

House Bill 2790

Sponsored by Representative HUNT; Representatives BARKER, FREEMAN, GALIZIO, GARRETT, KENNEMER, MATTHEWS, SCHAUFLER, STIEGLER, WITT, Senator PROZANSKI

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**.

Increases membership of Board on Public Safety Standards and Training to 25 members, three of whom are nonvoting members.

Changes membership of board policy committees.

Directs policy committees to establish fitness for duty standards and procedures for reviewing denial, suspension or revocation of certification.

Establishes procedures for investigating and hearing cases involving denial, suspension and revocation of certification.

A BILL FOR AN ACT

1
2 Relating to Board on Public Safety Standards and Training; creating new provisions; and amending
3 ORS 181.620, 181.630, 181.637, 181.661 and 181.662.

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*] **who are** chiefs of police recommended to the Governor by the
9 Oregon Association Chiefs of Police, **one of whom is a representative of one of the three largest**
10 **cities in the state;**

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

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

15 (d) One member [*shall be*] **who is** a representative of the fire service recommended to the Gov-
16 ernor by the Oregon Fire District [*Directors'*] **Directors** Association;

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

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

21 (g) One member [*shall be*] **who is** a representative of the fire service recommended to the Gov-
22 ernor by the Oregon Volunteer [*Fire Fighters'*] **Firefighters** Association;

23 (h) One member [*shall be*] **who is** a representative of public safety telecommunicators;

24 (i) One member [*shall be*] **who is** a district attorney recommended to the Governor by the
25 Oregon District Attorneys Association;

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

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

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

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

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

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

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

7 *[(q) (j) One member [shall be] who is an administrator of a municipality recommended to the*
 8 *Governor by the executive body of the League of Oregon Cities;*

9 *[(r) (k) Two members [shall be] who are nonmanagement representatives of law enforcement;*

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

12 (A) *[Who has] May have* no personal interest or occupational responsibilities in the area of re-
 13 sponsibility given to the board; and

14 (B) *[Who represents] Must represent* the interests of the public in general;

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

18 *[(u) (n) [One member shall be a representative of the collective bargaining unit that represents]*
 19 **Two members who are representatives of collective bargaining units that represent workers**
 20 **in county or state corrections facilities, one of whom is a representative of the collective**
 21 **bargaining unit that represents** the largest number of individual workers in the Department of
 22 Corrections[.];

23 **(o) One member recommended by and representing a statewide association of community**
 24 **corrections directors;**

25 **(p) One member who is a nonmanagement parole and probation officer employed by a**
 26 **community corrections program; and**

27 **(q) Three ex officio members who are nonvoting members, except as provided in ORS**
 28 **181.630, each of whom may appoint a designee to represent the member at board, subcom-**
 29 **mittee or policy committee meetings, as follows:**

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

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

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

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

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

41 (4) Appointments of members of the board by the Governor, except for those members who serve
 42 by virtue of office, are subject to confirmation by the Senate in the manner provided in ORS 171.562
 43 and 171.565.

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

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

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

- 3 (a) Corrections Policy Committee;
- 4 (b) Fire Policy Committee;
- 5 (c) Police Policy Committee;
- 6 (d) Telecommunications Policy Committee; and
- 7 (e) Private Security Policy Committee.

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

12 (3) The Corrections Policy Committee consists of:

- 13 (a) All of the board members who represent the corrections discipline;
- 14 (b) The chief administrative officer of the training division of the Department of Corrections;
- 15 (c) A security manager from the Department of Corrections **recommended by the Director of**
 16 **the Department of Corrections;** and

17 (d) The following, who may not be current board members, appointed by the chairperson of the
 18 board:

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

20 *[(B)] (A) [Two persons] **One person** recommended by and representing the Oregon Jail Manag-*
 21 *ers' Association; **and***

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

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

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

27 (4) The Fire Policy Committee consists of:

28 (a) All of the board members who represent the fire service discipline; and

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

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

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

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

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

35 **(D) One person representing the forest protection agencies and recommended by the**
 36 **State Forestry Department; and**

37 **(E) One fire chief representing one of the three largest cities in this state and recom-**
 38 **mented by the Oregon Fire Chiefs Association.**

39 (5) The Police Policy Committee consists of:

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

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

43 *[(A) One person recommended by and representing the Oregon Association Chiefs of Police;]*

44 *[(B)] (A) [Two persons] **One person** recommended by and representing the Oregon State*
 45 *Sheriffs' Association; **and***

1 [(C) *One command officer recommended by and representing the Oregon State Police; and*

2 [(D)] **(B) [One] Two** nonmanagement law enforcement [*officer*] **officers.**

3 (6) The Telecommunications Policy Committee consists of:

4 (a) [*All of the board members who represent*] **The board member who represents** the telecom-
5 munications discipline; and

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

8 (A) Two persons recommended by and representing a statewide association of public safety
9 communications officers;

10 (B) One person recommended by and representing the Oregon Association Chiefs of Police;

11 (C) One person recommended by and representing the Oregon State Police;

12 (D) Two persons representing telecommunicators;

13 (E) One person recommended by and representing the Oregon State Sheriffs' Association;

14 (F) One person recommended by and representing the Oregon Fire [*Chiefs'*] **Chiefs** Association;

15 (G) One person recommended by and representing the Emergency Medical Services and Trauma
16 Systems Program of the Department of Human Services; and

17 (H) One person representing paramedics and recommended by a statewide association dealing
18 with fire medical issues.

