

A-Engrossed
House Bill 4021

Ordered by the House February 15
Including House Amendments dated February 15

Sponsored by Representative BARKER (at the request of Oregon Humane Society) (Pre-session 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.

Requires Superintendent of State Police to commission employees of humane investigation agency as humane special agents under certain circumstances. Provides humane special agents engaged in enforcement of animal welfare laws with certain powers and protections provided to Oregon law enforcement officers.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to humane special agents; creating new provisions; amending ORS 133.005, 133.525, 153.005,
3 161.015, 181.010, 181.610, 609.652, 659A.320 and 686.450; and declaring an emergency.

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

5 **SECTION 1. (1) At the request of a humane investigation agency, the Superintendent of**
6 **State Police shall commission a designated employee of the humane investigation agency as**
7 **a humane special agent, if:**

8 (a) **The employee is certified, or is eligible for certification, as a police officer under the**
9 **provisions of ORS 181.610 to 181.712;**

10 (b) **The superintendent determines that the employee is fit and qualified to perform the**
11 **duties of a humane special agent;**

12 (c) **The humane investigation agency agrees in writing to save harmless and indemnify**
13 **the State of Oregon and its officers, employees and agents from and against any tort claim**
14 **or demand, whether groundless or otherwise, arising out of an alleged act or omission of the**
15 **employee or the humane investigation agency, that relates to or results from the authority**
16 **granted by the commission; and**

17 (d) **The humane investigation agency furnishes to the superintendent a copy of an in-**
18 **surance policy, purchased and maintained by the humane investigation agency, that the su-**
19 **perintendent determines is sufficient to satisfy any tort claim or demand described in**
20 **paragraph (c) of this subsection.**

21 (2) **Before granting a commission under this section, the superintendent may require the**
22 **employee to take and subscribe to an oath of office to support the Constitution and laws of**
23 **the United States and of the State of Oregon, and to honestly and faithfully perform the**
24 **duties of a humane special agent.**

25 (3) **The superintendent shall suspend or revoke a commission granted under this section**
26 **if the superintendent determines that:**

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 (a) The certification of the employee as a police officer has lapsed or been revoked pur-
2 suant to ORS 181.661, 181.662 and 181.664 (1), and has not been reissued under ORS 181.664
3 (2);

4 (b) The employee has been separated from employment with the humane investigation
5 agency; or

6 (c) The employee has abused the commission.

7 (4) Except as otherwise provided in subsection (3) of this section, an employee of a hu-
8 mane investigation agency commissioned under this section holds the commission at the
9 pleasure of the superintendent. The superintendent may suspend or revoke a commission
10 granted under this section at any time for good cause, as determined by the superintendent.
11 If the superintendent revokes a commission granted under this section, the employee of the
12 humane investigation agency is entitled only to an informal opportunity to be heard by the
13 superintendent, for the purposes of explaining any factual circumstances related to the re-
14 vocation and attempting to persuade the superintendent to reverse the decision to revoke
15 the commission.

16 (5) Humane special agents commissioned under this section serve at the expense of the
17 humane investigation agency employing the agent.

18 (6) The superintendent may adopt rules to carry out the provisions of this section. The
19 rules may include a description of the circumstances in which a humane special agent is
20 prohibited from carrying a firearm while engaged in the enforcement of animal welfare laws.

21 (7) As used in this section:

22 (a) "Animal welfare laws" means:

23 (A) ORS 167.310 to 167.351, 167.352, 167.355, 167.360 to 167.372, 167.374, 167.376, 167.385,
24 167.388, 167.390 and 167.426 to 167.439; and

25 (B) ORS 164.043, 164.045, 164.055, 164.057, 164.075, 164.345, 164.354 and 164.365, if the subject
26 of the crime is an animal.

27 (b) "Humane investigation agency" means a private, nonprofit animal care agency that
28 has maintained an animal welfare investigation department for at least five years and has
29 had officers employed as special agents under ORS 131.805.

30 **SECTION 2.** (1) A humane special agent shall work cooperatively with law enforcement
31 agencies in enforcing animal welfare laws and shall defer to the direction of a law enforce-
32 ment agency having jurisdiction over the commission of a violation of animal welfare laws.

33 (2) If a law enforcement agency or a humane investigation agency learns of an allegation
34 that a humane special agent has abused the agent's commission, or otherwise has reasonable
35 cause to believe that the commission of a humane special agent is subject to suspension or
36 revocation under section 1 (3) of this 2012 Act, the agency shall promptly notify the Super-
37 intendent of State Police.

38 (3) As used in this section:

39 (a) "Animal welfare laws" and "humane investigation agency" have the meanings given
40 those terms in section 1 of this 2012 Act.

41 (b) "Humane special agent" means a person who is commissioned under section 1 of this
42 2012 Act and is engaged in the enforcement of animal welfare laws.

43 (c) "Law enforcement agency" includes the Department of State Police, a county sheriff's
44 office, a district attorney's office and a municipal police department.

