

# D R A F T

## SUMMARY

Modifies authority of Oregon Health and Science University to establish police force.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

Relating to the Oregon Health and Science University; creating new provisions; amending ORS 40.275, 44.550, 90.440, 124.050, 133.005, 133.525, 133.721, 133.726, 136.595, 146.003, 147.425, 153.005, 161.015, 163.730, 165.535, 181.010, 181.610, 181.715, 181.860, 236.350, 348.270, 353.050, 414.805, 419B.005, 419B.902, 420.905, 430.735, 441.630, 506.521, 609.652, 659A.320, 686.450, 756.160, 801.395, 811.720, 811.745, 811.747, 823.081 and 830.005; and declaring an emergency.

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

**SECTION 1. (1) The Oregon Health and Science University Board of Directors, or Oregon Health and Science University officials acting under the authority of the board, may establish a police department and commission one or more employees as police officers. A police department established under this section has all of the authority and immunity of a municipal police department of this state.**

**(2) Police officers commissioned under this section:**

**(a) May enforce criminal laws and any administrative rules and policies adopted by the university; and**

**(b) Have all the authority and immunity of a peace officer or police officer of this state.**

1       **(3) When the university establishes a police department and com-**  
2 **missions one or more employees as police officers under this section,**  
3 **the university, in cooperation with the chief of the police department,**  
4 **shall establish a process by which the university will receive and re-**  
5 **spond to complaints involving the policies of the police department**  
6 **and the conduct of the police officers.**

7       **(4) The university may:**

8       **(a) Enter into an agreement with a municipal corporation or any**  
9 **department, agency or political subdivision of this state for the pro-**  
10 **vision of mutual aid by their respective police officers; and**

11       **(b) Adopt rules to carry out the provisions of this section.**

12       **SECTION 2.** ORS 40.275 is amended to read:

13       40.275. (1) As used in this section, “unit of government” means:

14       (a) The federal government or any state or political subdivision thereof;

15       (b) A university that has commissioned police officers under ORS 352.383  
16 **or section 1 of this 2013 Act; or**

17       (c) A tribal government as defined in section 1, chapter 644, Oregon Laws  
18 2011, if the information relates to or assists in an investigation conducted  
19 by an authorized tribal police officer as defined in section 1, chapter 644,  
20 Oregon Laws 2011.

21       (2) A unit of government has a privilege to refuse to disclose the identity  
22 of a person who has furnished information relating to or assisting in an in-  
23 vestigation of a possible violation of law to a law enforcement officer or  
24 member of a legislative committee or its staff conducting an investigation.

25       (3) The privilege created by this section may be claimed by an appropriate  
26 representative of the unit of government if the information was furnished to  
27 an officer thereof.

28       (4) No privilege exists under this section:

29       (a) If the identity of the informer or the informer’s interest in the subject  
30 matter of the communication has been disclosed to those who would have  
31 cause to resent the communication by a holder of the privilege or by the

1 informer's own action, or if the informer appears as a witness for the unit  
2 of government.

3 (b) If it appears from the evidence in the case or from other showing by  
4 a party that an informer may be able to give testimony necessary to a fair  
5 determination of the issue of guilt or innocence in a criminal case or of a  
6 material issue on the merits in a civil case to which the unit of government  
7 is a party, and the unit of government invokes the privilege, and the judge  
8 gives the unit of government an opportunity to show in camera facts relevant  
9 to determining whether the informer can, in fact, supply that testimony. The  
10 showing will ordinarily be in the form of affidavits, but the judge may direct  
11 that testimony be taken if the judge finds that the matter cannot be resolved  
12 satisfactorily upon affidavit. If the judge finds that there is a reasonable  
13 probability that the informer can give the testimony, and the unit of gov-  
14 ernment elects not to disclose identity of the informer, the judge on motion  
15 of the defendant in a criminal case shall dismiss the charges to which the  
16 testimony would relate, and the judge may do so on the judge's own motion.  
17 In civil cases, the judge may make any order that justice requires. Evidence  
18 submitted to the judge shall be sealed and preserved to be made available to  
19 the appellate court in the event of an appeal, and the contents shall not  
20 otherwise be revealed without consent of the unit of government. All counsel  
21 and parties shall be permitted to be present at every stage of proceedings  
22 under this paragraph except a showing in camera, at which no counsel or  
23 party shall be permitted to be present.

