the person. The**
 6 **criminal citation shall require the person to appear at the court of the magistrate before**
 7 **whom the person would be taken pursuant to ORS 133.450 if the person were arrested for the**
 8 **offense.**

9 **(2) An animal control officer may issue a criminal citation only for those statutes and**
 10 **ordinances that the officer has an official duty to enforce, including but not limited to ORS**
 11 **167.310 to 167.351, 167.352, 167.355, 167.360 to 167.375, 167.390, 167.426 to 167.439, 609.035 to**
 12 **609.110 and 609.135 to 609.190 and any local ordinance for animal control or establishing**
 13 **crimes involving animals.**

14 **SECTION 6.** ORS 133.065 is amended to read:

15 133.065. If a criminal citation is issued as described in ORS 133.055 **or section 5 of this 2007**
 16 **Act**, the peace officer **or animal control officer issuing the citation** shall serve one copy on the
 17 person arrested and shall, as soon as practicable, file a duplicate copy with the magistrate [*specified*
 18 *in ORS 133.055*] **referred to in the citation** along with proof of service.

19 **SECTION 7.** ORS 133.069 is amended to read:

20 133.069. (1) A criminal citation issued with a form of complaint must contain:

21 (a) The name of the court at which the cited person is to appear.

22 (b) The name of the person cited.

23 (c) A complaint containing at least the following:

24 (A) The name of the court, the name of the state or of the city or other public body in whose
 25 name the action is brought and the name of the defendant.

26 (B) A statement or designation of the crime that can be readily understood by a person making
 27 a reasonable effort to do so and the date, time and place at which the crime is alleged to have been
 28 committed.

29 (C) A form of certificate in which the peace officer **or animal control officer** must certify that
 30 the [*peace*] officer has sufficient grounds to believe, and does believe, that the person named in the
 31 complaint committed the offense specified in the complaint. A certificate conforming to this sub-
 32 paragraph shall be deemed equivalent to a sworn complaint.

33 (d) The date on which the citation was issued, and the name of the peace officer **or animal**
 34 **control officer** who issued the citation.

35 (e) The date, time and place at which the person cited is to appear in court, and a summons to
 36 so appear.

37 (f) If the arrest was made by a private party, the name of the arresting person.

38 (2) The district attorney for the county shall review any criminal citation issued with a form
 39 of complaint that is to be filed in a circuit or justice court. The review must be done before the
 40 complaint is filed.

41 (3) If the complaint does not conform to the requirements of this section, the court shall set the
 42 complaint aside upon motion of the defendant made before entry of a plea. A pretrial ruling on a
 43 motion to set aside may be appealed by the state.

44 (4) A court may amend a complaint at its discretion.

45 **SECTION 8.** ORS 133.070 is amended to read:

1 133.070. (1) In any instance in which a person is subject to arrest without a warrant for vio-
 2 lation of an ordinance of a county, city or municipal corporation, any peace officer **or animal**
 3 **control officer** who is authorized to make the arrest may make the arrest or in lieu of taking the
 4 person into custody the officer may issue and serve a criminal citation to the person to appear at
 5 any court within the jurisdictional unit by which the officer is authorized to act.

6 (2) Any criminal citation issued under this section must meet the requirements of ORS 133.055
 7 to 133.076.

8 (3) The person cited shall appear before the court in which the person’s appearance is required
 9 at the time, date and court specified in the criminal citation. If the person fails to appear at that
 10 time and a complaint is filed, the court shall issue a warrant for the person’s arrest upon application
 11 for its issuance.

12 **SECTION 9.** ORS 133.073 is amended to read:

13 133.073. (1) Notwithstanding ORS 133.065, a peace officer **or animal control officer**, following
 14 procedures established by court rule, may file a criminal citation with or without a form of com-
 15 plaint with the court by electronic means, without an actual signature of the officer, in lieu of filing
 16 a duplicate paper copy of the citation. [A *peace*] **An** officer who files a criminal citation under this
 17 section is deemed to certify the citation and any complaint included with the citation by that filing
 18 and has the same rights, responsibilities and liabilities in relation to the citation and any complaint
 19 included with the citation as an officer has in relation to citations and complaints that are filed with
 20 the court in paper form and are certified by actual signature.

