

A-Engrossed
House Bill 3432

Ordered by the House June 14
Including House Amendments dated June 14

Sponsored by Representative HUNT; Representatives BARKER, CLEM, GALIZIO, WITT, Senators BROWN, DEVLIN, WESTLUND (at the request of Oregon Council of Police Associations, Association of Oregon Corrections Employees)

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.

[Reduces] **Increases** membership of Board on Public Safety Standards and Training to *[17]* **25** members, **three of whom shall be nonvoting members**. Changes membership of board policy committees. **Establishes Certification Review Committee as policy committee of Board on Public Safety Standards and Training. Specifies membership and duties of committee. Provides that if instructor or public safety officer certified by Department of Public Safety Standards and Training has had certification denied or revoked as result of committee action and is subsequently determined to be eligible to reapply for certification, department is not required to deny certification based on discharge for cause that led to prior denial or revocation.**

A BILL FOR AN ACT

1
2 Relating to Board on Public Safety Standards and Training; amending ORS 181.620, 181.630, 181.637,
3 181.661 and 181.664.

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

5 **SECTION 1.** ORS 181.620 is amended to read:

6 181.620. (1) The Governor shall appoint a Board on Public Safety Standards and Training con-
7 sisting of *[24]* **22 voting** members **and three nonvoting members** as follows:

8 (a) Two members shall be chiefs of police recommended to the Governor by the Oregon Associ-
9 ation Chiefs of Police, **one of whom shall be a representative of one of the three largest cities**
10 **in the state;**

11 (b) One member shall be a sheriff recommended to the Governor by the Oregon State Sheriffs'
12 Association;

13 (c) One member shall be a fire chief recommended to the Governor by the Oregon Fire Chiefs'
14 Association;

15 (d) One member shall be a representative of the fire service recommended to the Governor by
16 the Oregon Fire District Directors' Association;

17 (e) *[One member]* **Two members** shall be *[a member]* **members** of the Oregon State Fire Fight-
18 er's Council recommended to the Governor by the executive body of the council;

19 (f) One member shall be a representative of corrections personnel recommended to the Governor
20 by the Oregon State Sheriffs' Association;

21 (g) One member shall be a representative of the fire service recommended to the Governor by
22 the Oregon Volunteer Fire Fighters' Association;

23 (h) One member shall be a representative of public safety telecommunicators;

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 (i) One member shall be a district attorney recommended to the Governor by the Oregon District
2 Attorneys Association;

3 [(j) *One member shall be the Superintendent of State Police;*]

4 [(k) *One member shall be the Chief of the Portland Police Bureau;*]

5 [(L) *One member shall be the State Fire Marshal;*]

6 [(m) *One member shall be the Chief of the Portland Fire Bureau;*]

7 [(n) *One member shall be the Director of the Department of Corrections;*]

8 [(o) *One member shall be the Special Agent in Charge of the Federal Bureau of Investigation for*
9 *Oregon;*]

10 [(p) *One member shall represent forest protection agencies recommended to the Governor by the*
11 *State Forestry Department;*]

12 [(q)] (j) One member shall be an administrator of a municipality recommended to the Governor
13 by the executive body of the League of Oregon Cities;

14 [(r)] (k) Two members shall be nonmanagement representatives of law enforcement;

15 [(s)] (L) **Two members** [*One member*] shall be [*a*] public **members** [*member*]. A person appointed
16 as a public member under this section shall be a person:

17 (A) Who has no personal interest or occupational responsibilities in the area of responsibility
18 given to the board; and

19 (B) Who represents the interests of the public in general;

20 [(t)] (m) Two members shall be representatives of the private security industry recommended to
21 the Governor by the Private Security Policy Committee; [*and*]

22 [(u)] (n) [*One member shall be a representative of the collective bargaining unit that represents*]
23 **Two members shall be representatives of collective bargaining units that represent workers**
24 **in county or state corrections facilities, one of whom shall be a representative of the col-**
25 **lective bargaining unit that represents** the largest number of individual workers in the Depart-
26 ment of Corrections[.];

27 (o) **One member shall be recommended by, and represent, a statewide association of**
28 **community corrections directors;**

29 (p) **One member shall be a nonmanagement parole and probation officer employed by a**
30 **community corrections program; and**

31 (q) **Three members shall be nonvoting, ex officio members of the board, each of whom**
32 **may appoint a designee to represent the member at board meetings, as follows:**

33 (A) **The Superintendent of State Police;**

34 (B) **The State Fire Marshal; and**

35 (C) **The Director of the Department of Corrections.**

36 (2) The term of office of a member is three years, and no member may be removed from office
37 except for cause. Before the expiration of the term of a member, the Governor shall appoint the
38 member's successor to assume the member's duties on July 1 next following. In case of a vacancy
39 for any cause, the Governor shall make an appointment, effective immediately, for the unexpired
40 term.