24 (c) If information from an informer is relied upon to establish the legality  
25 of the means by which evidence was obtained and the judge is not satisfied  
26 that the information was received from an informer reasonably believed to  
27 be reliable or credible. The judge may require the identity of the informer  
28 to be disclosed. The judge shall, on request of the unit of government, direct  
29 that the disclosure be made in camera. All counsel and parties concerned  
30 with the issue of legality shall be permitted to be present at every stage of  
31 proceedings under this paragraph except a disclosure in camera, at which

1 no counsel or party shall be permitted to be present. If disclosure of the  
2 identity of the informer is made in camera, the record thereof shall be sealed  
3 and preserved to be made available to the appellate court in the event of an  
4 appeal, and the contents shall not otherwise be revealed without consent of  
5 the unit of government.

6 **SECTION 3.** ORS 40.275, as amended by section 37, chapter 644, Oregon  
7 Laws 2011, is amended to read:

8 40.275. (1) As used in this section, “unit of government” means:

9 (a) The federal government or any state or political subdivision thereof;  
10 or

11 (b) A university that has commissioned police officers under ORS 352.383  
12 **or section 1 of this 2013 Act.**

13 (2) A unit of government has a privilege to refuse to disclose the identity  
14 of a person who has furnished information relating to or assisting in an in-  
15 vestigation of a possible violation of law to a law enforcement officer or  
16 member of a legislative committee or its staff conducting an investigation.

17 (3) The privilege created by this section may be claimed by an appropriate  
18 representative of the unit of government if the information was furnished to  
19 an officer thereof.

20 (4) No privilege exists under this section:

21 (a) If the identity of the informer or the informer’s interest in the subject  
22 matter of the communication has been disclosed to those who would have  
23 cause to resent the communication by a holder of the privilege or by the  
24 informer’s own action, or if the informer appears as a witness for the unit  
25 of government.

26 (b) If it appears from the evidence in the case or from other showing by  
27 a party that an informer may be able to give testimony necessary to a fair  
28 determination of the issue of guilt or innocence in a criminal case or of a  
29 material issue on the merits in a civil case to which the unit of government  
30 is a party, and the unit of government invokes the privilege, and the judge  
31 gives the unit of government an opportunity to show in camera facts relevant

1 to determining whether the informer can, in fact, supply that testimony. The  
2 showing will ordinarily be in the form of affidavits, but the judge may direct  
3 that testimony be taken if the judge finds that the matter cannot be resolved  
4 satisfactorily upon affidavit. If the judge finds that there is a reasonable  
5 probability that the informer can give the testimony, and the unit of gov-  
6 ernment elects not to disclose identity of the informer, the judge on motion  
7 of the defendant in a criminal case shall dismiss the charges to which the  
8 testimony would relate, and the judge may do so on the judge's own motion.  
9 In civil cases, the judge may make any order that justice requires. Evidence  
10 submitted to the judge shall be sealed and preserved to be made available to  
11 the appellate court in the event of an appeal, and the contents shall not  
12 otherwise be revealed without consent of the unit of government. All counsel  
13 and parties shall be permitted to be present at every stage of proceedings  
14 under this paragraph except a showing in camera, at which no counsel or  
15 party shall be permitted to be present.

16 (c) If information from an informer is relied upon to establish the legality  
17 of the means by which evidence was obtained and the judge is not satisfied  
18 that the information was received from an informer reasonably believed to  
19 be reliable or credible. The judge may require the identity of the informer  
20 to be disclosed. The judge shall, on request of the unit of government, direct  
21 that the disclosure be made in camera. All counsel and parties concerned  
22 with the issue of legality shall be permitted to be present at every stage of  
23 proceedings under this paragraph except a disclosure in camera, at which  
24 no counsel or party shall be permitted to be present. If disclosure of the  
25 identity of the informer is made in camera, the record thereof shall be sealed  
26 and preserved to be made available to the appellate court in the event of an  
27 appeal, and the contents shall not otherwise be revealed without consent of  
28 the unit of government.

29 **SECTION 4.** ORS 44.550 is amended to read:

30 44.550. As used in ORS 44.550 to 44.566:

31 (1) "Civil case" means any proceeding other than a criminal prosecution.

1 (2) "Law enforcement unit" means:

2 (a) The police department of a city;

3 (b) The sheriff's department or other police organization of a county; or

4 (c) A police department established by a university under ORS 352.383

5 **or section 1 of this 2013 Act.**

6 (3) "Police officer" means an officer or member of a law enforcement unit  
7 who is employed full-time as a peace officer by the city or county and who  
8 is responsible for enforcing the criminal laws of this state.

