

A-Engrossed
House Bill 2789

Ordered by the House April 10
Including House Amendments dated April 10

Sponsored by COMMITTEE ON JUDICIARY (at the request of Federation of Oregon Parole and Probation Officers)

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.

Clarifies that "parole and probation officer" means either full-time employee of Department of Corrections, county or court or officer certified and employed full-time for more than one year and currently employed part-time by Department of Corrections, county or court.

Exempts retired parole and probation officers from prohibitions relating to possession of firearm.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to parole and probation officers; amending ORS 166.260 and 181.610; and declaring an
3 emergency.

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

5 **SECTION 1.** ORS 181.610 is amended to read:

6 181.610. In ORS 181.610 to 181.712, unless the context requires otherwise:

7 (1) "Abuse" has the meaning given the term in ORS 107.705.

8 (2) "Board" means the Board on Public Safety Standards and Training appointed pursuant to
9 ORS 181.620.

10 (3) "Certified reserve officer" means a reserve officer who has been designated by a local law
11 enforcement unit, has received training necessary for certification and has met the minimum stan-
12 dards and training requirements established under ORS 181.640.

13 (4) "Commissioned" means an authorization granting the power to perform various acts or duties
14 of a police officer or certified reserve officer and acting under the supervision and responsibility of
15 a county sheriff or as otherwise provided by law.

16 (5) "Corrections officer" means an officer or member of a law enforcement unit who is employed
17 full-time thereby and is charged with and primarily performs the duty of custody, control or super-
18 vision of individuals convicted of or arrested for a criminal offense and confined in a place of
19 incarceration or detention other than a place used exclusively for incarceration or detention of ju-
20 veniles.

21 (6) "Department" means the Department of Public Safety Standards and Training.

22 (7) "Director" means the Director of the Department of Public Safety Standards and Training.

23 (8) "Domestic violence" means abuse between family or household members.

24 (9) "Emergency medical dispatcher" means a person who has responsibility to process requests
25 for medical assistance from the public or to dispatch medical care providers.

26 (10) "Family or household members" has the meaning given that term in ORS 107.705.

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 (11) "Fire service professional" means a paid or volunteer firefighter, an officer or a member
2 of a public or private fire protection agency that is engaged primarily in fire investigation, fire
3 prevention, fire safety, fire control or fire suppression or providing emergency medical services, light
4 and heavy rescue services, search and rescue services or hazardous materials incident response.
5 "Fire service professional" does not include forest fire protection agency personnel.

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

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

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

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

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

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

23 (B) A district attorney's office.

24 (13) "Parole and probation officer" means:

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

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

30 (B) Investigating adult offenders on parole or probation or being considered for parole or
31 probation[.]; **or**

32 (b) Any officer who:

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

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

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

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

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

42 (14) "Police officer" means an officer, member or employee of a law enforcement unit who is
43 employed full-time as a peace officer commissioned by a city, port, school district, mass transit dis-
44 trict, county, county service district authorized to provide law enforcement services under ORS
45 451.010, Indian reservation, the Criminal Justice Division of the Department of Justice, the Oregon

1 State Lottery Commission or the Governor or who is a member of the Department of State Police
2 and who is responsible for enforcing the criminal laws of this state or laws or ordinances relating
3 to airport security or is an investigator of a district attorney's office if the investigator is or has
4 been certified as a peace officer in this or any other state.

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

8 (16) "Public safety personnel" and "public safety officer" include corrections officers, youth
9 correction officers, emergency medical dispatchers, parole and probation officers, police officers,
10 certified reserve officers, telecommunicators and fire service professionals.

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

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

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

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

20 (18) "Telecommunicator" means any person employed as an emergency telephone worker as de-
21 fined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing
22 and transmitting public safety information received through a 9-1-1 emergency reporting system as
23 defined in ORS 401.710.

24 (19) "Youth correction officer" means an employee of the Oregon Youth Authority who is
25 charged with and primarily performs the duty of custody, control or supervision of youth offenders
26 confined in a youth correction facility.

27 **SECTION 2.** ORS 166.260 is amended to read:

28 166.260. (1) ORS 166.250 does not apply to or affect:

29 (a) Sheriffs, constables, marshals, **parole and probation officers**, police officers, whether active
30 or honorably retired, [*parole and probation officers*] or other duly appointed peace officers.

31 (b) Any person summoned by any such officer to assist in making arrests or preserving the
32 peace, while said person so summoned is actually engaged in assisting the officer.

33 (c) The possession or transportation by any merchant of unloaded firearms as merchandise.

34 (d) Active or reserve members of the Army, Navy, Air Force, Coast Guard or Marine Corps of
35 the United States, or of the National Guard, when on duty.

36 (e) Organizations which are by law authorized to purchase or receive weapons described in ORS
37 166.250 from the United States, or from this state.

38 (f) Duly authorized military or civil organizations while parading, or the members thereof when
39 going to and from the places of meeting of their organization.

40 (g) A corrections officer while transporting or accompanying an individual convicted of or ar-
41 rested for an offense and confined in a place of incarceration or detention while outside the confines
42 of the place of incarceration or detention.

43 (h) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

44 (2) Except for persons who are otherwise prohibited from possessing a firearm under ORS
45 166.250 (1)(c) or 166.270, ORS 166.250 does not apply to or affect:

1 (a) Members of any club or organization, for the purpose of practicing shooting at targets upon
2 the established target ranges, whether public or private, while such members are using any of the
3 firearms referred to in ORS 166.250 upon such target ranges, or while going to and from such
4 ranges.

5 (b) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or re-
6 turning from a hunting or fishing expedition.

7 (3) The exceptions listed in subsection (1)(b) to (h) of this section constitute affirmative defenses
8 to a charge of violating ORS 166.250.

9 **SECTION 3. This 2009 Act being necessary for the immediate preservation of the public**
10 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
11 **on its passage.**

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