19 (7) The Private Security Policy Committee consists of:

20 (a) All of the board members who represent the private security industry; and

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

23 (A) One person representing unarmed private security professionals;

24 (B) One person representing armed private security professionals;

25 (C) One person representing the health care industry;

26 (D) One person representing the manufacturing industry;

27 (E) One person representing the retail industry;

28 (F) One person representing the hospitality industry;

29 (G) One person representing private business or a governmental entity that utilizes private se-
30 curity services;

31 (H) One person representing persons who monitor alarm systems;

32 (I) Two persons who are investigators licensed under ORS 703.430, one of whom is recommended
33 by the Oregon State Bar and one of whom is in private practice; and

34 (J) One person who represents the public at large and who is not related within the second de-
35 gree by affinity or consanguinity to a person who is employed or doing business as a private security
36 professional or executive manager, as defined in ORS 181.870, or as an investigator, as defined in
37 ORS 703.401.

38 (8)(a) [*In making appointments to the policy committees under this section, the chairperson of the*
39 *board shall seek to reflect the diversity of the state's population.*] An appointment **to a policy com-**
40 **mittee** made by the chairperson of the board must be ratified by the board before the appointment
41 is effective.

42 (b) The chairperson of the board may remove an appointed member for just cause.

43 (c) An appointment to a policy committee that is based on the member's employment is auto-
44 matically revoked if the member changes employment.

45 (d) The chairperson of the board shall fill a vacancy in the same manner as making an initial

1 appointment.

2 (e) The term of an appointed member is two years.

3 (f) An appointed member may be appointed to a second term.

4 (9)(a) A policy committee may meet at such times and places as determined by the policy com-
5 mittee in consultation with the Department of Public Safety Standards and Training.

6 (b) A majority of a policy committee constitutes a quorum to conduct business.

7 (c) A policy committee may create subcommittees if needed.

8 [(10)(a)] (10) Each policy committee shall:

9 (a) Develop policies, requirements, standards and rules relating to its specific discipline.

10 (b) **Establish fitness for duty standards, including moral fitness standards, to ensure the**
11 **highest levels of professionalism in its specific discipline.**

12 (c) **Establish procedures for reviewing the denial, suspension or revocation of certif-**
13 **ication forwarded to the committee by the Department of Public Safety Standards and**
14 **Training pursuant to ORS 181.661. The committee's procedures must afford the committee**
15 **the opportunity to gather all relevant information and to pose questions to, and obtain**
16 **statements of clarification from, the person under review.**

17 (d) **Review the department's determination that a reasonable basis exists to deny, sus-**
18 **pend or revoke the certification of an instructor or public safety officer, except a youth**
19 **correction officer.**

20 (11)(a) A policy committee shall submit its policies, requirements, standards [and], rules **and**
21 **procedures developed and established pursuant to subsection (10) of this section** to the Board
22 **of Public Safety Standards and Training** for the board's consideration.

23 (b) When a policy committee submits a policy, requirement, standard [or], rule **or procedure** to
24 the board for the board's consideration, the board shall:

25 (A) Approve the policy, requirement, standard [or], rule **or procedure**;

26 (B) Disapprove the policy, requirement, standard [or], rule **or procedure**; or

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

29 [(b)] (c) The board may defer a decision and return a matter submitted by a policy committee
30 under paragraph (a) of this subsection only once.

31 (d) If a policy, requirement, standard [or], rule **or procedure** that was returned to a policy
32 committee is resubmitted to the board, the board shall take all actions necessary to implement the
33 policy, requirement, standard [or], rule **or procedure** unless the board disapproves the policy, re-
34 quirement, standard [or], rule **or procedure**.

35 [(c)] (e) Disapproval of a policy, requirement, standard [or], rule **or procedure** under [paragraph
36 (a) or (b) of] this subsection requires a two-thirds vote by the members of the board.

37 [(11)] (12) At any time after submitting a matter to the board, the chairperson of the policy
38 committee may withdraw the matter from the board's consideration.

