

House Bill 3071

Sponsored by Representatives BARKER, THATCHER; Representatives BERGER, BEYER, BRUUN, CLEM, C EDWARDS, D EDWARDS, ESQUIVEL, FREEMAN, GILLIAM, HUFFMAN, KRIEGER, SCHAUFLE, G SMITH, THOMPSON, WEIDNER, WHISNANT, WITT, Senators BOQUIST, FERRIOLI, GEORGE, MONROE, WHITSETT (at the request of Service Employees International Union)

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**.

Requires State Board of Higher Education to authorize each institution under its control to commission special campus security officers.

Grants special campus security officers powers and authority of peace officers.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to public safety officers at state institutions of higher education; amending ORS 133.005,
3 181.610, 181.655, 352.360 and 352.385; and declaring an emergency.

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

5 **SECTION 1.** ORS 352.385 is amended to read:

6 352.385. (1) The State Board of Higher Education may, at the request of *[any]* **an** institution
7 under its control, authorize *[that]* **the** institution to commission one or more of its employees as
8 special campus security officers. *[However, the total number of special campus security officers com-*
9 *missioned at the institutions in the Oregon University System shall not exceed 50. Special campus se-*
10 *curity officers shall have stop and frisk authority as set forth in ORS 131.605 to 131.625 and probable*
11 *cause arrest authority and the accompanying immunities as set forth in ORS 133.310 and 133.315 when*
12 *acting in the scope of their employment as defined by the State Board of Higher Education. Special*
13 *campus security officers shall not be authorized to carry firearms as police officers and, except as*
14 *provided in subsection (3) of this section, shall not be considered police officers for purposes of ORS*
15 *181.610, 238.005, 243.005 or 243.736.]* **Special campus security officers commissioned under this**
16 **section are public safety personnel as defined in ORS 181.610 and enforcement officers as**
17 **defined in ORS 153.005 and have all the powers and authority given by statute to peace offi-**
18 **cers of this state.**

19 *[(2) The Department of Public Safety Standards and Training shall train special campus security*
20 *officers at the expense of the State Board of Higher Education.]*

21 **(2) A special campus security officer commissioned under subsection (1) of this section**
22 **shall complete training necessary for certification as a public safety officer at the academy**
23 **operated or authorized by the Department of Public Safety Standards and Training. This**
24 **subsection does not apply to public safety officers who are certified under ORS 181.660 (2).**

25 (3) The State Board of Higher Education, acting by and through its special campus security of-
26 ficers, is a criminal justice agency for purposes of rules adopted pursuant to ORS 181.730 (3).

27 **SECTION 2.** ORS 352.360 is amended to read:

28 352.360. (1) The State Board of Higher Education may *[enact such regulations as it shall deem]*

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 **adopt rules that the board deems** convenient or necessary to provide for the policing, control and
 2 regulation of traffic and parking of vehicles on the property of [*any*] **an** institution under [*the ju-*
 3 *risdiction of the board*] **its control**. [*Such regulations*] **The rules** may provide for the registration
 4 of vehicles, the designation of parking areas, and the assessment and collection of reasonable fees
 5 and charges for parking[, *and shall*]. **Rules adopted under this section must** be filed in accordance
 6 with [*the provisions of*] ORS chapter 183. The board may require that before a quarterly or yearly
 7 parking privilege for any vehicle is granted to any full-time or part-time student to use board prop-
 8 erty, the student must show that the vehicle is operated by a student holding a valid [*driver's*]
 9 **driver** license, that the vehicle is currently registered and that the student driving the vehicle is
 10 insured under a motor vehicle liability insurance policy that meets the requirements described under
 11 ORS 806.080 or that the student or owner of the vehicle has provided the Department of Transpor-
 12 tation with other satisfactory proof of compliance with the financial responsibility requirements of
 13 this state.