45 **SECTION 3.** ORS 133.005 is amended to read:

1 133.005. As used in ORS 133.005 to 133.400 and 133.410 to 133.450, unless the context requires
2 otherwise:

3 (1) "Arrest" means to place a person under actual or constructive restraint or to take a person
4 into custody for the purpose of charging that person with an offense. A "stop" as authorized under
5 ORS 131.605 to 131.625 is not an arrest.

6 (2) "Federal officer" means a special agent or law enforcement officer employed by a federal
7 agency who is empowered to effect an arrest with or without a warrant for violations of the United
8 States Code and who is authorized to carry firearms in the performance of duty.

9 (3) "Peace officer" means:

10 (a) A member of the Oregon State Police;

11 (b) A sheriff, constable, marshal, municipal police officer or reserve officer or a police officer
12 commissioned by a university under ORS 352.383;

13 (c) An investigator of a district attorney's office if the investigator is or has been certified as
14 a peace officer in this or any other state;

15 (d) An investigator of the Criminal Justice Division of the Department of Justice of the State
16 of Oregon;

17 (e) **A humane special agent as defined in section 2 of this 2012 Act;** or

18 [(e)] (f) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws
19 2011.

20 (4) "Reserve officer" means an officer or member of a law enforcement agency who is:

21 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,
22 school district, mass transit district, county, county service district authorized to provide law
23 enforcement services under ORS 451.010, the Criminal Justice Division of the Department of Justice,
24 the Oregon State Lottery Commission or the Governor or a member of the Department of State
25 Police;

26 (b) Armed with a firearm; and

27 (c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordi-
28 nances relating to airport security.

29 **SECTION 4.** ORS 133.005, as amended by section 39, chapter 644, Oregon Laws 2011, is
30 amended to read:

31 133.005. As used in ORS 133.005 to 133.400 and 133.410 to 133.450, unless the context requires
32 otherwise:

33 (1) "Arrest" means to place a person under actual or constructive restraint or to take a person
34 into custody for the purpose of charging that person with an offense. A "stop" as authorized under
35 ORS 131.605 to 131.625 is not an arrest.

36 (2) "Federal officer" means a special agent or law enforcement officer employed by a federal
37 agency who is empowered to effect an arrest with or without a warrant for violations of the United
38 States Code and who is authorized to carry firearms in the performance of duty.

39 (3) "Peace officer" means:

40 (a) A member of the Oregon State Police;

41 (b) A sheriff, constable, marshal, municipal police officer or reserve officer or a police officer
42 commissioned by a university under ORS 352.383;

43 (c) An investigator of a district attorney's office if the investigator is or has been certified as
44 a peace officer in this or any other state; [or]

45 (d) An investigator of the Criminal Justice Division of the Department of Justice of the State

1 of Oregon; **or**

2 (e) **A humane special agent as defined in section 2 of this 2012 Act.**

3 (4) “Reserve officer” means an officer or member of a law enforcement agency who is:

4 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,
5 school district, mass transit district, county, county service district authorized to provide law
6 enforcement services under ORS 451.010, the Criminal Justice Division of the Department of Justice,
7 the Oregon State Lottery Commission or the Governor or a member of the Department of State
8 Police;

9 (b) Armed with a firearm; and

10 (c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordi-
11 nances relating to airport security.

12 **SECTION 5.** ORS 133.525 is amended to read:

13 133.525. As used in ORS 133.525 to 133.703, unless the context requires otherwise:

14 (1) “Judge” means any judge of the circuit court, the Court of Appeals, the Supreme Court, any
15 justice of the peace or municipal judge authorized to exercise the powers and perform the duties
16 of a justice of the peace.

17 (2) “Police officer” means:

18 (a) A member of the Oregon State Police;

19 (b) A sheriff or municipal police officer, a police officer commissioned by a university under ORS
20 352.383 or an authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011;

21 (c) An investigator of a district attorney’s office if the investigator is or has been certified as
22 a peace officer in this or any other state; [or]

23 (d) An investigator of the Criminal Justice Division of the Department of Justice; **or**

24 (e) **A humane special agent as defined in section 2 of this 2012 Act.**

25 **SECTION 6.** ORS 133.525, as amended by section 40, chapter 644, Oregon Laws 2011, is
26 amended to read:

27 133.525. As used in ORS 133.525 to 133.703, unless the context requires otherwise:

28 (1) “Judge” means any judge of the circuit court, the Court of Appeals, the Supreme Court, any
29 justice of the peace or municipal judge authorized to exercise the powers and perform the duties
30 of a justice of the peace.

31 (2) “Police officer” means:

32 (a) A member of the Oregon State Police;

33 (b) A sheriff or municipal police officer or a police officer commissioned by a university under
34 ORS 352.383;

35 (c) An investigator of a district attorney’s office if the investigator is or has been certified as
36 a peace officer in this or any other state; [or]

37 (d) An investigator of the Criminal Justice Division of the Department of Justice; **or**

38 (e) **A humane special agent as defined in section 2 of this 2012 Act.**

39 **SECTION 7.** ORS 153.005 is amended to read:

40 153.005. As used in this chapter:

41 (1) “Enforcement officer” means:

42 (a) A member of the Oregon State Police.