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

40 181.661. [*When the Department of Public Safety Standards and Training denies application or*
41 *certification or the department or Board on Public Safety Standards and Training believes there is a*
42 *reasonable basis for suspending or revoking the certification of an instructor or a public safety officer,*
43 *except a youth correction officer or fire service professional, notice and opportunity for a hearing shall*
44 *be provided in accordance with rules approved by the board and in accordance with ORS 183.415 and*
45 *183.417 prior to suspension or revocation.*]

1 (1) When the Department of Public Safety Standards and Training receives information
 2 from any source indicating that an instructor or public safety officer, except a youth cor-
 3 rection officer, does not meet the established standards for public safety professionals, the
 4 department shall review the information to determine whether a reasonable basis exists to
 5 deny, suspend or revoke the instructor's or public safety officer's certification.

6 (2)(a) If the department determines that there is not a reasonable basis for denying,
 7 suspending or revoking the certification of the instructor or public safety officer, the de-
 8 partment shall prepare written findings to that effect and terminate the department's re-
 9 view.

10 (b) If the department determines that there is a reasonable basis for denying, suspending
 11 or revoking the certification of the instructor or public safety officer, the department shall
 12 prepare a report documenting the determination and provide a copy of the report, along with
 13 any relevant information in the department's possession, to:

14 (A) The instructor or public safety officer; and

15 (B) The applicable policy committee described in ORS 181.637.

16 (3)(a) Upon receipt of the department's report under subsection (2)(b) of this section, the
 17 applicable policy committee shall conduct a hearing on the matter in accordance with the
 18 procedures provided for by ORS 181.637.

19 (b) If the committee determines that there is not a reasonable basis for denying, sus-
 20 pending or revoking the certification of the instructor or public safety officer, the committee
 21 shall prepare written findings to that effect and terminate the committee's review.

22 (c) If the committee determines that there is a reasonable basis for denying, suspending
 23 or revoking the certification of the instructor or public safety officer, the instructor or
 24 public safety officer must be provided with notice and an opportunity for a hearing in ac-
 25 cordance with ORS 183.415 and 183.417.

26 (4)(a) At the conclusion of the hearing provided for in subsection (3)(c) of this section,
 27 the administrative law judge shall serve a proposed order for disposition of the case on the
 28 committee.

29 (b) Upon consideration of the administrative law judge's proposed order, the committee
 30 shall issue a final order regarding the denial, suspension or revocation of certification.

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

32 181.662. (1) The Department of Public Safety Standards and Training may deny the application
 33 for training, or deny, suspend or revoke the certification, of *[any]* **an** instructor or public safety of-
 34 ficer, except a youth correction officer or fire service professional, *[after written notice and*
 35 *hearing]* **in a manner** consistent with the provisions of ORS 181.661, based upon a finding that:

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

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

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

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

44 (2) The department shall deny, suspend or revoke the certification of a fire service
 45 professional, *after written notice and hearing]* **in a manner** consistent with the provisions of ORS

1 181.661, based upon a finding that the fire service professional has been convicted in this state of
 2 a crime listed in ORS 137.700 or in any other jurisdiction of a crime that, if committed in this state,
 3 would constitute a crime listed in ORS 137.700.

4 (3) The department may deny, suspend or revoke the certification of any fire service professional
 5 [*after written notice and hearing*] **in a manner** consistent with the provisions of ORS 181.661, based
 6 upon a finding:

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

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

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

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

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

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

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

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

28 **SECTION 5.** ORS 181.630 is amended to read:

29 181.630. (1) The Board on Public Safety Standards and Training shall select one of its members
 30 as chairperson and another as vice chairperson. The vice chairperson shall act as chairperson when
 31 the chairperson is absent or unable to act.

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

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

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

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

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

42 (A) Culturally competent;

43 (B) Ethically, physically and emotionally fit; and

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

45 (b) The board and department shall promote the safety, efficiency, effectiveness, self-sufficiency

1 and competence of public safety agencies and professionals.

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

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

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

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

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

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

17 (7) *[A member of the board who serves by virtue of office may appoint a designee to represent the*
18 *member at subcommittee and policy committee meetings. The designee may vote only at subcommittee*
19 *and policy committee meetings.]* **An ex officio member of the board or the member's designee**
20 **may vote only at subcommittee and policy committee meetings.**

21 **SECTION 6. Nothing in the amendments to ORS 181.620 by section 1 of this 2009 Act af-**
22 **fects the term of office of any member of the Board on Public Safety Standards and Training**
23 **who is appointed prior to and serving on the effective date of this 2009 Act. However, as va-**
24 **vacancies occur, appointments must be made in accordance with the procedures specified in**
25 **ORS 181.620, as amended by section 1 of this 2009 Act.**

26 **SECTION 7. Nothing in the amendments to ORS 181.637 by section 2 of this 2009 Act af-**
27 **fects the term of office of any member of a policy committee established by the Board on**
28 **Public Safety Standards and Training who is appointed prior to and serving on the effective**
29 **date of this 2009 Act. However, as vacancies occur, appointments must be made in accord-**
30 **ance with the procedures specified in ORS 181.637, as amended by section 2 of this 2009 Act.**

31