14 (2) [*The regulations enacted pursuant to*] **Rules adopted under** subsection (1) of this section shall
 15 be enforced administratively under procedures adopted by the board for each institution under its
 16 [*jurisdiction*] **control**. Administrative and disciplinary sanctions may be imposed upon students, fac-
 17 ulty and staff for violation of the [*regulations*] **rules**, including [*but not limited to*], **without limita-**
 18 **tion**, a reasonable monetary penalty [*which*] **that** may be deducted from student deposits, and
 19 faculty or staff salaries or other funds in the possession of the institution. The board shall provide
 20 opportunity for hearing for the determination of controversies in connection with imposition of fines
 21 or penalties. [*The board may prescribe procedures for such hearings despite the provisions of*]
 22 **Notwithstanding** ORS 183.413 to 183.470, **the board may prescribe procedures for hearings**
 23 **under this subsection**. Persons other than students, faculty or staff may voluntarily submit to the
 24 hearing procedures prescribed by the board[,] and shall be bound by the results [*thereof*] **of the**
 25 **hearing**. The powers granted to the board by this section are supplemental to the existing powers
 26 of the board with respect to the government of activities of students, faculty and staff and the con-
 27 trol and management of [*property under its jurisdiction*] **each institution under its control**.

28 (3) [*The regulations enacted pursuant to*] **Rules adopted under** subsection (1) of this section may
 29 also be enforced by the impoundment of vehicles[, *and*] A reasonable fee may be [*enacted*] **estab-**
 30 **lished** for the cost of impoundment and storage, if any, prior to the release of the vehicles to their
 31 owners.

32 (4) All fees and charges for parking privileges and violations are [*hereby*] continuously appro-
 33 priated to the State Board of Higher Education to be used to defray the costs of constructing bicycle
 34 racks and bicycle lanes and of traffic control, enforcement of traffic and parking [*regulations*]
 35 **rules**, and maintenance and operation of parking facilities and for the purpose of acquiring and
 36 constructing additional parking facilities for vehicles at the various institutions, departments or
 37 activities under the control of the board, and may also be credited to the Higher Education Bond
 38 Sinking Fund provided for in ORS 351.460. Parking fees shall be established at levels no greater than
 39 those required to finance the construction, operation and maintenance of parking facilities on the
 40 same campus of the state institution of higher education on which the parking is provided.
 41 Notwithstanding ORS 351.072, parking fees or changes in fees shall be adopted by rule of the state
 42 board subject to the procedure for rules adopted in ORS chapter 183.

43 (5) [*Every peace officer*] **Special campus security officers commissioned under ORS 352.385**
 44 may enforce the [*regulations made*] **rules adopted** by the board under subsection (1) of this section.
 45 [*The board, for the purpose of enforcing its rules and regulations governing traffic control, may appoint*

1 *peace officers who shall have the same authority as other peace officers as defined in ORS 133.005.]*

2 (6) The State Board of Higher Education and any municipal corporation or any department,
 3 agency or political subdivision of this state may enter into agreements or contracts with each other
 4 for the purpose of providing a uniform system of enforcement of the rules [*and regulations*] of the
 5 board [*enacted pursuant to*] **adopted under** subsection (1) of this section.

6 (7) In proceedings brought to enforce [*regulations enacted pursuant to*] **the rules adopted under**
 7 subsection (1) of this section, it [*shall be*] **is** sufficient to charge the defendant by an unsworn writ-
 8 ten notice in accordance with the provisions of ORS 221.333. In any case in which the defendant is
 9 not subject to and does not voluntarily submit to the hearing procedures prescribed under sub-
 10 section (2) of this section, proceedings to enforce [*regulations enacted pursuant to*] **the rules adopted**
 11 **under** subsection (1) of this section shall be brought in the name of the board in a circuit court, a
 12 justice court or a city court for offenses committed within the territorial jurisdiction of such court.
 13 Such courts shall have concurrent jurisdiction over offenses committed within their respective ju-
 14 risdictions. All fines, penalties and court costs recovered shall be paid to the clerk of the court in-
 15 volved and shall be disposed of as provided in ORS 153.630.

16 **SECTION 3.** ORS 133.005 is amended to read:

17 133.005. As used in ORS [*131.655 and*] 133.005 to 133.381 and 133.410 to 133.450, unless the
 18 context requires otherwise:

19 (1) “Arrest” means to place a person under actual or constructive restraint or to take a person
 20 into custody for the purpose of charging that person with an offense. A “stop” as authorized under
 21 ORS 131.605 to 131.625 is not an arrest.

22 (2) “Federal officer” means a special agent or law enforcement officer employed by a federal
 23 agency [*and*] who is empowered to effect an arrest with or without a warrant for violations of the
 24 United States Code and who is authorized to carry firearms in the performance of duty.

