

A-Engrossed
House Bill 2315

Ordered by the House February 18
Including House Amendments dated February 18

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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.

Provides that information relating to investigations conducted by Department of Public Safety Standards and Training may be withheld from public disclosure until investigation is completed **and department issues report**, unless public interest requires disclosure.

[Provides that exempt information provided to department in connection with investigation remains exempt while in possession of department, notwithstanding completion of investigation.]

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to records in possession of Department of Public Safety Standards and Training; creating
3 new provisions; amending ORS 181.662, 181.878 and 192.501; and declaring an emergency.

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

5 **SECTION 1.** ORS 192.501, as amended by section 1, chapter 48, Oregon Laws 2008, is amended
6 to read:

7 192.501. The following public records are exempt from disclosure under ORS 192.410 to 192.505
8 unless the public interest requires disclosure in the particular instance:

9 (1) Records of a public body pertaining to litigation to which the public body is a party if the
10 complaint has been filed, or if the complaint has not been filed, if the public body shows that such
11 litigation is reasonably likely to occur. This exemption does not apply to litigation which has been
12 concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery
13 or deposition statutes to a party to litigation or potential litigation.

14 (2) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to,
15 any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or
16 compilation of information which is not patented, which is known only to certain individuals within
17 an organization and which is used in a business it conducts, having actual or potential commercial
18 value, and which gives its user an opportunity to obtain a business advantage over competitors who
19 do not know or use it.

20 (3) Investigatory information compiled for criminal law purposes. The record of an arrest or the
21 report of a crime shall be disclosed unless and only for so long as there is a clear need to delay
22 disclosure in the course of a specific investigation, including the need to protect the complaining
23 party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or
24 granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the
25 record of an arrest or the report of a crime includes, but is not limited to:

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 (a) The arrested person's name, age, residence, employment, marital status and similar bi-
2 ographical information;

3 (b) The offense with which the arrested person is charged;

4 (c) The conditions of release pursuant to ORS 135.230 to 135.290;

5 (d) The identity of and biographical information concerning both complaining party and victim;

6 (e) The identity of the investigating and arresting agency and the length of the investigation;

7 (f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and

8 (g) Such information as may be necessary to enlist public assistance in apprehending fugitives
9 from justice.

10 (4) Test questions, scoring keys, and other data used to administer a licensing examination,
11 employment, academic or other examination or testing procedure before the examination is given
12 and if the examination is to be used again. Records establishing procedures for and instructing
13 persons administering, grading or evaluating an examination or testing procedure are included in
14 this exemption, to the extent that disclosure would create a risk that the result might be affected.

15 (5) Information consisting of production records, sale or purchase records or catch records, or
16 similar business records of a private concern or enterprise, required by law to be submitted to or
17 inspected by a governmental body to allow it to determine fees or assessments payable or to estab-
18 lish production quotas, and the amounts of such fees or assessments payable or paid, to the extent
19 that such information is in a form which would permit identification of the individual concern or
20 enterprise. This exemption does not include records submitted by long term care facilities as defined
21 in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for pa-
22 tient care. Nothing in this subsection shall limit the use which can be made of such information for
23 regulatory purposes or its admissibility in any enforcement proceeding.

24 (6) Information relating to the appraisal of real estate prior to its acquisition.

25 (7) The names and signatures of employees who sign authorization cards or petitions for the
26 purpose of requesting representation or decertification elections.

27 (8) Investigatory information relating to any complaint filed under ORS 659A.820 or 659A.825,
28 until such time as the complaint is resolved under ORS 659A.835, or a final order is issued under
29 ORS 659A.850.

30 (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and
31 663.180.

32 (10) Records, reports and other information received or compiled by the Director of the De-
33 partment of Consumer and Business Services under ORS 697.732.

34 (11) Information concerning the location of archaeological sites or objects as those terms are
35 defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and
36 the need for the information is related to that Indian tribe's cultural or religious activities. This
37 exemption does not include information relating to a site that is all or part of an existing, commonly
38 known and publicized tourist facility or attraction.

39 (12) A personnel discipline action, or materials or documents supporting that action.

