

B-Engrossed
House Bill 2274

Ordered by the Senate June 8
Including House Amendments dated March 15 and Senate Amendments
dated June 8

Sponsored by Representative GARRARD; Senator WHITSETT (at the request of Merrill, Oregon, Police Chief)
(Presession filed.)

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.

Permits certified peace officers from states adjoining Oregon to provide or attempt to provide law enforcement services within Oregon under certain conditions. Applies only in absence of mutual aid agreement.

A BILL FOR AN ACT

1
2 Relating to certified peace officers.

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

4 **SECTION 1. (1) As used in sections 1 to 3 of this 2011 Act:**

5 (a) "Adjoining state" means California, Idaho, Nevada or Washington.

6 (b) "Certified peace officer" means a regularly employed peace officer or police officer
7 from an adjoining state, including a peace officer or police officer employed by a local gov-
8 ernment of an adjoining state.

9 (c) "Employing agency" means a state or local government of an adjoining state that
10 employs a certified peace officer.

11 (2) A certified peace officer is a peace officer and a police officer in this state when:

12 (a) The officer enters this state in order to provide, or attempt to provide, law enforce-
13 ment services described in subsection (3) of this section; and

14 (b) The law enforcement services occur within 50 miles from the contiguous border of
15 this state and the adjoining state where the officer is employed.

16 (3) Subsection (2) of this section applies when the certified peace officer is providing, or
17 attempting to provide, law enforcement services under any of the following circumstances:

18 (a) In response to a request for law enforcement services initiated by an Oregon sheriff,
19 constable, marshal, municipal police officer or member of the Oregon State Police.

20 (b) In response to a reasonable belief that emergency law enforcement services are nec-
21 essary for the preservation of life, and a request for services by an Oregon sheriff, constable,
22 marshal, municipal police officer or member of the Oregon State Police for those services is
23 impractical to obtain under the circumstances. The certified police officer shall obtain au-
24 thorization from an Oregon law enforcement agency having jurisdiction over the location
25 where the services were provided as soon as is practicable after the services have been pro-
26 vided.

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 (c) For the purpose of assisting an Oregon sheriff, constable, marshal, municipal police
2 officer or member of the Oregon State police in providing emergency service in response to
3 criminal activity, traffic accidents, emergency incidents or other similar public safety prob-
4 lems, whether or not an Oregon sheriff, constable, marshal, municipal police officer or
5 member of the Oregon State Police is present at the scene of the incident.

6 (4) When a certified peace officer exercises any authority granted under this section, the
7 officer shall submit, as soon as is practicable, a written report concerning the incident to the
8 Oregon law enforcement agency having primary jurisdiction over the geographic area in
9 which the incident occurred. Oregon law enforcement agencies may establish reporting pro-
10 cedures and forms to facilitate reporting required under this subsection.

11 (5) This section does not confer upon a certified peace officer the authority to enforce
12 Oregon traffic or motor vehicle laws.

13 **SECTION 2.** (1) A certified peace officer who exercises authority under section 1 of this
14 2011 Act and the officer's employing agency are subject to the same civil immunities and li-
15 abilities as a peace officer and the peace officer's employing agency in Oregon.

16 (2) A certified peace officer who exercises authority under section 1 of this 2011 Act is
17 subject to the supervisory control of and limitations imposed by the certified peace officer's
18 employing agency unless supervisory control is temporarily delegated to an Oregon sheriff,
19 constable, marshal, municipal police officer or member of the Oregon State Police.

20 (3) The certified peace officer may not receive separate compensation from an Oregon
21 law enforcement agency for providing law enforcement services within this state under sec-
22 tion 1 of this 2011 Act.

23 (4) Notwithstanding any other provision of law, any person who is acting as a certified
24 peace officer in this state in the manner described in section 1 of this 2011 Act is deemed to
25 have met the requirements of ORS 133.005 (3) if the certified peace officer has completed the
26 basic training required for peace officers in the adjoining state in which the certified peace
27 officer is employed.

28 **SECTION 3.** (1) Sections 1 and 2 of this 2011 Act do not limit the authority of an officer
29 of another state to make an arrest or take other action under ORS 133.410 to 133.440.
30 Sections 1 and 2 of this 2011 Act apply only in the absence of a mutual aid agreement be-
31 tween the State of Oregon and an adjoining state, or between local governments of this state
32 and adjoining states, or any combination thereof, to which the employing agency is a party.

33 (2) A certified peace officer exercising authority under section 1 of this 2011 Act, and the
34 certified peace officer's employing agency, are not officers or employees of the State of
35 Oregon for purposes of ORS 30.260 to 30.300.

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