

House Bill 4163

Sponsored by Representative HICKS (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 **as introduced**.

Changes title of "court security officer" to "judicial security marshal" and "court security personnel" to "judicial security personnel."

Requires Department of Public Safety Standards and Training to certify individual members of judicial security personnel upon request of Security and Emergency Preparedness Office of Judicial Department, at office's expense.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to judicial security personnel; creating new provisions; amending ORS 1.177 and 181.610;
3 and declaring an emergency.

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

5 **SECTION 1.** ORS 1.177 is amended to read:

6 1.177. (1) The Chief Justice of the Supreme Court may appoint an Advisory Committee on State
7 Court Security and Emergency Preparedness for the Supreme Court, Court of Appeals, Oregon Tax
8 Court and office of the State Court Administrator.

9 (2) A committee appointed under this section shall meet at the call of the Chief Justice.

10 (3) A committee appointed under this section shall submit to the Chief Justice a state plan for
11 state court security improvement, emergency preparedness and business continuity for each building
12 containing or utilized by the Supreme Court, Court of Appeals, Oregon Tax Court or office of the
13 State Court Administrator. The plan shall include capital outlay needs and may include recommen-
14 dations concerning:

15 (a) Procedures for the secure handling, transportation and disposal of hazardous substances and
16 contraband in court proceedings;

17 (b) Emergency alarm systems accessible to all court employees;

18 (c) Physical security for judges, staff and the public;

19 (d) Procedures for emergency evacuation of buildings containing or utilized by the Supreme
20 Court, Court of Appeals, Oregon Tax Court or office of the State Court Administrator;

21 (e) Procedures for identifying [*court*] **judicial** security personnel, including a [*court security offi-*
22 *cer*] **judicial security marshal** to be appointed by the Chief Justice, who shall be responsible for:

23 (A) The management of the plan;

24 (B) A regular security inspection of each building containing or utilized by the Supreme Court,
25 Court of Appeals, Oregon Tax Court or office of the State Court Administrator; and

26 (C) Regular security training of sheriff's department, judicial department and district attorney
27 personnel; and

28 (f) Priorities for available court facilities within the building based on the level of security
29 needed.

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.

(4) The plan may also include:

(a) An evaluation of how each of the items listed in subsection (3) of this section is being addressed and should be addressed;

(b) How practices, facilities and equipment falling below appropriate levels are to be improved;

(c) The anticipated cost of improving practices, facilities and equipment that fall below appropriate levels;

(d) The funding source for each improvement; and

(e) The time schedule for implementation of improvements.

(5) Adoption of a plan under this section is subject to the approval of the Chief Justice. The plan may conclude that state court facility security is adequate.

(6) Implementation of the elements of a plan that have a significant fiscal impact are subject to availability of funding.

(7) The plan adopted under this section shall be reviewed and revised or amended as needed, not later than June 30 of each odd-numbered year.

(8) Except as provided in this subsection, a plan prepared under this section is confidential and need not be disclosed under the provisions of ORS 192.410 to 192.505. The Chief Justice may authorize the disclosure of all or part of a plan prepared under this section if the Chief Justice determines that the interest of the public would be served by the disclosure and that the disclosure will not impair the integrity of the plan. Records of expenditures for a state court security plan and records of equipment purchased under the plan are not confidential under the provisions of this subsection, and are subject to disclosure as public records under the provisions of ORS 192.410 to 192.505.

SECTION 2. Section 3 of this 2012 Act is added to and made a part of ORS 181.610 to 181.712.

SECTION 3. (1) Upon request of the Security and Emergency Preparedness Office of the Judicial Department, the Department of Public Safety Standards and Training shall certify individual members of the judicial security personnel identified pursuant to ORS 1.177 as being qualified in the same manner as police officers pursuant to ORS 181.640.

(2) The provisions of ORS 181.610 to 181.712 relating to the training and certification of police officers apply to individual members of the judicial security personnel trained pursuant to subsection (1) of this section.

(3) Notwithstanding any other provision of law, the Security and Emergency Preparedness Office of the Judicial Department shall bear the expense of training pursuant to subsection (1) of this section.

SECTION 4. ORS 181.610 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (12) "Law enforcement unit" means:

21 (a) A police force or organization of the state, a city, university that has established a police
 22 department under ORS 352.383, port, school district, mass transit district, county, county service
 23 district authorized to provide law enforcement services under ORS 451.010, tribal government as
 24 defined in section 1, chapter 644, Oregon Laws 2011, that employs authorized tribal police officers
 25 as defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the De-
 26 partment of Justice, the Department of Corrections, the Oregon State Lottery Commission, **the Se-**
 27 **curity and Emergency Preparedness Office of the Judicial Department** or common carrier
 28 railroad the primary duty of which, as prescribed by law, ordinance or directive, is one or more of
 29 the following:

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

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

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

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

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

41 (d) A private, nonprofit animal care agency that has maintained an animal welfare investigation
 42 department for at least five years and has had officers commissioned as special agents by the Gov-
 43 ernor.