9 (4) "Tribunal" means any person or body before which attendance of wit-  
10 nesses may be required by subpoena, including an arbitrator in arbitration  
11 proceedings.

12 **SECTION 5.** ORS 90.440 is amended to read:

13 90.440. (1) As used in this section:

14 (a) "Group recovery home" means a place that provides occupants with  
15 shared living facilities and that meets the description of a group home under  
16 42 U.S.C. 300x-25.

17 (b) "Illegal drugs" includes controlled substances or prescription drugs:

18 (A) For which the tenant does not have a valid prescription; or

19 (B) That are used by the tenant in a manner contrary to the prescribed  
20 regimen.

21 (c) "Peace officer" means:

22 (A) A sheriff, constable, marshal or deputy;

23 (B) A member of a state or city police force;

24 (C) A police officer commissioned by a university under ORS 352.383 **or**  
25 **section 1 of this 2013 Act;** or

26 (D) An authorized tribal police officer as defined in section 1, chapter 644,  
27 Oregon Laws 2011.

28 (2) Notwithstanding ORS 90.375 and 90.435, a group recovery home may  
29 terminate a tenancy and peaceably remove a tenant without complying with  
30 ORS 105.105 to 105.168 if the tenant has used or possessed alcohol or illegal  
31 drugs within the preceding seven days. For purposes of this subsection, the

1 following are sufficient proof that a tenant has used or possessed alcohol or  
2 illegal drugs:

3 (a) The tenant fails a test for alcohol or illegal drug use;

4 (b) The tenant refuses a request made in good faith by the group recovery  
5 home that the tenant take a test for alcohol or illegal drug use; or

6 (c) Any person has personally observed the tenant using or possessing  
7 alcohol or illegal drugs.

8 (3) A group recovery home that undertakes the removal of a tenant under  
9 this section shall personally deliver to the tenant a written notice that:

10 (a) Describes why the tenant is being removed;

11 (b) Describes the proof that the tenant has used or possessed alcohol or  
12 illegal drugs within the seven days preceding delivery of the notice;

13 (c) Specifies the date and time by which the tenant must move out of the  
14 group recovery home;

15 (d) Explains that if the removal was wrongful or in bad faith the tenant  
16 may seek injunctive relief to recover possession under ORS 105.121 and may  
17 bring an action to recover monetary damages; and

18 (e) Gives contact information for the local legal services office and for  
19 the Oregon State Bar's Lawyer Referral Service, identifying those services  
20 as possible sources for free or reduced-cost legal services.

21 (4) A written notice in substantially the following form meets the re-  
22 quirements of subsection (3) of this section:

23 \_\_\_\_\_  
24 This notice is to inform you that you must move out of \_\_\_\_\_ (insert  
25 address of group recovery home) by \_\_\_\_\_ (insert date and time that is  
26 not less than 24 hours after delivery of notice).

27 The reason for this notice is \_\_\_\_\_ (specify use or possession of al-  
28cohol or illegal drugs, as applicable, and dates of occurrence).

29 The proof of your use or possession is \_\_\_\_\_ (specify facts).

30 If you did not use or possess alcohol or illegal drugs within the seven  
31 days before delivery of this notice, if this notice was given in bad faith or

1 if your group recovery home has not substantially complied with ORS 90.440,  
2 you may be able to get a court to order the group recovery home to let you  
3 move back in. You may also be able to recover monetary damages.

4 You may be eligible for free legal services at your local legal services  
5 office \_\_\_\_\_ (insert telephone number) or reduced fee legal services  
6 through the Oregon State Bar at 1-800-452-7636.

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8 (5) Within the notice period, a group recovery home shall allow a tenant  
9 removed under this section to follow any emergency departure plan that was  
10 prepared by the tenant and approved by the group recovery home at the time  
11 the tenancy began. If the removed tenant does not have an emergency de-  
12 parture plan, a representative of the group recovery home shall offer to take  
13 the removed tenant to a public shelter, detoxification center or similar lo-  
14 cation if existing in the community.

15 (6) The date and time for moving out specified in a notice under sub-  
16 section (3) of this section must be at least 24 hours after the date and time  
17 the notice is delivered to the tenant. If the tenant remains on the group re-  
18 covery home premises after the date and time for moving out specified in the  
19 notice, the tenant is a person remaining unlawfully in a dwelling as de-  
20 scribed in ORS 164.255 and not a person described in ORS 105.115. Only a  
21 peace officer may forcibly remove a tenant who remains on the group re-  
22 covery home premises after the date and time specified for moving out.