21 (2) A court may allow electronic filing of criminal citations as described under subsection (1)
 22 of this section. Procedures established to allow electronic filing of criminal citations under this
 23 section shall be established by court rule and shall include procedures necessary to ensure that:

24 (a) An electronically filed criminal citation with or without a form of complaint includes all in-
 25 formation required on a uniform citation adopted by the Supreme Court under ORS 1.525.

26 (b) An electronically filed criminal citation with or without a form of complaint is verifiable as
 27 being filed by a specific peace officer **or animal control officer**.

28 (c) Members of the public can obtain copies of and review a criminal citation with or without
 29 a form of complaint that is electronically filed and maintained under this section in the same manner
 30 as the manner used for those filed on paper.

31 (3) For a criminal citation with a form of complaint issued under ORS 133.069, the district at-
 32 torney’s review required by ORS 133.069 and, if necessary, amendments for legal sufficiency, must
 33 be completed before the electronic filing of the citation with the form of complaint is made with a
 34 court under this section.

35 **SECTION 10.** ORS 153.005 is amended to read:

36 153.005. As used in this chapter:

37 (1) “Enforcement officer” means:

38 (a) A member of the Oregon State Police.

39 (b) A sheriff or deputy sheriff.

40 (c) A city marshal or a member of the police of a city, municipal or quasi-municipal corporation.

41 (d) An investigator of a district attorney’s office if the investigator is or has been certified as
 42 a peace officer in this or any other state.

43 (e) An investigator of the Criminal Justice Division of the Department of Justice of the State
 44 of Oregon.

45 (f) **An animal control officer.**

1 *(f)* (g) Any other person specifically authorized by law to issue citations for the commission
 2 of violations.

3 (2) “Violation” means an offense described in ORS 153.008.

4 (3) “Violation proceeding” means a judicial proceeding initiated by issuance of a citation that
 5 charges a person with commission of a violation.

6 (4) “Traffic offense” has the meaning given that term in ORS 801.555.

7 **SECTION 11.** Section 12 of this 2007 Act is added to and made a part of ORS 133.005 to
 8 **133.381.**

9 **SECTION 12.** (1) An animal control officer who meets the qualifications described in ORS
 10 **133.220 may arrest a person for a crime at any hour of any day or night. The officer may**
 11 **arrest a person for a crime only within the county employing the officer.**

12 (2) An animal control officer may make an arrest only for a criminal act in violation of
 13 **ORS 167.310 to 167.351, 167.352, 167.355, 167.360 to 167.375, 167.390, 167.426 to 167.439, 609.035**
 14 **to 609.110 or 609.135 to 609.190, a local ordinance for animal control or establishing crimes**
 15 **involving animals or other laws the officer has an official duty to enforce.**

16 (3) The officer shall inform the person to be arrested of the officer’s authority and reason
 17 for the arrest, and, if the arrest is under a warrant, shall show the warrant, unless the of-
 18 ficer encounters physical resistance, flight or other factors rendering this procedure im-
 19 practicable, in which case the arresting officer shall inform the arrested person and show
 20 the warrant, if any, as soon as practicable.

21 (4) The officer may use physical force when and to the extent the officer reasonably be-
 22 lieves necessary to make an arrest or to prevent the escape from custody of an arrested
 23 person.

24 (5) In order to make an arrest, an officer may enter premises in which the officer has
 25 probable cause to believe the person to be arrested to be present.

26 (6) If after giving notice of the officer’s identity, authority and purpose the officer is not
 27 admitted, the officer may enter the premises by a breaking, if necessary.