41 (3) Except for members who serve by virtue of office, no member shall serve more than two
42 terms. For purposes of this subsection, a person appointed to fill a vacancy consisting of an unex-
43 pired term of at least one and one-half years has served a full term.

44 (4) Appointments of members of the board by the Governor, except for those members who serve
45 by virtue of office, are subject to confirmation by the Senate in the manner provided in ORS 171.562

1 and 171.565.

2 (5) A member of the board is entitled to compensation and expenses as provided in ORS 292.495.

3 **SECTION 2.** ORS 181.637 is amended to read:

4 181.637. (1) The Board on Public Safety Standards and Training shall establish the following
5 policy committees:

- 6 (a) Corrections Policy Committee;
- 7 (b) Fire Policy Committee;
- 8 (c) Police Policy Committee;
- 9 (d) Telecommunications Policy Committee; *[and]*
- 10 (e) Private Security Policy Committee[.]; **and**
- 11 **(f) Certification Review Committee.**

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

16 (3) The Corrections Policy Committee consists of:

- 17 (a) All of the board members who represent the corrections discipline;
- 18 (b) The chief administrative officer of the training division of the Department of Corrections;
- 19 (c) A security manager from the Department of Corrections; and
- 20 (d) The following, who may not be current board members, appointed by the chairperson of the

21 board:

22 *[(A) One person recommended by and representing the Oregon State Sheriffs' Association;]*

23 *[(B)]* **(A)** Two persons recommended by and representing the Oregon Jail Managers' Association;

24 **and**

25 *[(C) One person recommended by and representing a statewide association of community corrections
26 directors;]*

27 *[(D) One nonmanagement corrections officer employed by the Department of Corrections; and]*

28 *[(E)]* **(B)** One corrections officer who is a female, who is employed by the Department of Cor-
29 rections at a women's correctional facility and who is a member of a bargaining unit.

30 (4) The Fire Policy Committee consists of:

- 31 (a) All of the board members who represent the fire service discipline; and
- 32 (b) The following, who may not be current board members, appointed by the chairperson of the

33 board:

34 (A) One person recommended by and representing a statewide association of fire instructors;

35 (B) One person recommended by and representing a statewide association of fire marshals;

36 (C) One person recommended by and representing community college fire programs; *[and]*

37 **(D) One person who represents the forest protection agencies, recommended to the
38 Governor by the State Forestry Department; and**

39 **(E) One fire chief who represents one of the three largest cities in the state, recom-
40 mended to the Governor by the Oregon Fire Chiefs' Association.**

41 *[(D) One nonmanagement firefighter recommended by a statewide organization of firefighters.]*

42 (5) The Police Policy Committee consists of:

43 (a) All of the board members who represent the law enforcement discipline; and

44 (b) The following, who may not be current board members, appointed by the chairperson of the
45 board:

- 1 [(A) *One person recommended by and representing the Oregon Association Chiefs of Police;*
2 [(B)] (A) [*Two persons*] **One person** recommended by and representing the Oregon State
3 Sheriffs' Association; **and**
4 [(C) *One command officer recommended by and representing the Oregon State Police; and*
5 [(D)] (B) One nonmanagement law enforcement officer.
6 (6) The Telecommunications Policy Committee consists of:
7 (a) All of the board members who represent the telecommunications discipline; and
8 (b) The following, who may not be current board members, appointed by the chairperson of the
9 board:
10 (A) Two persons recommended by and representing a statewide association of public safety
11 communications officers;
12 (B) One person recommended by and representing the Oregon Association Chiefs of Police;
13 (C) One person recommended by and representing the Oregon State Police;
14 (D) Two persons representing telecommunicators;
15 (E) One person recommended by and representing the Oregon State Sheriffs' Association;
16 (F) One person recommended by and representing the Oregon Fire Chiefs' Association;
17 (G) One person recommended by and representing the Emergency Medical Services and Trauma
18 Systems Program of the Department of Human Services; and
19 (H) One person representing paramedics and recommended by a statewide association dealing
20 with fire medical issues.
21 (7) The Private Security Policy Committee consists of:
22 (a) [*All of*] The board [*members who represent*] **member who represents** the private security
23 industry; and
24 (b) The following, who may not be current board members, appointed by the chairperson of the
25 board:
26 (A) One person representing unarmed private security professionals;
27 (B) One person representing armed private security professionals;
28 (C) One person representing the health care industry;
29 (D) One person representing the manufacturing industry;
30 (E) One person representing the retail industry;
31 (F) One person representing the hospitality industry;
32 (G) One person representing private business or a governmental entity that utilizes private se-
33 curity services;
34 (H) One person representing persons who monitor alarm systems;
35 (I) Two persons who are investigators licensed under ORS 703.430, one of whom is recommended
36 by the Oregon State Bar and one of whom is in private practice; and
37 (J) One person who represents the public at large and who is not related within the second de-
38 gree by affinity or consanguinity to a person who is employed or doing business as a private security
39 professional or executive manager, as defined in ORS 181.870, or as an investigator, as defined in
40 ORS 703.401.
41 (8) **The Certification Review Committee consists of the following seven members:**
42 (a) **One management and one nonmanagement member of the board who represent each**
43 **of the following disciplines:**
44 (A) **Corrections;**
45 (B) **Fire service; and**