23 (7) A group recovery home that removes a tenant under this section shall  
24 send a copy of the notice described in subsection (3) of this section to the  
25 Oregon Health Authority no later than 72 hours after delivering the notice  
26 to the tenant.

27 (8) A tenant who is removed under subsection (2) of this section may ob-  
28 tain injunctive relief to recover possession and may recover an amount equal  
29 to the greater of actual damages or three times the tenant's monthly rent if:

30 (a) The group recovery home removed the tenant in bad faith or without  
31 substantially complying with this section; or



1 (b) If removal is under subsection (2)(c) of this section, the removal was  
2 wrongful because the tenant did not use or possess alcohol or illegal drugs.

3 (9) Notwithstanding ORS 12.125, a tenant who seeks to obtain injunctive  
4 relief to recover possession under ORS 105.121 must commence the action to  
5 seek relief not more than 90 days after the date specified in the notice for  
6 the tenant to move out.

7 (10) In any court action regarding the removal of a tenant under this  
8 section, a group recovery home may present evidence that the tenant used  
9 or possessed alcohol or illegal drugs within seven days preceding the re-  
10 moval, whether or not the evidence was described in the notice required by  
11 subsection (3) of this section.

12 (11) This section does not prevent a group recovery home from terminat-  
13 ing a tenancy as provided by any other provision of this chapter and evicting  
14 a tenant as provided in ORS 105.105 to 105.168.

15 **SECTION 6.** ORS 90.440, as amended by section 69, chapter 644, Oregon  
16 Laws 2011, is amended to read:

17 90.440. (1) As used in this section:

18 (a) "Group recovery home" means a place that provides occupants with  
19 shared living facilities and that meets the description of a group home under  
20 42 U.S.C. 300x-25.

21 (b) "Illegal drugs" includes controlled substances or prescription drugs:

22 (A) For which the tenant does not have a valid prescription; or

23 (B) That are used by the tenant in a manner contrary to the prescribed  
24 regimen.

25 (c) "Peace officer" means:

26 (A) A sheriff, constable, marshal or deputy;

27 (B) A member of a state or city police force; or

28 (C) A police officer commissioned by a university under ORS 352.383 **or**  
29 **section 1 of this 2013 Act.**

30 (2) Notwithstanding ORS 90.375 and 90.435, a group recovery home may  
31 terminate a tenancy and peaceably remove a tenant without complying with

1 ORS 105.105 to 105.168 if the tenant has used or possessed alcohol or illegal  
2 drugs within the preceding seven days. For purposes of this subsection, the  
3 following are sufficient proof that a tenant has used or possessed alcohol or  
4 illegal drugs:

- 5 (a) The tenant fails a test for alcohol or illegal drug use;
- 6 (b) The tenant refuses a request made in good faith by the group recovery  
7 home that the tenant take a test for alcohol or illegal drug use; or
- 8 (c) Any person has personally observed the tenant using or possessing  
9 alcohol or illegal drugs.

10 (3) A group recovery home that undertakes the removal of a tenant under  
11 this section shall personally deliver to the tenant a written notice that:

- 12 (a) Describes why the tenant is being removed;
- 13 (b) Describes the proof that the tenant has used or possessed alcohol or  
14 illegal drugs within the seven days preceding delivery of the notice;
- 15 (c) Specifies the date and time by which the tenant must move out of the  
16 group recovery home;
- 17 (d) Explains that if the removal was wrongful or in bad faith the tenant  
18 may seek injunctive relief to recover possession under ORS 105.121 and may  
19 bring an action to recover monetary damages; and
- 20 (e) Gives contact information for the local legal services office and for  
21 the Oregon State Bar's Lawyer Referral Service, identifying those services  
22 as possible sources for free or reduced-cost legal services.

23 (4) A written notice in substantially the following form meets the re-  
24 quirements of subsection (3) of this section:

25 \_\_\_\_\_  
26 This notice is to inform you that you must move out of \_\_\_\_\_ (insert  
27 address of group recovery home) by \_\_\_\_\_ (insert date and time that is  
28 not less than 24 hours after delivery of notice).

29 The reason for this notice is \_\_\_\_\_ (specify use or possession of al-  
30cohol or illegal drugs, as applicable, and dates of occurrence).

