

**Enrolled**  
**House Bill 2123**

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

CHAPTER .....

AN ACT

Relating to firefighter criminal defense expenses.

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

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

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

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

(b) The alleged actions underlying the charge, if true, are directly related to the firefighter’s performance of fire suppression activities on forestlands; and

(c) The fire suppression actions of the firefighter were within the range of reasonable fire suppression actions.

(3) This section does not confer any right on a firefighter to hearing or appeal regarding determinations made by the State Forester under subsection (2) of this section.

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

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

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**Passed by House April 18, 2011**

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

**Passed by Senate May 19, 2011**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2011

**Approved:**

.....M,....., 2011

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2011

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Kate Brown, Secretary of State