43 (b) A sheriff or deputy sheriff.

44 (c) A city marshal or a member of the police of a city, municipal or quasi-municipal corporation.

45 (d) A police officer commissioned by a university under ORS 352.383.

1 (e) An investigator of a district attorney's office if the investigator is or has been certified as
2 a peace officer in this or any other state.

3 (f) An investigator of the Criminal Justice Division of the Department of Justice of the State
4 of Oregon.

5 (g) A Port of Portland peace officer.

6 **(h) A humane special agent as defined in section 2 of this 2012 Act.**

7 [(h)] (i) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws
8 2011.

9 [(i)] (j) Any other person specifically authorized by law to issue citations for the commission of
10 violations.

11 (2) "Traffic offense" has the meaning given that term in ORS 801.555.

12 (3) "Violation" means an offense described in ORS 153.008.

13 (4) "Violation proceeding" means a judicial proceeding initiated by issuance of a citation that
14 charges a person with commission of a violation.

15 **SECTION 8.** ORS 153.005, as amended by section 45, chapter 644, Oregon Laws 2011, is
16 amended to read:

17 153.005. As used in this chapter:

18 (1) "Enforcement officer" means:

19 (a) A member of the Oregon State Police.

20 (b) A sheriff or deputy sheriff.

21 (c) A city marshal or a member of the police of a city, municipal or quasi-municipal corporation.

22 (d) A police officer commissioned by a university under ORS 352.383.

23 (e) An investigator of a district attorney's office if the investigator is or has been certified as
24 a peace officer in this or any other state.

25 (f) An investigator of the Criminal Justice Division of the Department of Justice of the State
26 of Oregon.

27 (g) A Port of Portland peace officer.

28 **(h) A humane special agent as defined in section 2 of this 2012 Act.**

29 [(h)] (i) Any other person specifically authorized by law to issue citations for the commission
30 of violations.

31 (2) "Traffic offense" has the meaning given that term in ORS 801.555.

32 (3) "Violation" means an offense described in ORS 153.008.

33 (4) "Violation proceeding" means a judicial proceeding initiated by issuance of a citation that
34 charges a person with commission of a violation.

35 **SECTION 9.** ORS 161.015 is amended to read:

36 161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635, unless the context requires
37 otherwise:

38 (1) "Dangerous weapon" means any weapon, device, instrument, material or substance which
39 under the circumstances in which it is used, attempted to be used or threatened to be used, is
40 readily capable of causing death or serious physical injury.

41 (2) "Deadly weapon" means any instrument, article or substance specifically designed for and
42 presently capable of causing death or serious physical injury.

43 (3) "Deadly physical force" means physical force that under the circumstances in which it is
44 used is readily capable of causing death or serious physical injury.

45 (4) "Peace officer" means:

1 (a) A member of the Oregon State Police;

2 (b) A sheriff, constable, marshal, municipal police officer or reserve officer as defined in ORS
3 133.005, or a police officer commissioned by a university under ORS 352.383;

4 (c) An investigator of the Criminal Justice Division of the Department of Justice or investigator
5 of a district attorney's office;

6 **(d) A humane special agent as defined in section 2 of this 2012 Act;**

7 [(d)] (e) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws
8 2011; and

9 [(e)] (f) Any other person designated by law as a peace officer.

10 (5) "Person" means a human being and, where appropriate, a public or private corporation, an
11 unincorporated association, a partnership, a government or a governmental instrumentality.

12 (6) "Physical force" includes, but is not limited to, the use of an electrical stun gun, tear gas
13 or mace.

14 (7) "Physical injury" means impairment of physical condition or substantial pain.

15 (8) "Serious physical injury" means physical injury which creates a substantial risk of death or
16 which causes serious and protracted disfigurement, protracted impairment of health or protracted
17 loss or impairment of the function of any bodily organ.

18 (9) "Possess" means to have physical possession or otherwise to exercise dominion or control
19 over property.

20 (10) "Public place" means a place to which the general public has access and includes, but is
21 not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting
22 rooms or apartments designed for actual residence, and highways, streets, schools, places of
23 amusement, parks, playgrounds and premises used in connection with public passenger transporta-
24 tion.

25 **SECTION 10.** ORS 161.015, as amended by section 46, chapter 644, Oregon Laws 2011, is
26 amended to read:

27 161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635, unless the context requires
28 otherwise:

29 (1) "Dangerous weapon" means any weapon, device, instrument, material or substance which
30 under the circumstances in which it is used, attempted to be used or threatened to be used, is
31 readily capable of causing death or serious physical injury.

32 (2) "Deadly weapon" means any instrument, article or substance specifically designed for and
33 presently capable of causing death or serious physical injury.