31 The proof of your use or possession is \_\_\_\_\_ (specify facts).

1 If you did not use or possess alcohol or illegal drugs within the seven  
2 days before delivery of this notice, if this notice was given in bad faith or  
3 if your group recovery home has not substantially complied with ORS 90.440,  
4 you may be able to get a court to order the group recovery home to let you  
5 move back in. You may also be able to recover monetary damages.

6 You may be eligible for free legal services at your local legal services  
7 office \_\_\_\_\_ (insert telephone number) or reduced fee legal services  
8 through the Oregon State Bar at 1-800-452-7636.

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10 (5) Within the notice period, a group recovery home shall allow a tenant  
11 removed under this section to follow any emergency departure plan that was  
12 prepared by the tenant and approved by the group recovery home at the time  
13 the tenancy began. If the removed tenant does not have an emergency de-  
14 parture plan, a representative of the group recovery home shall offer to take  
15 the removed tenant to a public shelter, detoxification center or similar lo-  
16 cation if existing in the community.

17 (6) The date and time for moving out specified in a notice under sub-  
18 section (3) of this section must be at least 24 hours after the date and time  
19 the notice is delivered to the tenant. If the tenant remains on the group re-  
20 covery home premises after the date and time for moving out specified in the  
21 notice, the tenant is a person remaining unlawfully in a dwelling as de-  
22 scribed in ORS 164.255 and not a person described in ORS 105.115. Only a  
23 peace officer may forcibly remove a tenant who remains on the group re-  
24 covery home premises after the date and time specified for moving out.

25 (7) A group recovery home that removes a tenant under this section shall  
26 send a copy of the notice described in subsection (3) of this section to the  
27 Oregon Health Authority no later than 72 hours after delivering the notice  
28 to the tenant.

29 (8) A tenant who is removed under subsection (2) of this section may ob-  
30 tain injunctive relief to recover possession and may recover an amount equal  
31 to the greater of actual damages or three times the tenant's monthly rent if:

1 (a) The group recovery home removed the tenant in bad faith or without  
2 substantially complying with this section; or

3 (b) If removal is under subsection (2)(c) of this section, the removal was  
4 wrongful because the tenant did not use or possess alcohol or illegal drugs.

5 (9) Notwithstanding ORS 12.125, a tenant who seeks to obtain injunctive  
6 relief to recover possession under ORS 105.121 must commence the action to  
7 seek relief not more than 90 days after the date specified in the notice for  
8 the tenant to move out.

9 (10) In any court action regarding the removal of a tenant under this  
10 section, a group recovery home may present evidence that the tenant used  
11 or possessed alcohol or illegal drugs within seven days preceding the re-  
12 moval, whether or not the evidence was described in the notice required by  
13 subsection (3) of this section.

14 (11) This section does not prevent a group recovery home from terminat-  
15 ing a tenancy as provided by any other provision of this chapter and evicting  
16 a tenant as provided in ORS 105.105 to 105.168.

17 **SECTION 7.** ORS 124.050 is amended to read:

18 124.050. As used in ORS 124.050 to 124.095:

19 (1) "Abuse" means one or more of the following:

20 (a) Any physical injury to an elderly person caused by other than acci-  
21 dental means, or which appears to be at variance with the explanation given  
22 of the injury.

23 (b) Neglect.

24 (c) Abandonment, including desertion or willful forsaking of an elderly  
25 person or the withdrawal or neglect of duties and obligations owed an el-  
26 derly person by a caretaker or other person.

27 (d) Willful infliction of physical pain or injury upon an elderly person.

28 (e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411,  
29 163.415, 163.425, 163.427, 163.465 or 163.467.

30 (f) Verbal abuse.

31 (g) Financial exploitation.

1 (h) Sexual abuse.

2 (i) Involuntary seclusion of an elderly person for the convenience of a  
3 caregiver or to discipline the person.

4 (j) A wrongful use of a physical or chemical restraint of an elderly person,  
5 excluding an act of restraint prescribed by a licensed physician and any  
6 treatment activities that are consistent with an approved treatment plan or  
7 in connection with a court order.

8 (2) "Elderly person" means any person 65 years of age or older who is not  
9 subject to the provisions of ORS 441.640 to 441.665.

10 (3) "Facility" means:

11 (a) A long term care facility as that term is defined in ORS 442.015.

12 (b) A residential facility as that term is defined in ORS 443.400, including  
13 but not limited to an assisted living facility.

