

HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2123

By COMMITTEE ON JUDICIARY

April 12

1 Delete lines 4 through 26 of the printed A-engrossed bill and insert:

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

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

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

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

14 **“(c) The fire suppression actions of the firefighter were within the range of reasonable**
15 **fire suppression actions.**

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

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

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

22