34 (3) "Deadly physical force" means physical force that under the circumstances in which it is
35 used is readily capable of causing death or serious physical injury.

36 (4) "Peace officer" means:

37 (a) A member of the Oregon State Police;

38 (b) A sheriff, constable, marshal, municipal police officer or reserve officer as defined in ORS
39 133.005, or a police officer commissioned by a university under ORS 352.383;

40 (c) An investigator of the Criminal Justice Division of the Department of Justice or investigator
41 of a district attorney's office;

42 **(d) A humane special agent as defined in section 2 of this 2012 Act;** and

43 [(d)] (e) Any other person designated by law as a peace officer.

44 (5) "Person" means a human being and, where appropriate, a public or private corporation, an
45 unincorporated association, a partnership, a government or a governmental instrumentality.

1 (6) "Physical force" includes, but is not limited to, the use of an electrical stun gun, tear gas
2 or mace.

3 (7) "Physical injury" means impairment of physical condition or substantial pain.

4 (8) "Serious physical injury" means physical injury which creates a substantial risk of death or
5 which causes serious and protracted disfigurement, protracted impairment of health or protracted
6 loss or impairment of the function of any bodily organ.

7 (9) "Possess" means to have physical possession or otherwise to exercise dominion or control
8 over property.

9 (10) "Public place" means a place to which the general public has access and includes, but is
10 not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting
11 rooms or apartments designed for actual residence, and highways, streets, schools, places of
12 amusement, parks, playgrounds and premises used in connection with public passenger transporta-
13 tion.

14 **SECTION 11.** ORS 181.010 is amended to read:

15 181.010. As used in ORS 181.010 to 181.560 and 181.715 to 181.730, unless the context requires
16 otherwise:

17 (1) "Criminal justice agency" means:

18 (a) The Governor;

19 (b) Courts of criminal jurisdiction;

20 (c) The Attorney General;

21 (d) District attorneys, city attorneys with criminal prosecutorial functions, attorney employees
22 of the office of public defense services and nonprofit public defender organizations established under
23 contract with the Public Defense Services Commission;

24 (e) Law enforcement agencies;

25 (f) The Department of Corrections;

26 (g) The Oregon Youth Authority;

27 (h) The State Board of Parole and Post-Prison Supervision;

28 (i) The Department of Public Safety Standards and Training;

29 (j) Regional information systems that share programs to track, identify and remove cross-
30 jurisdictional criminal and terrorist conspiracies; and

31 (k) Any other state or local agency with law enforcement authority.

32 (2) "Criminal offender information" includes records and related data as to physical description
33 and vital statistics, fingerprints received and compiled for purposes of identifying criminal offenders
34 and alleged offenders, records of arrests and the nature and disposition of criminal charges, includ-
35 ing sentencing, confinement, parole and release.

36 (3) "Department" means the Department of State Police established under ORS 181.020.

37 (4) "Deputy superintendent" means the Deputy Superintendent of State Police appointed under
38 ORS 181.220.

39 (5) "Designated agency" means any state, county or municipal government agency where Oregon
40 criminal offender information is required to implement a federal or state statute, executive order
41 or administrative rule that expressly refers to criminal conduct and contains requirements or ex-
42 clusions expressly based on such conduct or for agency employment purposes, licensing purposes or
43 other demonstrated and legitimate needs when designated by order of the Governor.

44 (6) "Disposition report" means a form or process prescribed or furnished by the department,
45 containing a description of the ultimate action taken subsequent to an arrest.

1 (7) "Law enforcement agency" means:

2 (a) County sheriffs, municipal police departments, police departments established by a university
3 under ORS 352.383 and State Police;

4 (b) Other police officers of this state or another state, **including humane special agents as**
5 **defined in section 2 of this 2012 Act;**

6 (c) A tribal government as defined in section 1, chapter 644, Oregon Laws 2011, that employs
7 authorized tribal police officers as defined in section 1, chapter 644, Oregon Laws 2011; and

8 (d) Law enforcement agencies of the federal government.

9 (8) "State police" means the sworn members of the state police force appointed under ORS
10 181.250.

11 (9) "Superintendent" means the Superintendent of State Police appointed under ORS 181.200.

12 **SECTION 12.** ORS 181.010, as amended by section 49, chapter 644, Oregon Laws 2011, is
13 amended to read:

14 181.010. As used in ORS 181.010 to 181.560 and 181.715 to 181.730, unless the context requires
15 otherwise:

16 (1) "Criminal justice agency" means:

17 (a) The Governor;

18 (b) Courts of criminal jurisdiction;

19 (c) The Attorney General;

20 (d) District attorneys, city attorneys with criminal prosecutorial functions, attorney employees
21 of the office of public defense services and nonprofit public defender organizations established under
22 contract with the Public Defense Services Commission;

23 (e) Law enforcement agencies;

24 (f) The Department of Corrections;

25 (g) The Oregon Youth Authority;

26 (h) The State Board of Parole and Post-Prison Supervision;

27 (i) The Department of Public Safety Standards and Training;

28 (j) Regional information systems that share programs to track, identify and remove cross-
29 jurisdictional criminal and terrorist conspiracies; and

30 (k) Any other state or local agency with law enforcement authority.