14 (c) An adult foster home as that term is defined in ORS 443.705.

15 (4) "Financial exploitation" means:

16 (a) Wrongfully taking the assets, funds or property belonging to or in-  
17 tended for the use of an elderly person or a person with a disability.

18 (b) Alarming an elderly person or a person with a disability by conveying  
19 a threat to wrongfully take or appropriate money or property of the person  
20 if the person would reasonably believe that the threat conveyed would be  
21 carried out.

22 (c) Misappropriating, misusing or transferring without authorization any  
23 money from any account held jointly or singly by an elderly person or a  
24 person with a disability.

25 (d) Failing to use the income or assets of an elderly person or a person  
26 with a disability effectively for the support and maintenance of the person.

27 (5) "Intimidation" means compelling or deterring conduct by threat.

28 (6) "Law enforcement agency" means:

29 (a) Any city or municipal police department.

30 (b) Any county sheriff's office.

31 (c) The Oregon State Police.

1 (d) Any district attorney.

2 (e) A police department established by a university under ORS 352.383  
3 **or section 1 of this 2013 Act.**

4 (7) "Neglect" means:

5 (a) Failure to provide the care, supervision or services necessary to  
6 maintain the physical and mental health of an elderly person that may result  
7 in physical harm or significant emotional harm to the elderly person; or

8 (b) The failure of a caregiver to make a reasonable effort to protect an  
9 elderly person from abuse.

10 (8) "Person with a disability" means a person described in:

11 (a) ORS 410.040 (7); or

12 (b) ORS 410.715.

13 (9) "Public or private official" means:

14 (a) Physician, naturopathic physician, osteopathic physician, chiropractor,  
15 physician assistant or podiatric physician and surgeon, including any intern  
16 or resident.

17 (b) Licensed practical nurse, registered nurse, nurse practitioner, nurse's  
18 aide, home health aide or employee of an in-home health service.

19 (c) Employee of the Department of Human Services or community devel-  
20 opmental disabilities program.

21 (d) Employee of the Oregon Health Authority, county health department  
22 or community mental health program.

23 (e) Peace officer.

24 (f) Member of the clergy.

25 (g) Regulated social worker.

26 (h) Physical, speech or occupational therapist.

27 (i) Senior center employee.

28 (j) Information and referral or outreach worker.

29 (k) Licensed professional counselor or licensed marriage and family ther-  
30 apist.

31 (L) Any public official who comes in contact with elderly persons in the

1 performance of the official's official duties.

2 (m) Firefighter or emergency medical services provider.

3 (n) Psychologist.

4 (o) Provider of adult foster care or an employee of the provider.

5 (p) Audiologist.

6 (q) Speech-language pathologist.

7 (10) "Services" includes but is not limited to the provision of food,  
8 clothing, medicine, housing, medical services, assistance with bathing or  
9 personal hygiene or any other service essential to the well-being of an el-  
10 derly person.

11 (11)(a) "Sexual abuse" means:

12 (A) Sexual contact with an elderly person who does not consent or is  
13 considered incapable of consenting to a sexual act under ORS 163.315;

14 (B) Sexual harassment, sexual exploitation or inappropriate exposure to  
15 sexually explicit material or language;

16 (C) Any sexual contact between an employee of a facility or paid  
17 caregiver and an elderly person served by the facility or caregiver;

18 (D) Any sexual contact between an elderly person and a relative of the  
19 elderly person other than a spouse; or

20 (E) Any sexual contact that is achieved through force, trickery, threat  
21 or coercion.

22 (b) "Sexual abuse" does not mean consensual sexual contact between an  
23 elderly person and a paid caregiver who is the spouse of the elderly person.

24 (12) "Sexual contact" has the meaning given that term in ORS 163.305.

25 (13) "Verbal abuse" means to threaten significant physical or emotional  
26 harm to an elderly person or a person with a disability through the use of:

27 (a) Derogatory or inappropriate names, insults, verbal assaults, profanity  
28 or ridicule; or

29 (b) Harassment, coercion, threats, intimidation, humiliation, mental cru-  
30 elty or inappropriate sexual comments.