28 (7) A person may not be arrested for a violation except to the extent provided by ORS
 29 **153.039.**

30 **SECTION 13.** An animal control officer may not be held criminally or civilly liable for
 31 making an arrest pursuant to section 12 of this 2007 Act provided the officer acts in good
 32 faith and without malice.

33 **SECTION 14.** ORS 133.220 is amended to read:

34 133.220. An arrest may be effected by:

35 (1) A peace officer under a warrant;

36 (2) A peace officer without a warrant;

37 (3) A parole and probation officer under a warrant as provided in ORS 133.239;

38 (4) A parole and probation officer without a warrant for violations of conditions of probation,
 39 parole or post-prison supervision;

40 (5) A commissioned animal control officer who has completed training and certification
 41 by the Department of Public Safety Standards and Training and been given arrest authority
 42 by the local county, under a warrant, for violations of laws the officer is commissioned to
 43 enforce;

44 (6) A commissioned animal control officer who has completed training and certification
 45 by the Department of Public Safety Standards and Training and been given arrest authority

1 **by the local county, without a warrant, for violations of laws the officer is commissioned to**
 2 **enforce;**

3 [(5)] (7) A private person; or

4 [(6)] (8) A federal officer.

5 **SECTION 15.** ORS 133.375 is amended to read:

6 133.375. As used in ORS 133.375 to 133.381 and 156.705:

7 (1) “Animal” has the meaning provided in ORS 167.310.

8 **(2) “Animal control officer” means a person whose official duties include, but need not**
 9 **be limited to, enforcing ORS 167.310 to 167.351, 167.352, 167.355, 167.360 to 167.375, 167.390,**
 10 **167.426 to 167.439, 609.035 to 609.110 or 609.135 to 609.190 or any local ordinance for animal**
 11 **control or establishing crimes involving animals.**

12 [(2)] (3) “Owner” or “person” includes corporations as well as individuals.

13 **SECTION 16.** ORS 133.377 is amended to read:

14 133.377. (1) Any person violating ORS 167.315 to 167.333 or 167.340 may be arrested **by a peace**
 15 **officer or properly authorized animal control officer** and held without warrant[, *in the same*
 16 *manner as in the case of persons found breaking the peace*].

17 (2) The [*person*] **peace officer or animal control officer** making the arrest, with or without
 18 warrant, shall use reasonable diligence to give notice [*thereof*] **of the arrest** to the owners of the
 19 animals found in the charge of the person arrested, and shall properly care and provide for [*such*]
 20 **those** animals until the owners or their duly authorized agents take charge of [*them;*] **the animals,**
 21 provided[, *such*] **that the** owners or agents [*shall*] claim and take charge of the animals within 60
 22 days from the date of [*said*] **the giving of** notice.

23 (3) The [*person*] **peace officer or animal control officer** making [*such*] **the** arrest shall have
 24 a lien upon the animals for the expense of [*such*] **the** care and provisions.

25 (4) Any peace officer **or animal control officer** who cares or provides for an animal pursuant
 26 to this section and any person into whose care an animal is delivered by a peace officer **or animal**
 27 **control officer** acting under this section shall be immune from civil or criminal liability based upon
 28 an allegation that [*such*] **the** care was negligently provided.

29 **SECTION 17.** ORS 181.610 is amended to read:

30 181.610. In ORS 181.610 to 181.712, unless the context requires otherwise:

31 (1) “Abuse” has the meaning given the term in ORS 107.705.

32 **(2) “Animal control officer” has the meaning given that term in ORS 133.375.**

33 [(2)] (3) “Board” means the Board on Public Safety Standards and Training appointed pursuant
 34 to ORS 181.620.

35 [(3)] (4) “Certified reserve officer” means a reserve officer who has been designated by a local
 36 law enforcement unit, has received training necessary for certification and has met the minimum
 37 standards and training requirements established under ORS 181.640.

