

# House Bill 2123

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). 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 **as introduced**.

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 **actions that could be chosen in good faith by a firefighter performing fire suppression duties.**

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

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

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

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**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.