40 (13) Information developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and
41 564.100, regarding the habitat, location or population of any threatened species or endangered spe-
42 cies.

43 (14) Writings prepared by or under the direction of faculty of public educational institutions, in
44 connection with research, until publicly released, copyrighted or patented.

45 (15) Computer programs developed or purchased by or for any public body for its own use. As

1 used in this subsection, “computer program” means a series of instructions or statements which
2 permit the functioning of a computer system in a manner designed to provide storage, retrieval and
3 manipulation of data from such computer system, and any associated documentation and source
4 material that explain how to operate the computer program. “Computer program” does not include:

5 (a) The original data, including but not limited to numbers, text, voice, graphics and images;

6 (b) Analyses, compilations and other manipulated forms of the original data produced by use of
7 the program; or

8 (c) The mathematical and statistical formulas which would be used if the manipulated forms of
9 the original data were to be produced manually.

10 (16) Data and information provided by participants to mediation under ORS 36.256.

11 (17) Investigatory information relating to any complaint or charge filed under ORS chapter 654,
12 until a final administrative determination is made or, if a citation is issued, until an employer re-
13 ceives notice of any citation.

14 (18) Specific operational plans in connection with an anticipated threat to individual or public
15 safety for deployment and use of personnel and equipment, prepared or used by a public body, if
16 public disclosure of the plans would endanger an individual’s life or physical safety or jeopardize a
17 law enforcement activity.

18 (19)(a) Audits or audit reports required of a telecommunications carrier. As used in this para-
19 graph, “audit or audit report” means any external or internal audit or audit report pertaining to a
20 telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an af-
21 filiated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to
22 make the operations of the entity more efficient, accurate or compliant with applicable rules, pro-
23 cedures or standards, that may include self-criticism and that has been filed by the telecommuni-
24 cations carrier or affiliate under compulsion of state law. “Audit or audit report” does not mean an
25 audit of a cost study that would be discoverable in a contested case proceeding and that is not
26 subject to a protective order; and

27 (b) Financial statements. As used in this paragraph, “financial statement” means a financial
28 statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390,
29 with a telecommunications carrier, as defined in ORS 133.721.

30 (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS
31 247.967.

32 (21) The following records, communications and information submitted to a housing authority
33 as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants
34 for and recipients of loans, grants and tax credits:

35 (a) Personal and corporate financial statements and information, including tax returns;

36 (b) Credit reports;

37 (c) Project appraisals;

38 (d) Market studies and analyses;

39 (e) Articles of incorporation, partnership agreements and operating agreements;

40 (f) Commitment letters;

41 (g) Project pro forma statements;

42 (h) Project cost certifications and cost data;

43 (i) Audits;

44 (j) Project tenant correspondence requested to be confidential;