25 (3) “Peace officer” means:

26 (a) A member of the Oregon State Police [*or*];

27 (b) A sheriff, constable, marshal[,] **or** municipal police officer[.];

28 (c) **An** investigator of a district attorney’s office if the investigator is or has been certified as
 29 a peace officer in this or any other state[, *or*];

30 (d) An investigator of the Criminal Justice Division of the Department of Justice of the State
 31 of Oregon; **or**

32 (e) **A special campus security officer employed by the Oregon University System under**
 33 **ORS 352.385.**

34 **SECTION 4.** ORS 181.610 is amended to read:

35 181.610. In ORS 181.610 to 181.712, unless the context requires otherwise:

36 (1) “Abuse” has the meaning given the term in ORS 107.705.

37 (2) “Board” means the Board on Public Safety Standards and Training appointed pursuant to
 38 ORS 181.620.

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

42 (4) “Commissioned” means an authorization granting the power to perform various acts or duties
 43 of a police officer or certified reserve officer and acting under the supervision and responsibility of
 44 a county sheriff or as otherwise provided by law.

45 (5) “Corrections officer” means an officer or member of a law enforcement unit who is employed

1 full-time thereby and is charged with and primarily performs the duty of custody, control or super-
2 vision of individuals convicted of or arrested for a criminal offense and confined in a place of
3 incarceration or detention other than a place used exclusively for incarceration or detention of ju-
4 veniles.

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

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

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

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

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

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

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

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

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

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

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

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

33 (B) A district attorney's office.

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

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

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

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

42 (b) Any officer who:

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

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

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

2 (i) Community protection by controlling, investigating, supervising and providing or making re-
3 ferrals to reformative services for adult parolees or probationers or offenders on post-prison super-
4 vision; or

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

7 (14) "Police officer" means an officer, member or employee of a law enforcement unit who is
8 employed full-time as a peace officer commissioned by a city, port, school district, mass transit dis-
9 trict, county, county service district authorized to provide law enforcement services under ORS
10 451.010, Indian reservation, **the Oregon University System**, the Criminal Justice Division of the
11 Department of Justice, the Oregon State Lottery Commission or the Governor or who is a member
12 of the Department of State Police and who is responsible for enforcing the criminal laws of this state
13 or laws or ordinances relating to airport security or is an investigator of a district attorney's office
14 if the investigator is or has been certified as a peace officer in this or any other state.

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

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

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

22 (a) Who is a volunteer or who is employed less than full-time as a peace officer commissioned
23 by a city, port, school district, mass transit district, county, county service district authorized to
24 provide law enforcement services under ORS 451.010, Indian reservation, **the Oregon University**
25 **System**, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery
26 Commission or the Governor or who is a member of the Department of State Police;

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

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

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

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

37 **SECTION 5.** ORS 181.655 is amended to read:

38 181.655. (1) The Department of Public Safety Standards and Training, in consultation with the
39 Board on Public Safety Standards and Training, shall provide a reimbursement program to:

40 (a) Local law enforcement units *[which]* **that** send police officers or corrections officers to the
41 training academy operated or authorized by the Department **of Public Safety Standards and**
42 **Training.**

43 (b) **The Department of Higher Education for sending public safety officers to the training**
44 **academy operated or authorized by the Department of Public Safety Standards and Training.**

45 (2) *[Such]* **The** reimbursement *[shall be]* **is** to defray the cost of salaries and other expenses in-

1 curred during the training of the officers.

2 [(2)] (3) [*Such*] **The** reimbursement program [*shall*] **must** be supported entirely out of funds
3 maintained in the Police Standards and Training Account after administrative and operational ex-
4 penses of the board and **the Department of Public Safety Standards and Training** can be met from
5 existing revenues.

6 [(3)] (4) Reimbursement programs [*shall*] **do** not apply to nongovernmental organizations.

7 [(4)] (5) Pursuant to ORS chapter 183, the Department **of Public Safety Standards and**
8 **Training**, in consultation with the board, shall adopt rules necessary to carry out the provisions of
9 this section.

10 [(5)] (6) Notwithstanding the provisions of subsection (1) of this section, a common carrier rail-
11 road law enforcement unit shall not be entitled to receive reimbursement of any kind from the De-
12 partment **of Public Safety Standards and Training**.

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