

A-Engrossed
House Bill 2123

Ordered by the House March 21
Including House Amendments dated March 21

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber for State Forestry Department)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Authorizes State Forester to authorize payment of costs and reasonable attorney fees of firefighter alleged to have committed misdemeanor or felony in course of fire suppression activities.

A BILL FOR AN ACT

1
2 Relating to firefighter criminal defense expenses.

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

4 **SECTION 1. (1) As used in this section, "firefighter" means an employee of the State**
5 **Forestry Department or of a forest protective association, as defined in ORS 477.001, whose**
6 **duties include the abatement of uncontrolled fire as described in ORS 477.064.**

7 **(2) The State Forester may authorize the expenditure of funds from the State Forestry**
8 **Department revolving account to pay costs and reasonable attorney fees that a firefighter**
9 **who is charged with a misdemeanor or felony incurs to defend against that charge if the**
10 **State Forester determines that:**

11 **(a) The firefighter was performing fire suppression activities under the direction and**
12 **control of the State Forester or an authorized representative of the State Forester at the**
13 **time of the alleged misdemeanor or felony;**

14 **(b) The alleged actions underlying the charge, if true, are likely to have occurred in the**
15 **course of the firefighter's performance of fire suppression activities on forestlands; and**

16 **(c) The alleged actions underlying the charge, if true, are within the range of reasonable**
17 **fire suppression actions that could be chosen in good faith by a firefighter performing fire**
18 **suppression duties.**

19 **(3) The State Forester has sole discretion regarding the making of determinations under**
20 **subsection (2) of this section. This section does not confer any right on a firefighter to**
21 **hearing or appeal regarding determinations made by the State Forester under subsection (2)**
22 **of this section.**

23 **(4) This section does not authorize the expenditure of moneys to pay costs or attorney**
24 **fees incurred on appeal or in seeking post-conviction relief.**

25 **SECTION 2. Section 1 of this 2011 Act applies to actions allegedly committed by a fire-**
26 **fighter during a period commencing on or after the effective date of this 2011 Act.**

27

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.