45 (k) Tenant files relating to certification; and

- 1 (L) Housing assistance payment requests.
- 2 (22) Records or information that, if disclosed, would allow a person to:
- 3 (a) Gain unauthorized access to buildings or other property;
- 4 (b) Identify those areas of structural or operational vulnerability that would permit unlawful
- 5 disruption to, or interference with, services; or
- 6 (c) Disrupt, interfere with or gain unauthorized access to public funds or to information pro-
- 7 cessing, communication or telecommunication systems, including the information contained in the
- 8 systems, that are used or operated by a public body.
- 9 (23) Records or information that would reveal or otherwise identify security measures, or
- 10 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to
- 11 protect:
- 12 (a) An individual;
- 13 (b) Buildings or other property;
- 14 (c) Information processing, communication or telecommunication systems, including the infor-
- 15 mation contained in the systems; or
- 16 (d) Those operations of the Oregon State Lottery the security of which are subject to study and
- 17 evaluation under ORS 461.180 (6).
- 18 (24) Personal information held by or under the direction of officials of the Oregon Health and
- 19 Science University or the Oregon University System about a person who has or who is interested
- 20 in donating money or property to the university, the system or a state institution of higher educa-
- 21 tion, if the information is related to the family of the person, personal assets of the person or is
- 22 incidental information not related to the donation.
- 23 (25) The home address, professional address and telephone number of a person who has or who
- 24 is interested in donating money or property to the Oregon University System.
- 25 (26) Records of the name and address of a person who files a report with or pays an assessment
- 26 to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council
- 27 created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.
- 28 (27) Information provided to, obtained by or used by a public body to authorize, originate, re-
- 29 ceive or authenticate a transfer of funds, including but not limited to a credit card number, payment
- 30 card expiration date, password, financial institution account number and financial institution routing
- 31 number.
- 32 (28) Social Security numbers as provided in ORS 107.840.
- 33 (29) The electronic mail address of a student who attends a state institution of higher education
- 34 listed in ORS 352.002 or Oregon Health and Science University.
- 35 (30) The name, home address, professional address or location of a person that is engaged in,
- 36 or that provides goods or services for, medical research at Oregon Health and Science University
- 37 that is conducted using animals other than rodents. This subsection does not apply to Oregon Health
- 38 and Science University press releases, websites or other publications circulated to the general pub-
- 39 lic.
- 40 (31)(a) If requested by a public safety officer, as defined in ORS 181.610, by a district attorney,
- 41 by a deputy district attorney or by an assistant attorney general designated by the Attorney Gen-
- 42 eral, the home address and home telephone number of the public safety officer or attorney contained
- 43 in the voter registration records for the public safety officer or attorney.
- 44 (b) If requested by a public safety officer, as defined in ORS 181.610, the home address and home
- 45 telephone number of the public safety officer contained in records of the Department of Public

1 Safety Standards and Training.

2 (32) If requested by a public safety officer, as defined in ORS 181.610, by a district attorney, by
3 a deputy district attorney or by an assistant attorney general designated by the Attorney General,
4 the name of the public safety officer or attorney contained in county real property assessment or
5 taxation records. This exemption:

6 (a) Applies only to the name of the public safety officer or attorney and any other owner of the
7 property in connection with a specific property identified by the officer or attorney in a request for
8 exemption from disclosure;

9 (b) Applies only to records that may be made immediately available to the public upon request
10 in person, by telephone or using the Internet;

11 (c) Applies until the public safety officer or attorney requests termination of the exemption;

12 (d) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for
13 governmental purposes; and

14 (e) May not result in liability for a county if the name of a public safety officer or attorney is
15 disclosed after a request for exemption from disclosure is made under this subsection.

16 (33) Land management plans required for voluntary stewardship agreements entered into under
17 ORS 541.423.

18 **(34) Records of the Department of Public Safety Standards and Training relating to in-**
19 **vestigations conducted under ORS 181.662 or 181.878 (6), until the department issues the re-**
20 **port described in ORS 181.662 or 181.878.**

21 **SECTION 2.** ORS 192.501, as amended by section 3, chapter 455, Oregon Laws 2005, section 7,
22 chapter 608, Oregon Laws 2007, section 2, chapter 687, Oregon Laws 2007, and section 2, chapter
23 48, Oregon Laws 2008, is amended to read:

24 192.501. The following public records are exempt from disclosure under ORS 192.410 to 192.505
25 unless the public interest requires disclosure in the particular instance:

26 (1) Records of a public body pertaining to litigation to which the public body is a party if the
27 complaint has been filed, or if the complaint has not been filed, if the public body shows that such
28 litigation is reasonably likely to occur. This exemption does not apply to litigation which has been
29 concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery
30 or deposition statutes to a party to litigation or potential litigation.

31 (2) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to,
32 any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or
33 compilation of information which is not patented, which is known only to certain individuals within
34 an organization and which is used in a business it conducts, having actual or potential commercial
35 value, and which gives its user an opportunity to obtain a business advantage over competitors who
36 do not know or use it.

37 (3) Investigatory information compiled for criminal law purposes. The record of an arrest or the
38 report of a crime shall be disclosed unless and only for so long as there is a clear need to delay
39 disclosure in the course of a specific investigation, including the need to protect the complaining
40 party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or
41 granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the
42 record of an arrest or the report of a crime includes, but is not limited to:

43 (a) The arrested person's name, age, residence, employment, marital status and similar bi-
44 ographical information;

45 (b) The offense with which the arrested person is charged;

1 (c) The conditions of release pursuant to ORS 135.230 to 135.290;

2 (d) The identity of and biographical information concerning both complaining party and victim;

3 (e) The identity of the investigating and arresting agency and the length of the investigation;

4 (f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and

5 (g) Such information as may be necessary to enlist public assistance in apprehending fugitives
6 from justice.

