

House Bill 3008

Sponsored by Representative KRUMMEL (at the request of John Graves)

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**.

Grants Department of Public Safety Standards and Training discretion whether to deny certification of public safety employees previously fired for cause.

A BILL FOR AN ACT

1
2 Relating to Department of Public Safety Standards and Training; amending ORS 181.662 and 181.664.

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

4 **SECTION 1.** ORS 181.662 is amended to read:

5 181.662. (1) The Department of Public Safety Standards and Training may deny the application
6 for training, or deny, suspend or revoke the certification, of any instructor or public safety officer,
7 except a youth correction officer or fire service professional, after written notice and hearing con-
8 sistent with the provisions of ORS 181.661, based upon a finding that:

9 (a) The public safety officer or instructor falsified any information submitted on the application
10 for certification or on any documents submitted to the Board on Public Safety Standards and
11 Training or the department.

12 (b) The public safety officer or instructor has been convicted of a crime or violation in this state
13 or any other jurisdiction.

14 (c) The public safety officer or instructor does not meet the applicable minimum standards,
15 minimum training or the terms and conditions established under ORS 181.640 (1)(a) to (d).

16 (2) The department shall deny, suspend or revoke the certification of a fire service professional,
17 after written notice and hearing consistent with the provisions of ORS 181.661, based upon a finding
18 that the fire service professional has been convicted in this state of a crime listed in ORS 137.700
19 or in any other jurisdiction of a crime that, if committed in this state, would constitute a crime
20 listed in ORS 137.700.

21 (3) The department may deny, suspend or revoke the certification of any fire service professional
22 after written notice and hearing consistent with the provisions of ORS 181.661, based upon a finding:

23 (a) That the fire service professional falsified any information submitted on the application for
24 certification or on any documents submitted to the board or the department; or

25 (b) Consistent with ORS 670.280, that the fire service professional is not fit to receive or hold
26 the certification as a result of conviction of a crime in this state, or in any other jurisdiction, other
27 than a crime described in subsection (2) of this section.

28 (4) The department shall [*deny,*] suspend or revoke **and may deny** the certification of any public
29 safety officer or instructor, except a youth correction officer, after written notice and hearing con-
30 sistent with the provisions of ORS 181.661, based upon a finding that the public safety officer or
31 instructor has been discharged for cause from employment as a public safety officer.

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 (5) The department, in consultation with the board, shall adopt rules specifying those crimes and
2 violations for which a conviction requires the denial, suspension or revocation of the certification
3 of a public safety officer or instructor.

4 (6) Notwithstanding the lapse, suspension, revocation or surrender of the certification of a pub-
5 lic safety officer or instructor, the department may:

6 (a) Proceed with any investigation of, or any action or disciplinary proceedings against, the
7 public safety officer or instructor; or

8 (b) Revise or render void an order suspending or revoking the certification.

9 (7) The department shall deny, suspend or revoke the accreditation of a training or educational
10 program or any course, subject, facility or instruction thereof if the program, course, subject, facility
11 or instruction is not in compliance with rules adopted or conditions prescribed under ORS 181.640
12 (1)(g) or 181.650 (3).

13 **SECTION 2.** ORS 181.664 is amended to read:

14 181.664. (1) An instructor or a public safety officer, except a youth correction officer, aggrieved
15 by the findings and order of the Department of Public Safety Standards and Training may, as pro-
16 vided in ORS 183.480, file an appeal with the Court of Appeals from the final order of the depart-
17 ment.

18 (2) The department shall recommend and the Board on Public Safety Standards and Training
19 shall establish by rule a policy and procedures governing the circumstances under which a public
20 safety officer or instructor who has had certification denied or revoked pursuant to ORS 181.661 and
21 181.662 and subsection (1) of this section may reapply for certification and specifying the circum-
22 stances under which the public safety officer or instructor may not reapply.

23 **(3) The board shall allow a public safety officer or instructor to reapply for certification**
24 **if the certification was revoked based on a finding that the public safety officer or instructor**
25 **was discharged for cause from employment as a public safety officer, but not sooner than**
26 **four years after the date on which the order of the department revoking certification became**
27 **final.**

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