31 (2) "Criminal offender information" includes records and related data as to physical description
32 and vital statistics, fingerprints received and compiled for purposes of identifying criminal offenders
33 and alleged offenders, records of arrests and the nature and disposition of criminal charges, includ-
34 ing sentencing, confinement, parole and release.

35 (3) "Department" means the Department of State Police established under ORS 181.020.

36 (4) "Deputy superintendent" means the Deputy Superintendent of State Police appointed under
37 ORS 181.220.

38 (5) "Designated agency" means any state, county or municipal government agency where Oregon
39 criminal offender information is required to implement a federal or state statute, executive order
40 or administrative rule that expressly refers to criminal conduct and contains requirements or ex-
41 clusions expressly based on such conduct or for agency employment purposes, licensing purposes or
42 other demonstrated and legitimate needs when designated by order of the Governor.

43 (6) "Disposition report" means a form or process prescribed or furnished by the department,
44 containing a description of the ultimate action taken subsequent to an arrest.

45 (7) "Law enforcement agency" means:

1 (a) County sheriffs, municipal police departments, police departments established by a university
2 under ORS 352.383 and State Police;

3 (b) Other police officers of this state or another state, **including humane special agents as**
4 **defined in section 2 of this 2012 Act;** and

5 (c) Law enforcement agencies of the federal government.

6 (8) "State police" means the sworn members of the state police force appointed under ORS
7 181.250.

8 (9) "Superintendent" means the Superintendent of State Police appointed under ORS 181.200.

9 **SECTION 13.** ORS 181.610 is amended to read:

10 181.610. In ORS 181.610 to 181.712, unless the context requires otherwise:

11 (1) "Abuse" has the meaning given the term in ORS 107.705.

12 (2) "Board" means the Board on Public Safety Standards and Training appointed pursuant to
13 ORS 181.620.

14 (3) "Certified reserve officer" means a reserve officer who has been designated by a local law
15 enforcement unit, has received training necessary for certification and has met the minimum stan-
16 dards and training requirements established under ORS 181.640.

17 (4) "Commissioned" means being authorized to perform various acts or duties of a police officer
18 or certified reserve officer and acting under the supervision and responsibility of a county sheriff
19 or as otherwise provided by law.

20 (5) "Corrections officer" means an officer or member employed full-time by a law enforcement
21 unit who:

22 (a) Is charged with and primarily performs the duty of custody, control or supervision of indi-
23 viduals convicted of or arrested for a criminal offense and confined in a place of incarceration or
24 detention other than a place used exclusively for incarceration or detention of juveniles; or

25 (b) Has been certified as a corrections officer described in paragraph (a) of this subsection and
26 has supervisory or management authority for corrections officers described in paragraph (a) of this
27 subsection.

28 (6) "Department" means the Department of Public Safety Standards and Training.

29 (7) "Director" means the Director of the Department of Public Safety Standards and Training.

30 (8) "Domestic violence" means abuse between family or household members.

31 (9) "Emergency medical dispatcher" means a person who has responsibility to process requests
32 for medical assistance from the public or to dispatch medical care providers.

33 (10) "Family or household members" has the meaning given that term in ORS 107.705.

34 (11) "Fire service professional" means a paid or volunteer firefighter, an officer or a member
35 of a public or private fire protection agency that is engaged primarily in fire investigation, fire
36 prevention, fire safety, fire control or fire suppression or providing emergency medical services, light
37 and heavy rescue services, search and rescue services or hazardous materials incident response.
38 "Fire service professional" does not mean forest fire protection agency personnel.

39 (12) "Law enforcement unit" means:

40 (a) A police force or organization of the state, a city, university that has established a police
41 department under ORS 352.383, port, school district, mass transit district, county, county service
42 district authorized to provide law enforcement services under ORS 451.010, tribal government as
43 defined in section 1, chapter 644, Oregon Laws 2011, that employs authorized tribal police officers
44 as defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the De-
45 partment of Justice, the Department of Corrections, the Oregon State Lottery Commission or com-

1 mon carrier railroad the primary duty of which, as prescribed by law, ordinance or directive, is one
2 or more of the following:

3 (A) Detecting crime and enforcing the criminal laws of this state or laws or ordinances relating
4 to airport security;

5 (B) The custody, control or supervision of individuals convicted of or arrested for a criminal
6 offense and confined to a place of incarceration or detention other than a place used exclusively for
7 incarceration or detention of juveniles; or

8 (C) The control, supervision and reformation of adult offenders placed on parole or sentenced
9 to probation and investigation of adult offenders on parole or probation or being considered for
10 parole or probation;

11 (b) A police force or organization of a private entity with a population of more than 1,000 resi-
12 dents in an unincorporated area the employees of which are commissioned by a county sheriff;