7 (4) Test questions, scoring keys, and other data used to administer a licensing examination,
8 employment, academic or other examination or testing procedure before the examination is given
9 and if the examination is to be used again. Records establishing procedures for and instructing
10 persons administering, grading or evaluating an examination or testing procedure are included in
11 this exemption, to the extent that disclosure would create a risk that the result might be affected.

12 (5) Information consisting of production records, sale or purchase records or catch records, or
13 similar business records of a private concern or enterprise, required by law to be submitted to or
14 inspected by a governmental body to allow it to determine fees or assessments payable or to estab-
15 lish production quotas, and the amounts of such fees or assessments payable or paid, to the extent
16 that such information is in a form which would permit identification of the individual concern or
17 enterprise. This exemption does not include records submitted by long term care facilities as defined
18 in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for pa-
19 tient care. Nothing in this subsection shall limit the use which can be made of such information for
20 regulatory purposes or its admissibility in any enforcement proceeding.

21 (6) Information relating to the appraisal of real estate prior to its acquisition.

22 (7) The names and signatures of employees who sign authorization cards or petitions for the
23 purpose of requesting representation or decertification elections.

24 (8) Investigatory information relating to any complaint filed under ORS 659A.820 or 659A.825,
25 until such time as the complaint is resolved under ORS 659A.835, or a final order is issued under
26 ORS 659A.850.

27 (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and
28 663.180.

29 (10) Records, reports and other information received or compiled by the Director of the De-
30 partment of Consumer and Business Services under ORS 697.732.

31 (11) Information concerning the location of archaeological sites or objects as those terms are
32 defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and
33 the need for the information is related to that Indian tribe's cultural or religious activities. This
34 exemption does not include information relating to a site that is all or part of an existing, commonly
35 known and publicized tourist facility or attraction.

36 (12) A personnel discipline action, or materials or documents supporting that action.

37 (13) Information developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and
38 564.100, regarding the habitat, location or population of any threatened species or endangered spe-
39 cies.

40 (14) Writings prepared by or under the direction of faculty of public educational institutions, in
41 connection with research, until publicly released, copyrighted or patented.

42 (15) Computer programs developed or purchased by or for any public body for its own use. As
43 used in this subsection, "computer program" means a series of instructions or statements which
44 permit the functioning of a computer system in a manner designed to provide storage, retrieval and
45 manipulation of data from such computer system, and any associated documentation and source

1 material that explain how to operate the computer program. "Computer program" does not include:

2 (a) The original data, including but not limited to numbers, text, voice, graphics and images;

3 (b) Analyses, compilations and other manipulated forms of the original data produced by use of
4 the program; or

5 (c) The mathematical and statistical formulas which would be used if the manipulated forms of
6 the original data were to be produced manually.

7 (16) Data and information provided by participants to mediation under ORS 36.256.

8 (17) Investigatory information relating to any complaint or charge filed under ORS chapter 654,
9 until a final administrative determination is made or, if a citation is issued, until an employer re-
10 ceives notice of any citation.

11 (18) Specific operational plans in connection with an anticipated threat to individual or public
12 safety for deployment and use of personnel and equipment, prepared or used by a public body, if
13 public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a
14 law enforcement activity.

15 (19)(a) Audits or audit reports required of a telecommunications carrier. As used in this para-
16 graph, "audit or audit report" means any external or internal audit or audit report pertaining to a
17 telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an af-
18 filiated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to
19 make the operations of the entity more efficient, accurate or compliant with applicable rules, pro-
20 cedures or standards, that may include self-criticism and that has been filed by the telecommuni-
21 cations carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an
22 audit of a cost study that would be discoverable in a contested case proceeding and that is not
23 subject to a protective order; and

24 (b) Financial statements. As used in this paragraph, "financial statement" means a financial
25 statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390,
26 with a telecommunications carrier, as defined in ORS 133.721.