1 **(C) Law enforcement; and**

2 **(b) One public member of the board.**

3 [(8)] (9) In making appointments to the policy committees under this section, the chairperson
4 of the board shall seek to reflect the diversity of the state's population. An appointment made by
5 the chairperson of the board must be ratified by the board before the appointment is effective. The
6 chairperson of the board may remove an appointed member for just cause. An appointment to a
7 policy committee that is based on the member's employment is automatically revoked if the member
8 changes employment. The chairperson of the board shall fill a vacancy in the same manner as
9 making an initial appointment. The term of an appointed member is two years. An appointed member
10 may be appointed to a second term.

11 [(9)] (10) A policy committee may meet at such times and places as determined by the policy
12 committee in consultation with the Department of Public Safety Standards and Training. A majority
13 of a policy committee constitutes a quorum to conduct business. A policy committee may create
14 subcommittees if needed.

15 [(10)] (11)(a) Each policy committee shall develop policies, requirements, standards and rules
16 relating to its specific discipline. A policy committee shall submit its policies, requirements, stan-
17 dards and rules to the board for the board's consideration. When a policy committee submits a pol-
18 icy, requirement, standard or rule to the board for the board's consideration, the board shall:

19 (A) Approve the policy, requirement, standard or rule;

20 (B) Disapprove the policy, requirement, standard or rule; or

21 (C) Defer a decision and return the matter to the policy committee for revision or reconsider-
22 ation.

23 (b) The board may defer a decision and return a matter submitted by a policy committee under
24 paragraph (a) of this subsection only once. If a policy, requirement, standard or rule that was re-
25 turned to a policy committee is resubmitted to the board, the board shall take all actions necessary
26 to implement the policy, requirement, standard or rule unless the board disapproves the policy, re-
27 quirement, standard or rule.

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

30 [(11)] (12) At any time after submitting a matter to the board, the chairperson of the policy
31 committee may withdraw the matter from the board's consideration.

32 **SECTION 3.** ORS 181.661 is amended to read:

33 181.661. [*When the Department of Public Safety Standards and Training denies application or*
34 *certification or the department or Board on Public Safety Standards and Training believes there is a*
35 *reasonable basis for suspending or revoking the certification of an instructor or a public safety officer,*
36 *except a youth correction officer or fire service professional, notice and opportunity for a hearing shall*
37 *be provided in accordance with rules approved by the board and in accordance with ORS 183.415 prior*
38 *to suspension or revocation.*]

39 **(1) If the Department of Public Safety Standards and Training receives information from**
40 **any source indicating that an instructor or public safety officer, except a youth correction**
41 **officer, does not meet the established standards for public safety professionals, the depart-**
42 **ment shall review the information to determine whether a reasonable basis exists to deny,**
43 **suspend or revoke the instructor's or public safety officer's certification.**

44 **(2)(a) If the department determines that there is a reasonable basis for denying, sus-**
45 **pending or revoking the certification of an instructor or public safety officer, except a youth**

1 **correction officer, the department shall prepare a report documenting that belief and provide**
2 **a copy of the report:**

3 **(A) To the person under review; and**

4 **(B) To the Certification Review Committee described in ORS 181.637, along with any rel-**
5 **evant information in the department's possession.**

6 **(b) If the department determines that there is not a reasonable basis for denying, sus-**
7 **pending or revoking the certification of an instructor or public safety officer, except a youth**
8 **correction officer, the department shall prepare written findings to that effect and shall**
9 **terminate the department's review.**

10 **(3) The committee shall:**

11 **(a) Establish fitness for duty standards, including moral fitness standards, to ensure the**
12 **highest levels of professionalism and discipline; and**