13 (c) A district attorney's office; or

14 (d) *[A private, nonprofit animal care agency that has maintained an animal welfare investigation*
15 *department for at least five years and has had officers commissioned as special agents by the*
16 *Governor]* **A humane investigation agency as defined in section 1 of this 2012 Act.**

17 (13) "Parole and probation officer" means:

18 (a) An officer who is employed full-time by the Department of Corrections, a county or a court
19 and who is charged with and performs the duty of:

20 (A) Community protection by controlling, investigating, supervising and providing or making
21 referrals to reformatory services for adult parolees or probationers or offenders on post-prison
22 supervision; or

23 (B) Investigating adult offenders on parole or probation or being considered for parole or pro-
24 bation; or

25 (b) An officer who:

26 (A) Is certified and has been employed as a full-time parole and probation officer for more than
27 one year;

28 (B) Is employed part-time by the Department of Corrections, a county or a court; and

29 (C) Is charged with and performs the duty of:

30 (i) Community protection by controlling, investigating, supervising and providing or making re-
31 ferrals to reformatory services for adult parolees or probationers or offenders on post-prison super-
32 vision; or

33 (ii) Investigating adult offenders on parole or probation or being considered for parole or pro-
34 bation.

35 (14) "Police officer" means an officer, member or employee of a law enforcement unit employed
36 full-time as a peace officer who is:

37 (a)(A) Commissioned by a city, port, school district, mass transit district, county, county service
38 district authorized to provide law enforcement services under ORS 451.010, tribal government as
39 defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the Depart-
40 ment of Justice, the Oregon State Lottery Commission, a university that has established a police
41 department under ORS 352.383, the Governor or the Department of State Police; and

42 (B) Responsible for enforcing the criminal laws of this state or laws or ordinances relating to
43 airport security; or

44 (b) An investigator of a district attorney's office if the investigator is or has been certified as
45 a peace officer in this or another state *[or is]*, an authorized tribal police officer as defined in sec-

1 tion 1, chapter 644, Oregon Laws 2011, or a humane special agent commissioned under section
2 1 of this 2012 Act.

3 (15) "Public or private safety agency" means a unit of state or local government, a special pur-
4 pose district or a private firm that provides, or has authority to provide, fire fighting, police, am-
5 bulance or emergency medical services.

6 (16) "Public safety personnel" and "public safety officer" include corrections officers, youth
7 correction officers, emergency medical dispatchers, parole and probation officers, police officers,
8 certified reserve officers, telecommunicators and fire service professionals.

9 (17) "Reserve officer" means an officer or member of a law enforcement unit who is:

10 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,
11 school district, mass transit district, county, county service district authorized to provide law
12 enforcement services under ORS 451.010, tribal government as defined in section 1, chapter 644,
13 Oregon Laws 2011, the Criminal Justice Division of the Department of Justice, the Oregon State
14 Lottery Commission, a university that has established a police department under ORS 352.383, the
15 Governor or the Department of State Police;

16 (b) Armed with a firearm; and

17 (c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordi-
18 nances relating to airport security.

19 (18) "Telecommunicator" means a person employed as an emergency telephone worker as de-
20 fined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing
21 and transmitting public safety information received through a 9-1-1 emergency reporting system as
22 defined in ORS 403.105.

23 (19) "Youth correction officer" means an employee of the Oregon Youth Authority who is
24 charged with and primarily performs the duty of custody, control or supervision of youth offenders
25 confined in a youth correction facility.

26 **SECTION 14.** ORS 181.610, as amended by section 50, chapter 644, Oregon Laws 2011, is
27 amended to read:

28 181.610. In ORS 181.610 to 181.712, unless the context requires otherwise:

29 (1) "Abuse" has the meaning given the term in ORS 107.705.

30 (2) "Board" means the Board on Public Safety Standards and Training appointed pursuant to
31 ORS 181.620.

32 (3) "Certified reserve officer" means a reserve officer who has been designated by a local law
33 enforcement unit, has received training necessary for certification and has met the minimum stan-
34 dards and training requirements established under ORS 181.640.

35 (4) "Commissioned" means being authorized to perform various acts or duties of a police officer
36 or certified reserve officer and acting under the supervision and responsibility of a county sheriff
37 or as otherwise provided by law.

38 (5) "Corrections officer" means an officer or member employed full-time by a law enforcement
39 unit who:

40 (a) Is charged with and primarily performs the duty of custody, control or supervision of indi-
41 viduals convicted of or arrested for a criminal offense and confined in a place of incarceration or
42 detention other than a place used exclusively for incarceration or detention of juveniles; or

43 (b) Has been certified as a corrections officer described in paragraph (a) of this subsection and
44 has supervisory or management authority for corrections officers described in paragraph (a) of this
45 subsection.

1 (6) "Department" means the Department of Public Safety Standards and Training.

2 (7) "Director" means the Director of the Department of Public Safety Standards and Training.

3 (8) "Domestic violence" means abuse between family or household members.