38 [(4)] (5) “Commissioned” means an authorization granting the power to perform various acts or
 39 duties of a police officer, [*or*] certified reserve officer **or animal control officer** and acting under
 40 the supervision and responsibility of a county sheriff or as otherwise provided by law.

41 [(5)] (6) “Corrections officer” means an officer or member of a law enforcement unit who is
 42 employed full-time thereby and is charged with and primarily performs the duty of custody, control
 43 or supervision of individuals convicted of or arrested for a criminal offense and confined in a place
 44 of incarceration or detention other than a place used exclusively for incarceration or detention of
 45 juveniles.

1 [(6)] (7) "Department" means the Department of Public Safety Standards and Training.

2 [(7)] (8) "Director" means the Director of the Department of Public Safety Standards and
3 Training.

4 [(8)] (9) "Domestic violence" means abuse between family or household members.

5 [(9)] (10) "Emergency medical dispatcher" means a person who has responsibility to process re-
6 quests for medical assistance from the public or to dispatch medical care providers.

7 [(10)] (11) "Family or household members" has the meaning given that term in ORS 107.705.

8 [(11)] (12) "Fire service professional" means a paid or volunteer firefighter, an officer or a
9 member of a public or private fire protection agency that is engaged primarily in fire investigation,
10 fire prevention, fire safety, fire control or fire suppression or providing emergency medical services,
11 light and heavy rescue services, search and rescue services or hazardous materials incident re-
12 sponse. "Fire service professional" does not include forest fire protection agency personnel.

13 [(12)(a)] (13)(a) "Law enforcement unit" means a police force or organization of the state, a city,
14 port, school district, mass transit district, county, county service district authorized to provide law
15 enforcement services under ORS 451.010, Indian reservation, Criminal Justice Division of the De-
16 partment of Justice, the Department of Corrections, the Oregon State Lottery Commission or com-
17 mon carrier railroad whose primary duty, as prescribed by law, ordinance or directive, is any one
18 or more of the following:

19 (A) Detecting crime and enforcing the criminal laws of this state or laws or ordinances relating
20 to airport security;

21 (B) The custody, control or supervision of individuals convicted of or arrested for a criminal
22 offense and confined to a place of incarceration or detention other than a place used exclusively for
23 incarceration or detention of juveniles; or

24 (C) The control, supervision and reformation of adult offenders placed on parole or sentenced
25 to probation and investigation of adult offenders on parole or probation or being considered for
26 parole or probation.

27 (b) "Law enforcement unit" also means:

28 (A) A police force or organization of a private entity with a population of more than 1,000 res-
29 idents in an unincorporated area whose employees are commissioned by a county sheriff; and

30 (B) A district attorney's office.

31 [(13)] (14) "Parole and probation officer" means:

32 (a) Any officer who is employed full-time by the Department of Corrections, a county or a court
33 and who is charged with and performs the duty of:

34 (A) Community protection by controlling, investigating, supervising and providing or making
35 referrals to reformatory services for adult parolees or probationers or offenders on post-prison
36 supervision; or

37 (B) Investigating adult offenders on parole or probation or being considered for parole or pro-
38 bation.

39 (b) Any officer who:

40 (A) Is certified and has been employed as a full-time parole and probation officer for more than
41 one year;

42 (B) Is employed part-time by the Department of Corrections, a county or a court; and

43 (C) Is charged with and performs the duty of:

44 (i) Community protection by controlling, investigating, supervising and providing or making re-
45 ferrals to reformatory services for adult parolees or probationers or offenders on post-prison super-

1 vision; or

2 (ii) Investigating adult offenders on parole or probation or being considered for parole or pro-
 3 bation.

4 [(14)] (15) "Police officer" means an officer, member or employee of a law enforcement unit who
 5 is employed full-time as a peace officer commissioned by a city, port, school district, mass transit
 6 district, county, county service district authorized to provide law enforcement services under ORS
 7 451.010, Indian reservation, the Criminal Justice Division of the Department of Justice, the Oregon
 8 State Lottery Commission or the Governor or who is a member of the Department of State Police
 9 and who is responsible for enforcing the criminal laws of this state or laws or ordinances relating
 10 to airport security or is an investigator of a district attorney's office if the investigator is or has
 11 been certified as a peace officer in this or any other state.

