

**A-Engrossed**  
**Senate Bill 406**

Ordered by the Senate May 9  
Including Senate Amendments dated May 9

Sponsored by COMMITTEE ON RULES

**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.

*[Authorizes Department of Public Safety Standards and Training to appoint and commission humane special agents. Directs department and Board on Public Safety Standards and Training to establish standards of fitness and training and certification program for humane special agents. Directs department to provide training.]*

**Authorizes Governor, upon request from humane investigation agency, to commission persons designated by humane investigation agency as special agents. Requires humane investigation agency to enter into contract with state regarding agency's responsibilities for commissioned special agents.**

**A BILL FOR AN ACT**

1  
2 Relating to humane special agents.

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

4 **SECTION 1. (1) As used in this section, "humane investigation agency" means a private,**  
5 **nonprofit animal care agency that has maintained an animal welfare investigation depart-**  
6 **ment for at least five years and has had officers commissioned as special agents by the**  
7 **Governor.**

8 **(2) Upon the request of a humane investigation agency, the Governor may commission**  
9 **persons designated by the humane investigation agency who shall have the powers of peace**  
10 **officers and, after being commissioned, may act as peace officers to enforce ORS 167.310 to**  
11 **167.351, 167.334, 167.352, 167.355, 167.360 to 167.375, 167.385, 167.387, 167.388 and 167.390.**

12 **(3) Special agents commissioned under this section serve at the pleasure of the Governor.**  
13 **The Governor may, for any reason and at any time, refuse to commission a person as a**  
14 **special agent or revoke a previously granted commission.**

15 **(4) A special agent serves at the expense of the humane investigation agency.**

16 **(5) A humane investigation agency employing a special agent is civilly responsible for any**  
17 **abuse of the special agent's authority.**

18 **(6) Before a commission described in subsection (2) of this section becomes effective:**

19 **(a) The humane investigation agency must enter into a contract with the State of**  
20 **Oregon. The contract may provide:**

21 **(A) For guidelines and policies to be followed by the humane investigation agency and**  
22 **commissioned special agents;**

23 **(B) That the humane investigation agency will assume liability for the actions of the**  
24 **special agent and will indemnify and hold harmless the State of Oregon and its agents and**  
25 **employees from any claims that arise from the activities of the special agent;**

**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           **(C) That the humane investigation agency will obtain insurance coverage to cover claims**  
2 **that arise from the actions of a commissioned special agent; and**  
3           **(D) That the humane investigation agency will provide to the State of Oregon sufficient**  
4 **supporting documentation regarding the insurance coverage.**  
5           **(b) The person who seeks to be commissioned as a special agent must:**  
6           **(A) Consent to a background investigation; and**  
7           **(B) Sign an oath of office, provided by the Governor, that requires the person to support**  
8 **the Constitution of the United States, the Constitution of Oregon and the laws thereof, and**  
9 **to faithfully discharge the duties of a special agent.**  
10 \_\_\_\_\_