13 **(b) Provide a review of the department's determination that a reasonable basis exists to**
14 **deny, suspend or revoke the certification of an instructor or public safety officer, except a**
15 **youth correction officer.**

16 **(4) The committee shall establish procedures for reviewing the denial, suspension or re-**
17 **vocation of certification forwarded to the committee by the department. The procedures es-**
18 **tablished by the committee shall afford the committee the opportunity to gather all relevant**
19 **information and shall include an opportunity for the committee to pose questions to and**
20 **obtain statements of clarification from the person under review.**

21 **(5)(a) If the committee determines that there is a reasonable basis for denying, sus-**
22 **pending or revoking the certification of an instructor or public safety officer, except a youth**
23 **correction officer, the person shall be provided with notice and an opportunity for a hearing**
24 **in accordance with rules approved by the board and in accordance with ORS 183.415 prior to**
25 **the denial, suspension or revocation.**

26 **(b) If the committee determines that there is not a reasonable basis for denying, sus-**
27 **pending or revoking the certification of an instructor or public safety officer, except a youth**
28 **correction officer, the committee shall prepare written findings to that effect and shall ter-**
29 **minate the committee's review.**

30 **SECTION 4. ORS 181.630 is amended to read:**

31 **181.630. (1) The Board on Public Safety Standards and Training shall select one of its members**
32 **as chairperson and another as vice chairperson. The vice chairperson shall act as chairperson when**
33 **the chairperson is absent or unable to act.**

34 **(2) The board may appoint from among its members such subcommittees as it deems necessary**
35 **or useful.**

36 **(3) The board shall prescribe such terms, powers and duties for the chairperson, vice chair-**
37 **person and any subcommittees of the board as are convenient for the performance of the functions**
38 **of the board.**

39 **(4) The board shall meet at least once every three months at a place and time determined by**
40 **the board. The board shall also meet at such other times and places as the chairperson shall specify.**

41 **(5) It shall be the policy of the state that:**

42 **(a) The board and Department of Public Safety Standards and Training exist to develop talented**
43 **individuals into public safety providers who are:**

44 **(A) Culturally competent;**

45 **(B) Ethically, physically and emotionally fit; and**

1 (C) Well trained, highly skilled and responsive to the needs of their communities.

2 (b) The board and department shall promote the safety, efficiency, effectiveness, self-sufficiency
3 and competence of public safety agencies and professionals.

4 (c) The board and department shall support collaboration among public and private security, law
5 enforcement, fire service, telecommunications and corrections organizations, the related organiza-
6 tions with whom they work and the interests of the communities they serve.

7 (d) The board and department shall consult with and inform each other fully on matters of public
8 safety standards, training and certification.

9 (e) The board may adopt or approve all policies, standards and minimum requirements for public
10 safety certifications and training.

11 (f) The department may administer operations and procedures and shall implement or apply the
12 policies and standards of the board.

13 (g) The department is and remains a full department of the state.

14 (6) The department, in consultation with the board, shall evaluate the training delivery systems
15 used in other states, including self-sponsored training, electronic remote learning methods and re-
16 gional training employing colleges and other organizations. The evaluation shall seek economical
17 and effective methods that may be adapted and used in Oregon and shall be used in the development
18 of the department's budget and facilities planning.

19 (7)(a) A member of the board who serves by virtue of office may appoint a designee to represent
20 the member at subcommittee and policy committee meetings. The designee may vote only at sub-
21 committee and policy committee meetings.

22 **(b) The board members described in ORS 181.620 (1)(q), or the members' designees, may**
23 **vote only at subcommittee and policy committee meetings.**

24 **SECTION 5.** ORS 181.664 is amended to read:

25 181.664. (1) An instructor or a public safety officer, except a youth correction officer, aggrieved
26 by the findings and order of the Department of Public Safety Standards and Training may, as pro-
27 vided in ORS 183.480, file an appeal with the Court of Appeals from the final order of the depart-
28 ment.

29 (2) The department shall recommend and the Board on Public Safety Standards and Training
30 shall establish by rule a policy and procedures governing the circumstances under which a public
31 safety officer or instructor who has had certification denied or revoked pursuant to ORS 181.661 and
32 181.662 and subsection (1) of this section may reapply for certification and specifying the circum-
33 stances under which the public safety officer or instructor may not reapply.

34 **(3) Notwithstanding ORS 181.662, if an individual has had certification denied or revoked**
35 **under ORS 181.662 (4) and is subsequently determined to be eligible to reapply for certif-**
36 **ication under the policies and procedures described in subsection (2) of this section, the de-**
37 **partment is not required to deny certification based on the discharge for cause that led to**
38 **the prior denial or revocation.**

39