12 [(15)] (16) "Public or private safety agency" means any unit of state or local government, a
 13 special purpose district or a private firm which provides, or has authority to provide, fire fighting,
 14 police, ambulance or emergency medical services.

15 [(16)] (17) "Public safety personnel" and "public safety officer" include **animal control officers**,
 16 corrections officers, youth correction officers, emergency medical dispatchers, parole and probation
 17 officers, police officers, certified reserve officers, telecommunicators and fire service professionals.

18 [(17)] (18) "Reserve officer" means an officer or member of a law enforcement unit:

19 (a) Who is a volunteer or who is employed less than full-time as a peace officer commissioned
 20 by a city, port, school district, mass transit district, county, county service district authorized to
 21 provide law enforcement services under ORS 451.010, Indian reservation, the Criminal Justice Divi-
 22 sion of the Department of Justice, the Oregon State Lottery Commission or the Governor or who is
 23 a member of the Department of State Police;

24 (b) Who is armed with a firearm; and

25 (c) Who is responsible for enforcing the criminal laws and traffic laws of this state or laws or
 26 ordinances relating to airport security.

27 [(18)] (19) "Telecommunicator" means any person employed as an emergency telephone worker
 28 as defined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, pro-
 29 cessing and transmitting public safety information received through a 9-1-1 emergency reporting
 30 system as defined in ORS 401.710.

31 [(19)] (20) "Youth correction officer" means an employee of the Oregon Youth Authority who is
 32 charged with and primarily performs the duty of custody, control or supervision of youth offenders
 33 confined in a youth correction facility.

34 **SECTION 18.** ORS 181.637 is amended to read:

35 181.637. (1) The Board on Public Safety Standards and Training shall establish the following
 36 policy committees:

- 37 (a) Corrections Policy Committee;
- 38 (b) Fire Policy Committee;
- 39 (c) Police Policy Committee;
- 40 (d) Telecommunications Policy Committee; and
- 41 (e) Private Security Policy Committee.

42 (2) The members of each policy committee shall select a chairperson and vice chairperson for
 43 the policy committee. Only members of the policy committee who are also members of the board are
 44 eligible to serve as a chairperson or vice chairperson. The vice chairperson may act as chairperson
 45 in the absence of the chairperson.

- 1 (3) The Corrections Policy Committee consists of:
- 2 (a) All of the board members who represent the corrections discipline;
- 3 (b) The chief administrative officer of the training division of the Department of Corrections;
- 4 (c) A security manager from the Department of Corrections; and
- 5 (d) The following, who may not be current board members, appointed by the chairperson of the
- 6 board:
- 7 (A) One person recommended by and representing the Oregon State Sheriffs' Association;
- 8 (B) Two persons recommended by and representing the Oregon Jail Managers' Association;
- 9 (C) One person recommended by and representing a statewide association of community cor-
- 10 rections directors;
- 11 (D) One nonmanagement corrections officer employed by the Department of Corrections; and
- 12 (E) One corrections officer who is a female, who is employed by the Department of Corrections
- 13 at a women's correctional facility and who is a member of a bargaining unit.
- 14 (4) The Fire Policy Committee consists of:
- 15 (a) All of the board members who represent the fire service discipline; and
- 16 (b) The following, who may not be current board members, appointed by the chairperson of the
- 17 board:
- 18 (A) One person recommended by and representing a statewide association of fire instructors;
- 19 (B) One person recommended by and representing a statewide association of fire marshals;
- 20 (C) One person recommended by and representing community college fire programs; and
- 21 (D) One nonmanagement firefighter recommended by a statewide organization of firefighters.
- 22 (5) The Police Policy Committee consists of:
- 23 (a) All of the board members who represent the law enforcement discipline; and
- 24 (b) The following, who may not be current board members, appointed by the chairperson of the
- 25 board:
- 26 (A) One person recommended by and representing the Oregon Association Chiefs of Police;
- 27 (B) Two persons recommended by and representing the Oregon State Sheriffs' Association;
- 28 (C) One command officer recommended by and representing the Oregon State Police; and
- 29 (D) One nonmanagement law enforcement officer.
- 30 (6) The Telecommunications Policy Committee consists of:
- 31 (a) All of the board members who represent the telecommunications discipline; and
- 32 (b) The following, who may not be current board members, appointed by the chairperson of the
- 33 board:
- 34 (A) Two persons recommended by and representing a statewide association of public safety
- 35 communications officers;
- 36 (B) One person recommended by and representing the Oregon Association Chiefs of Police;
- 37 (C) One person recommended by and representing the Oregon State Police;
- 38 (D) Two persons representing telecommunicators;
- 39 (E) One person recommended by and representing the Oregon State Sheriffs' Association;
- 40 (F) One person recommended by and representing the Oregon Fire Chiefs' Association;
- 41 (G) One person recommended by and representing the Emergency Medical Services and Trauma
- 42 Systems Program of the Department of Human Services; and
- 43 (H) One person representing paramedics and recommended by a statewide association dealing
- 44 with fire medical issues.
- 45 (7) The Private Security Policy Committee consists of:

- 1 (a) All of the board members who represent the private security industry; and
 2 (b) The following, who may not be current board members, appointed by the chairperson of the
 3 board:
- 4 (A) One person representing unarmed private security professionals;
 - 5 (B) One person representing armed private security professionals;
 - 6 (C) One person representing the health care industry;
 - 7 (D) One person representing the manufacturing industry;
 - 8 (E) One person representing the retail industry;
 - 9 (F) One person representing the hospitality industry;
 - 10 (G) One person representing private business or a governmental entity that utilizes private se-
 11 curity services;
 - 12 (H) One person representing persons who monitor alarm systems;
 - 13 (I) Two persons who are investigators licensed under ORS 703.430, one of whom is recommended
 14 by the Oregon State Bar and one of whom is in private practice; and
 - 15 (J) One person who represents the public at large and who is not related within the second de-
 16 gree by affinity or consanguinity to a person who is employed or doing business as a private security
 17 professional or executive manager, as defined in ORS 181.870, or as an investigator, as defined in
 18 ORS 703.401.
- 19 (8) In making appointments to the policy committees under this section, the chairperson of the
 20 board shall seek to reflect the diversity of the state's population. An appointment made by the
 21 chairperson of the board must be ratified by the board before the appointment is effective. The
 22 chairperson of the board may remove an appointed member for just cause. An appointment to a
 23 policy committee that is based on the member's employment is automatically revoked if the member
 24 changes employment. The chairperson of the board shall fill a vacancy in the same manner as
 25 making an initial appointment. The term of an appointed member is two years. An appointed member
 26 may be appointed to a second term.
- 27 (9) A policy committee may meet at such times and places as determined by the policy commit-
 28 tee in consultation with the Department of Public Safety Standards and Training. A majority of a
 29 policy committee constitutes a quorum to conduct business. A policy committee may create sub-
 30 committees if needed.
- 31 (10)(a) Each policy committee shall develop policies, requirements, standards and rules relating
 32 to its specific discipline. **The Police Policy Committee shall develop the policies, requirements,**
 33 **standards and rules relating to animal control officers.** A policy committee shall submit its
 34 policies, requirements, standards and rules to the board for the board's consideration. When a policy
 35 committee submits a policy, requirement, standard or rule to the board for the board's consideration,
 36 the board shall:
- 37 (A) Approve the policy, requirement, standard or rule;
 - 38 (B) Disapprove the policy, requirement, standard or rule; or
 - 39 (C) Defer a decision and return the matter to the policy committee for revision or reconsider-
 40 ation.
- 41 (b) The board may defer a decision and return a matter submitted by a policy committee under
 42 paragraph (a) of this subsection only once. If a policy, requirement, standard or rule that was re-
 43 turned to a policy committee is resubmitted to the board, the board shall take all actions necessary
 44 to implement the policy, requirement, standard or rule unless the board disapproves the policy, re-
 45 quirement, standard or rule.