31 **SECTION 8.** ORS 133.005, as amended by section 6, chapter 54, Oregon

1 Laws 2012, and section 3, chapter 67, Oregon Laws 2012, is amended to read:  
2 133.005. As used in ORS 133.005 to 133.400 and 133.410 to 133.450, unless  
3 the context requires otherwise:

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

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

12 (3) "Peace officer" means:

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

14 (b) A sheriff, constable, marshal, municipal police officer or reserve offi-  
15 cer or a police officer commissioned by a university under ORS 352.383 **or**  
16 **section 1 of this 2013 Act**;

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

19 (d) An investigator of the Criminal Justice Division of the Department  
20 of Justice of the State of Oregon;

21 (e) A humane special agent as defined in section 2, chapter 67, Oregon  
22 Laws 2012;

23 (f) A liquor enforcement inspector exercising authority described in ORS  
24 471.775 (2); or

25 (g) An authorized tribal police officer as defined in section 1, chapter 644,  
26 Oregon Laws 2011.

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

29 (a) A volunteer or employed less than full-time as a peace officer com-  
30 missioned by a city, port, school district, mass transit district, county,  
31 county service district authorized to provide law enforcement services under



1 ORS 451.010, the Criminal Justice Division of the Department of Justice, the  
2 Oregon State Lottery Commission or the Governor or a member of the De-  
3 partment of State Police;

4 (b) Armed with a firearm; and

5 (c) Responsible for enforcing the criminal laws and traffic laws of this  
6 state or laws or ordinances relating to airport security.

7 **SECTION 9.** ORS 133.005, as amended by section 39, chapter 644, Oregon  
8 Laws 2011, section 7, chapter 54, Oregon Laws 2012, and section 4, chapter  
9 67, Oregon Laws 2012, is amended to read:

10 133.005. As used in ORS 133.005 to 133.400 and 133.410 to 133.450, unless  
11 the context requires otherwise:

12 (1) "Arrest" means to place a person under actual or constructive re-  
13 straint or to take a person into custody for the purpose of charging that  
14 person with an offense. A "stop" as authorized under ORS 131.605 to 131.625  
15 is not an arrest.

16 (2) "Federal officer" means a special agent or law enforcement officer  
17 employed by a federal agency who is empowered to effect an arrest with or  
18 without a warrant for violations of the United States Code and who is au-  
19 thorized to carry firearms in the performance of duty.

20 (3) "Peace officer" means:

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

22 (b) A sheriff, constable, marshal, municipal police officer or reserve offi-  
23 cer or a police officer commissioned by a university under ORS 352.383 **or**  
24 **section 1 of this 2013 Act;**

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

27 (d) An investigator of the Criminal Justice Division of the Department  
28 of Justice of the State of Oregon;

29 (e) A humane special agent as defined in section 2, chapter 67, Oregon  
30 Laws 2012; or

31 (f) A liquor enforcement inspector exercising authority described in ORS

1 471.775 (2).

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

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

10 (b) Armed with a firearm; and

11 (c) Responsible for enforcing the criminal laws and traffic laws of this  
12 state or laws or ordinances relating to airport security.

13 **SECTION 10.** ORS 133.525, as amended by section 8, chapter 54, Oregon  
14 Laws 2012, and section 5, chapter 67, Oregon Laws 2012, is amended to read:

15 133.525. As used in ORS 133.525 to 133.703, unless the context requires  
16 otherwise:

17 (1) "Judge" means any judge of the circuit court, the Court of Appeals,  
18 the Supreme Court, any justice of the peace or municipal judge authorized  
19 to exercise the powers and perform the duties of a justice of the peace.

20 (2) "Police officer" means:

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

22 (b) A sheriff or municipal police officer, a police officer commissioned by  
23 a university under ORS 352.383 **or section 1 of this 2013 Act** or an au-  
24 thorized tribal police officer as defined in section 1, chapter 644, Oregon  
25 Laws 2011;

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

28 (d) An investigator of the Criminal Justice Division of the Department  
29 of Justice;

30 (e) A humane special agent as defined in section 2, chapter 67, Oregon  
31 Laws 2012; or

1 (f) A liquor enforcement inspector exercising authority described in ORS  
2 471.775 (2).

3 **SECTION 11.** ORS 133.525, as amended by section 40, chapter 644, Oregon  
4 Laws 2011, section 9, chapter 54, Oregon Laws 2012, and section 6, chapter  
5 67, Oregon Laws 2012, is amended to read:

6 133.525. As used in ORS 133.525 to 133.703, unless the context requires  
7 otherwise:

8 (1) "Judge" means any judge of the circuit court, the Court of Appeals,  
9 the Supreme Court, any justice of the peace or municipal judge authorized  
10 to exercise the powers and perform the duties of a justice of the peace.