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

45 (a) An officer who is employed full-time by the Department of Corrections, a county or a court

1 and who is charged with and performs the duty of:

2 (A) Community protection by controlling, investigating, supervising and providing or making
3 referrals to reformative services for adult parolees or probationers or offenders on post-prison
4 supervision; or

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

7 (b) An officer who:

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

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

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

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

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

17 (14) "Police officer" means:

18 (a) An officer, member or employee of a law enforcement unit employed full-time as a peace
19 officer who is:

20 [(a)](A) Commissioned by a city, port, school district, mass transit district, county, county ser-
21 vice district authorized to provide law enforcement services under ORS 451.010, tribal government
22 as defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the De-
23 partment of Justice, the Oregon State Lottery Commission, a university that has established a police
24 department under ORS 352.383, the Governor or the Department of State Police; and

25 (B) Responsible for enforcing the criminal laws of this state or laws or ordinances relating to
26 airport security; [or]

27 (b) An investigator of a district attorney's office if the investigator is or has been certified as
28 a peace officer in this or another state or is an authorized tribal police officer as defined in section
29 1, chapter 644, Oregon Laws 2011; or

30 (c) **An individual member of the judicial security personnel identified pursuant to ORS**
31 **1.177 who is trained pursuant to section 3 of this 2012 Act.**

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

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

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

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

45 (b) Armed with a firearm; and

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

3 (18) “Telecommunicator” means a person employed as an emergency telephone worker as de-
 4 fined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing
 5 and transmitting public safety information received through a 9-1-1 emergency reporting system as
 6 defined in ORS 403.105.

7 (19) “Youth correction officer” means an employee of the Oregon Youth Authority who is
 8 charged with and primarily performs the duty of custody, control or supervision of youth offenders
 9 confined in a youth correction facility.

10 **SECTION 5.** ORS 181.610, as amended by section 50, chapter 644, Oregon Laws 2011, is
 11 amended to read:

12 181.610. In ORS 181.610 to 181.712, unless the context requires otherwise:

13 (1) “Abuse” has the meaning given the term in ORS 107.705.

14 (2) “Board” means the Board on Public Safety Standards and Training appointed pursuant to
 15 ORS 181.620.

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

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

22 (5) “Corrections officer” means an officer or member employed full-time by a law enforcement
 23 unit who:

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

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

30 (6) “Department” means the Department of Public Safety Standards and Training.

31 (7) “Director” means the Director of the Department of Public Safety Standards and Training.

32 (8) “Domestic violence” means abuse between family or household members.

33 (9) “Emergency medical dispatcher” means a person who has responsibility to process requests
 34 for medical assistance from the public or to dispatch medical care providers.

35 (10) “Family or household members” has the meaning given that term in ORS 107.705.

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

41 (12) “Law enforcement unit” means:

42 (a) A police force or organization of the state, a city, university that has established a police
 43 department under ORS 352.383, port, school district, mass transit district, county, county service
 44 district authorized to provide law enforcement services under ORS 451.010, tribal government, the
 45 Criminal Justice Division of the Department of Justice, the Department of Corrections, the Oregon

1 State Lottery Commission, **the Security and Emergency Preparedness Office of the Judicial**
 2 **Department** or common carrier railroad the primary duty of which, as prescribed by law, ordinance
 3 or directive, is one or more of the following:

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

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

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

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

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

15 (d) A private, nonprofit animal care agency that has maintained an animal welfare investigation
 16 department for at least five years and has had officers commissioned as special agents by the Gov-
 17 ernor.

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

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

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

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

26 (b) An officer who:

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

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

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

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

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

36 (14) "Police officer" means:

37 (a) An officer, member or employee of a law enforcement unit employed full-time as a peace
 38 officer who is:

39 [(a)](A) Commissioned by a city, port, school district, mass transit district, county, county ser-
 40 vice district authorized to provide law enforcement services under ORS 451.010, tribal government,
 41 the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission,
 42 a university that has established a police department under ORS 352.383, the Governor or the De-
 43 partment of State Police; and

44 (B) Responsible for enforcing the criminal laws of this state or laws or ordinances relating to
 45 airport security; [or]

1 (b) An investigator of a district attorney's office if the investigator is or has been certified as
2 a peace officer in this or another state; or

3 (c) **An individual member of the judicial security personnel identified pursuant to ORS**
4 **1.177 who is trained pursuant to section 3 of this 2012 Act.**

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

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

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

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

17 (b) Armed with a firearm; and

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

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

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

27 **SECTION 6. This 2012 Act being necessary for the immediate preservation of the public**
28 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**
29 **on its passage.**

30