4 (9) "Emergency medical dispatcher" means a person who has responsibility to process requests
5 for medical assistance from the public or to dispatch medical care providers.

6 (10) "Family or household members" has the meaning given that term in ORS 107.705.

7 (11) "Fire service professional" means a paid or volunteer firefighter, an officer or a member
8 of a public or private fire protection agency that is engaged primarily in fire investigation, fire
9 prevention, fire safety, fire control or fire suppression or providing emergency medical services, light
10 and heavy rescue services, search and rescue services or hazardous materials incident response.
11 "Fire service professional" does not mean forest fire protection agency personnel.

12 (12) "Law enforcement unit" means:

13 (a) A police force or organization of the state, a city, university that has established a police
14 department under ORS 352.383, port, school district, mass transit district, county, county service
15 district authorized to provide law enforcement services under ORS 451.010, tribal government, the
16 Criminal Justice Division of the Department of Justice, the Department of Corrections, the Oregon
17 State Lottery Commission or common carrier railroad the primary duty of which, as prescribed by
18 law, ordinance or directive, is one or more of the following:

19 (A) Detecting crime and enforcing the criminal laws of this state or laws or ordinances relating
20 to airport security;

21 (B) The custody, control or supervision of individuals convicted of or arrested for a criminal
22 offense and confined to a place of incarceration or detention other than a place used exclusively for
23 incarceration or detention of juveniles; or

24 (C) The control, supervision and reformation of adult offenders placed on parole or sentenced
25 to probation and investigation of adult offenders on parole or probation or being considered for
26 parole or probation;

27 (b) A police force or organization of a private entity with a population of more than 1,000 resi-
28 dents in an unincorporated area the employees of which are commissioned by a county sheriff;

29 (c) A district attorney's office; or

30 (d) *[A private, nonprofit animal care agency that has maintained an animal welfare investigation*
31 *department for at least five years and has had officers commissioned as special agents by the*
32 *Governor]* **A humane investigation agency as defined in section 1 of this 2012 Act.**

33 (13) "Parole and probation officer" means:

34 (a) An officer who is employed full-time by the Department of Corrections, a county or a court
35 and who is charged with and performs the duty of:

36 (A) Community protection by controlling, investigating, supervising and providing or making
37 referrals to reformatory services for adult parolees or probationers or offenders on post-prison
38 supervision; or

39 (B) Investigating adult offenders on parole or probation or being considered for parole or pro-
40 bation; or

41 (b) An officer who:

42 (A) Is certified and has been employed as a full-time parole and probation officer for more than
43 one year;

44 (B) Is employed part-time by the Department of Corrections, a county or a court; and

45 (C) Is charged with and performs the duty of:

1 (i) Community protection by controlling, investigating, supervising and providing or making re-
2 ferrals to reformative services for adult parolees or probationers or offenders on post-prison super-
3 vision; or

4 (ii) Investigating adult offenders on parole or probation or being considered for parole or pro-
5 bation.

6 (14) "Police officer" means an officer, member or employee of a law enforcement unit employed
7 full-time as a peace officer who is:

8 (a)(A) Commissioned by a city, port, school district, mass transit district, county, county service
9 district authorized to provide law enforcement services under ORS 451.010, tribal government, the
10 Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a
11 university that has established a police department under ORS 352.383, the Governor or the De-
12 partment of State Police; and

13 (B) Responsible for enforcing the criminal laws of this state or laws or ordinances relating to
14 airport security; or

15 (b) An investigator of a district attorney's office if the investigator is or has been certified as
16 a peace officer in this or another state **or a humane special agent commissioned under section**
17 **1 of this 2012 Act.**

18 (15) "Public or private safety agency" means a unit of state or local government, a special pur-
19 pose district or a private firm that provides, or has authority to provide, fire fighting, police, am-
20 bulance or emergency medical services.

21 (16) "Public safety personnel" and "public safety officer" include corrections officers, youth
22 correction officers, emergency medical dispatchers, parole and probation officers, police officers,
23 certified reserve officers, telecommunicators and fire service professionals.

24 (17) "Reserve officer" means an officer or member of a law enforcement unit who is:

25 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,
26 school district, mass transit district, county, county service district authorized to provide law
27 enforcement services under ORS 451.010, tribal government, the Criminal Justice Division of the
28 Department of Justice, the Oregon State Lottery Commission, a university that has established a
29 police department under ORS 352.383, the Governor or the Department of State Police;

30 (b) Armed with a firearm; and

31 (c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordi-
32 nances relating to airport security.

33 (18) "Telecommunicator" means a person employed as an emergency telephone worker as de-
34 fined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing
35 and transmitting public safety information received through a 9-1-1 emergency reporting system as
36 defined in ORS 403.105.

37 (19) "Youth correction officer" means an employee of the Oregon Youth Authority who is
38 charged with and primarily performs the duty of custody, control or supervision of youth offenders
39 confined in a youth correction facility.