27 (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS
28 247.967.

29 (21) The following records, communications and information submitted to a housing authority
30 as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants
31 for and recipients of loans, grants and tax credits:

32 (a) Personal and corporate financial statements and information, including tax returns;

33 (b) Credit reports;

34 (c) Project appraisals;

35 (d) Market studies and analyses;

36 (e) Articles of incorporation, partnership agreements and operating agreements;

37 (f) Commitment letters;

38 (g) Project pro forma statements;

39 (h) Project cost certifications and cost data;

40 (i) Audits;

41 (j) Project tenant correspondence requested to be confidential;

42 (k) Tenant files relating to certification; and

43 (L) Housing assistance payment requests.

44 (22) Records or information that, if disclosed, would allow a person to:

45 (a) Gain unauthorized access to buildings or other property;

1 (b) Identify those areas of structural or operational vulnerability that would permit unlawful
2 disruption to, or interference with, services; or

3 (c) Disrupt, interfere with or gain unauthorized access to public funds or to information pro-
4 cessing, communication or telecommunication systems, including the information contained in the
5 systems, that are used or operated by a public body.

6 (23) Records or information that would reveal or otherwise identify security measures, or
7 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to
8 protect:

9 (a) An individual;

10 (b) Buildings or other property;

11 (c) Information processing, communication or telecommunication systems, including the infor-
12 mation contained in the systems; or

13 (d) Those operations of the Oregon State Lottery the security of which are subject to study and
14 evaluation under ORS 461.180 (6).

15 (24) Personal information held by or under the direction of officials of the Oregon Health and
16 Science University or the Oregon University System about a person who has or who is interested
17 in donating money or property to the university, the system or a state institution of higher educa-
18 tion, if the information is related to the family of the person, personal assets of the person or is
19 incidental information not related to the donation.

20 (25) The home address, professional address and telephone number of a person who has or who
21 is interested in donating money or property to the Oregon University System.

22 (26) Records of the name and address of a person who files a report with or pays an assessment
23 to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council
24 created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.

25 (27) Information provided to, obtained by or used by a public body to authorize, originate, re-
26 ceive or authenticate a transfer of funds, including but not limited to a credit card number, payment
27 card expiration date, password, financial institution account number and financial institution routing
28 number.

29 (28) Social Security numbers as provided in ORS 107.840.

30 (29) The electronic mail address of a student who attends a state institution of higher education
31 listed in ORS 352.002 or Oregon Health and Science University.

32 (30)(a) If requested by a public safety officer, as defined in ORS 181.610, by a district attorney,
33 by a deputy district attorney or by an assistant attorney general designated by the Attorney Gen-
34 eral, the home address and home telephone number of the public safety officer or attorney contained
35 in the voter registration records for the public safety officer or attorney.

36 (b) If requested by a public safety officer, as defined in ORS 181.610, the home address and home
37 telephone number of the public safety officer contained in records of the Department of Public
38 Safety Standards and Training.

39 (31) If requested by a public safety officer, as defined in ORS 181.610, by a district attorney, by
40 a deputy district attorney or by an assistant attorney general designated by the Attorney General,
41 the name of the public safety officer or attorney contained in county real property assessment or
42 taxation records. This exemption:

43 (a) Applies only to the name of the public safety officer or attorney and any other owner of the
44 property in connection with a specific property identified by the officer or attorney in a request for
45 exemption from disclosure;

1 (b) Applies only to records that may be made immediately available to the public upon request
2 in person, by telephone or using the Internet;

3 (c) Applies until the public safety officer or attorney requests termination of the exemption;

4 (d) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for
5 governmental purposes; and

6 (e) May not result in liability for a county if the name of a public safety officer or attorney is
7 disclosed after a request for exemption from disclosure is made under this subsection.

8 (32) Land management plans required for voluntary stewardship agreements entered into under
9 ORS 541.423.