1 (c) Disapproval of a policy, requirement, standard or rule under paragraph (a) or (b) of this
 2 subsection requires a two-thirds vote by the members of the board.

3 (11) At any time after submitting a matter to the board, the chairperson of the policy committee
 4 may withdraw the matter from the board’s consideration.

5 **SECTION 19.** ORS 181.660 is amended to read:

6 181.660. (1) The minimum standards and minimum training requirements established pursuant to
 7 ORS 181.640 (1) do not apply to:

8 (a) The Superintendent of State Police.

9 (b) Any individual who is a constable of the justice court.

10 (c) Any sheriff’s deputy appointed with authority only to receive and serve summons and civil
 11 process.

12 (d) Any municipal parole officer.

13 *[(e) Any dog control officer commissioned by a city or county.]*

14 *[(f)]* (e) Any individual appointed by the Superintendent of State Police under ORS 181.265.

15 *[(g)]* (f) An individual performing the duties of a reserve officer who has not been required by
 16 the law enforcement unit utilizing the individual to receive training for certification as a certified
 17 reserve officer.

18 (2) The Department of Public Safety Standards and Training may, upon application of an indi-
 19 vidual public safety officer, except a youth correction officer, at its discretion, certify the public
 20 safety officer as provided in ORS 181.640 (1)(d) upon a finding that the public safety officer’s pro-
 21 fessional experience, education or training meets the standards required for certification.

22 **SECTION 20.** Section 21 of this 2007 Act is added to and made a part of ORS 181.610 to
 23 181.712.

24 **SECTION 21.** (1) ORS 181.610 to 181.712 do not require an individual commissioned by a
 25 county as an animal control officer to obtain training or certification. An individual may
 26 apply for training and certification under ORS 181.610 to 181.712 as an animal control officer,
 27 regardless of whether training or certification of the individual is required by a county.

28 (2) The training made available by the Department of Public Safety Standards and
 29 Training to individuals applying for certification as animal control officers shall include pro-
 30 tective procedures for use on properties contaminated with methamphetamine.

31 **SECTION 22.** ORS 686.450 is amended to read:

32 686.450. As used in ORS 686.450 to 686.465 and 686.990 (3):

33 (1)(a) “Aggravated animal abuse” means any animal abuse as described in ORS 167.322.

34 (b) “Aggravated animal abuse” does not include:

35 (A) Good animal husbandry, as defined in ORS 167.310; or

36 (B) Any exemption listed in ORS 167.335.

37 (2) “Law enforcement agency” means:

38 (a) Any city or municipal police department.

39 (b) Any county sheriff’s office.

40 (c) The Oregon State Police.

41 *[(d) A law enforcement division of a humane society in Oregon that employs special agents au-
 42 thorized under ORS 131.805.]*

43 *[(e)]* (d) A law enforcement division of a county or municipal animal control agency that employs
 44 sworn officers.

45 (3) “Veterinarian” means a person licensed to practice veterinary medicine under ORS chapter

1 686.

2 **SECTION 23.** (1) **Section 3 of this 2007 Act does not apply to an individual who on the**
3 **effective date of this 2007 Act is an employee of a local government authorized to act as an**
4 **animal control officer of the local government.**

5 (2) **Sections 2 and 3 of this 2007 Act do not apply to a private party providing enforcement**
6 **services on behalf of a local government under a fixed-term contract entered into prior to**
7 **the effective date of this 2007 Act. However, a contract described in this subsection may not**
8 **be renewed or extended on or after the effective date of this 2007 Act.**

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