40 **SECTION 15.** ORS 609.652 is amended to read:

41 609.652. As used in ORS 609.654:

42 (1)(a) "Aggravated animal abuse" means any animal abuse as described in ORS 167.322.

43 (b) "Aggravated animal abuse" does not include:

44 (A) Good animal husbandry, as defined in ORS 167.310; or

45 (B) Any exemption listed in ORS 167.335.

1 (2) "Law enforcement agency" means:

2 (a) Any city or municipal police department.

3 (b) A police department established by a university under ORS 352.383.

4 (c) Any county sheriff's office.

5 (d) The Oregon State Police.

6 (e) A law enforcement division of a county or municipal animal control agency that employs
7 sworn officers.

8 **(f) A humane investigation agency as defined in section 1 of this 2012 Act that employs**
9 **humane special agents commissioned under section 1 of this 2012 Act.**

10 (3) "Public or private official" means:

11 (a) A physician, including any intern or resident.

12 (b) A dentist.

13 (c) A school employee.

14 (d) A licensed practical nurse or registered nurse.

15 (e) An employee of the Department of Human Services, Oregon Health Authority, State Com-
16 mission on Children and Families, Child Care Division of the Employment Department, the Oregon
17 Youth Authority, a county health department, a community mental health program, a community
18 developmental disabilities program, a county juvenile department, a licensed child-caring agency or
19 an alcohol and drug treatment program.

20 (f) A peace officer.

21 (g) A psychologist.

22 (h) A member of the clergy.

23 (i) A regulated social worker.

24 (j) An optometrist.

25 (k) A chiropractor.

26 (L) A certified provider of foster care, or an employee thereof.

27 (m) An attorney.

28 (n) A naturopathic physician.

29 (o) A licensed professional counselor.

30 (p) A licensed marriage and family therapist.

31 (q) A firefighter or emergency medical services provider.

32 (r) A court appointed special advocate, as defined in ORS 419A.004.

33 (s) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.

34 (t) A member of the Legislative Assembly.

35 **SECTION 16.** ORS 659A.320 is amended to read:

36 659A.320. (1) Except as provided in subsection (2) of this section, it is an unlawful employment
37 practice for an employer to obtain or use for employment purposes information contained in the
38 credit history of an applicant for employment or an employee, or to refuse to hire, discharge, de-
39 mote, suspend, retaliate or otherwise discriminate against an applicant or an employee with regard
40 to promotion, compensation or the terms, conditions or privileges of employment based on informa-
41 tion in the credit history of the applicant or employee.

42 (2) Subsection (1) of this section does not apply to:

43 (a) Employers that are federally insured banks or credit unions;

44 (b) Employers that are required by state or federal law to use individual credit history for em-
45 ployment purposes;

1 (c) The application for employment or the employment of a public safety officer who will be or
2 who is:

3 (A) A member of a law enforcement unit;

4 (B) Employed as a peace officer commissioned by a city, port, school district, mass transit dis-
5 trict, county, university under ORS 352.383, Indian reservation, **the Superintendent of State Police**
6 **under section 1 of this 2012 Act**, the Criminal Justice Division of the Department of Justice, the
7 Oregon State Lottery Commission or the Governor; and

8 (C) Responsible for enforcing the criminal laws of this state or laws or ordinances related to
9 airport security; or

10 (d) The obtainment or use by an employer of information in the credit history of an applicant
11 or employee because the information is substantially job-related and the employer's reasons for the
12 use of such information are disclosed to the employee or prospective employee in writing.

13 (3) An employee or an applicant for employment may file a complaint under ORS 659A.820 for
14 violations of this section and may bring a civil action under ORS 659A.885 and recover the relief
15 as provided by ORS 659A.885 (1) and (2).

16 (4) As used in this section, "credit history" means any written or other communication of any
17 information by a consumer reporting agency that bears on a consumer's creditworthiness, credit
18 standing or credit capacity.

19 **SECTION 17.** ORS 686.450 is amended to read:

20 686.450. As used in ORS 686.450 to 686.465 and 686.990 (3):

21 (1)(a) "Aggravated animal abuse" means any animal abuse as described in ORS 167.322.

22 (b) "Aggravated animal abuse" does not include:

23 (A) Good animal husbandry, as defined in ORS 167.310; or

24 (B) Any exemption listed in ORS 167.335.

25 (2) "Law enforcement agency" means:

26 (a) Any city or municipal police department.

27 (b) A police department established by a university under ORS 352.383.

28 (c) Any county sheriff's office.

29 (d) The Oregon State Police.

30 (e) A law enforcement division of a humane society in Oregon that employs special agents au-
31 thorized under ORS 131.805 **or humane special agents commissioned under section 1 of this**
32 **2012 Act.**

33 (f) A law enforcement division of a county or municipal animal control agency that employs
34 sworn officers.

35 (3) "Veterinarian" means a person licensed to practice veterinary medicine under ORS chapter
36 686.

37 **SECTION 18. This 2012 Act being necessary for the immediate preservation of the public**
38 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**
39 **on its passage.**

40