10 **(33) Records of the Department of Public Safety Standards and Training relating to in-**
11 **vestigations conducted under ORS 181.662 or 181.878 (6), until the department issues the re-**
12 **port described in ORS 181.662 or 181.878.**

13 **SECTION 3.** ORS 181.878 is amended to read:

14 181.878. (1) The Board on Public Safety Standards and Training shall establish standards for:

15 (a) Issuing, denying, renewing and revoking licenses for executive managers and supervisory
16 managers; and

17 (b) Reviewing the private security services of executive managers in relation to the licensing
18 and certification standards set forth in ORS 181.870 to 181.887.

19 (2) In accordance with any applicable provision of ORS chapter 183, to promote consistent
20 standards for private security services by improving the competence of private security providers,
21 the board, in conjunction with the Private Security Policy Committee, shall establish reasonable
22 minimum standards of physical, emotional, intellectual and moral fitness for private security pro-
23 viders.

24 (3) The board, in consultation with the Department of Public Safety Standards and Training,
25 may establish by rule accreditation standards for required training programs. The board, in consul-
26 tation with the Private Security Policy Committee, may establish to what extent training or educa-
27 tional programs offered by employers may be considered equivalent to required training programs.

28 (4) The department shall:

29 (a) Establish and carry out procedures for issuing, denying, renewing and revoking, subject to
30 terms and conditions imposed by the department, a private security provider's certificate or license;

31 (b) In collaboration with the Private Security Policy Committee, recommend for approval by the
32 board the content of and standards for all training courses and testing required for certification as
33 a private security professional and the standards for all instructors providing the training;

34 (c) Establish procedures in consultation with the board for temporary assignment of persons
35 performing private security services for a period of no longer than 120 days while an application for
36 certification is being processed;

37 (d) In collaboration with the Private Security Policy Committee, establish fees for issuing cer-
38 tificates and licenses to private security providers. The fees may not exceed the prorated direct
39 costs of administering:

40 (A) The certification or licensing program required by this section;

41 (B) The criminal records checks required by ORS 181.880; and

42 (C) Any training program required by rules of the department or board; and

43 (e) In collaboration with the Private Security Policy Committee, establish fees for accrediting
44 training programs offered by employers.

45 (5) In establishing procedures for issuing certificates and licenses under subsection (4)(a) of this

1 section, the department shall establish a procedure for issuing a certificate or license to a person
2 upon submission by the person of proof of successful completion of a training program accredited
3 by the board pursuant to subsection (3) of this section as being equivalent to the required training
4 program offered by the department.

5 (6) The department shall investigate alleged violations of the provisions of ORS 181.870 to
6 181.887 and of any rules adopted by the department or the board. **The department shall issue a**
7 **report when the investigation is complete.**

8 (7) The department and the board may adopt rules necessary to carry out their duties under
9 ORS 181.870 to 181.887 and 181.991. For efficiency, the department and board may adopt rules
10 jointly as a single set of combined rules.

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

12 181.662. (1) The Department of Public Safety Standards and Training may deny the application
13 for training, or deny, suspend or revoke the certification, of any instructor or public safety officer,
14 except a youth correction officer or fire service professional, after written notice and hearing con-
15 sistent with the provisions of ORS 181.661, based upon a finding that:

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

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

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

23 (d) The public safety officer failed to comply with ORS 181.789 (3)(b).

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

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

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

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

36 (4) The department shall deny, suspend or revoke the certification of any public safety officer
37 or instructor, except a youth correction officer, after written notice and hearing consistent with the
38 provisions of ORS 181.661, based upon a finding that the public safety officer or instructor has been
39 discharged for cause from employment as a public safety officer.

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

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

45 (a) Proceed with any investigation of, or any action or disciplinary proceedings against, the

1 public safety officer or instructor; or

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

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

7 **(8) When the department completes an investigation relating to a person's qualifications**
8 **for employment, training or certification under this section, the department shall issue a**
9 **report.**

10 **SECTION 5. The amendments to ORS 192.501 by sections 1 and 2 of this 2009 Act apply**
11 **to records in the possession of the Department of Public Safety Standards and Training on**
12 **or after the effective date of this 2009 Act.**

13 **SECTION 6. This 2009 Act being necessary for the immediate preservation of the public**
14 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
15 **on its passage.**

16