11 (2) "Police officer" means:

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

13 (b) A sheriff or municipal police officer or a police officer commissioned  
14 by a university under ORS 352.383 **or section 1 of this 2013 Act**;

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

17 (d) An investigator of the Criminal Justice Division of the Department  
18 of Justice;

19 (e) A humane special agent as defined in section 2, chapter 67, Oregon  
20 Laws 2012; or

21 (f) A liquor enforcement inspector exercising authority described in ORS  
22 471.775 (2).

23 **SECTION 12.** ORS 133.721, as amended by section 10, chapter 54, Oregon  
24 Laws 2012, is amended to read:

25 133.721. As used in ORS 41.910 and 133.721 to 133.739, unless the context  
26 requires otherwise:

27 (1) "Aggrieved person" means a person who was a party to any wire,  
28 electronic or oral communication intercepted under ORS 133.724 or 133.726  
29 or a person against whom the interception was directed and who alleges that  
30 the interception was unlawful.

31 (2) "Contents," when used with respect to any wire, electronic or oral

1 communication, includes any information concerning the identity of the  
2 parties to such communication or the existence, substance, purport or  
3 meaning of that communication.

4 (3) "Electronic communication" means any transfer of signs, signals,  
5 writing, images, sounds, data or intelligence of any nature transmitted in  
6 whole or in part by a radio, electromagnetic, photoelectronic or photo-optical  
7 system, or transmitted in part by wire, but does not include:

8 (a) Any oral communication or any communication that is completely by  
9 wire; or

10 (b) Any communication made through a tone-only paging device.

11 (4) "Electronic, mechanical or other device" means any device or appara-  
12 tus that can be used to intercept a wire, electronic or oral communication  
13 other than:

14 (a) Any telephone or telegraph instrument, equipment or facility, or any  
15 component thereof that is furnished to the subscriber or user by a telecom-  
16 munications carrier in the ordinary course of its business and that is being  
17 used by the subscriber or user in the ordinary course of its business or being  
18 used by a telecommunications carrier in the ordinary course of its business,  
19 or by an investigative or law enforcement officer in the ordinary course of  
20 official duties; or

21 (b) A hearing aid or similar device being used to correct subnormal  
22 hearing to not better than normal.

23 (5) "Intercept" means the acquisition, by listening or recording, of the  
24 contents of any wire, electronic or oral communication through the use of  
25 any electronic, mechanical or other device.

26 (6) "Investigative or law enforcement officer" means:

27 (a) An officer or other person employed to investigate or enforce the law  
28 by:

29 (A) A county sheriff or municipal police department, or a police depart-  
30 ment established by a university under ORS 352.383 **or section 1 of this 2013**  
31 **Act;**

1 (B) The Oregon State Police, the Department of Corrections, the Attorney  
2 General or a district attorney; or

3 (C) Law enforcement agencies of other states or the federal government;

4 (b) An authorized tribal police officer as defined in section 1, chapter 644,  
5 Oregon Laws 2011; or

6 (c) A liquor enforcement inspector exercising authority described in ORS  
7 471.775 (2).

8 (7) "Oral communication" means:

9 (a) Any oral communication, other than a wire or electronic communi-  
10 cation, uttered by a person exhibiting an expectation that such communi-  
11 cation is not subject to interception under circumstances justifying such  
12 expectation; or

13 (b) An utterance by a person who is participating in a wire or electronic  
14 communication, if the utterance is audible to another person who, at the  
15 time the wire or electronic communication occurs, is in the immediate pres-  
16 ence of the person participating in the communication.

17 (8) "Telecommunications carrier" means:

18 (a) A telecommunications utility as defined in ORS 759.005; or

19 (b) A cooperative corporation organized under ORS chapter 62 that pro-  
20 vides telecommunications services.

21 (9) "Telecommunications service" has the meaning given that term in ORS  
22 759.005.

23 (10) "Wire communication" means any communication made in whole or  
24 in part through the use of facilities for the transmission of communications  
25 by the aid of wire, cable or other like connection between the point of origin  
26 and the point of reception, whether furnished or operated by a public utility  
27 or privately owned or leased.

28 **SECTION 13.** ORS 133.721, as amended by section 70, chapter 644, Oregon  
29 Laws 2011, and section 11, chapter 54, Oregon Laws 2012, is amended to read:

30 133.721. As used in ORS 41.910 and 133.721 to 133.739, unless the context  
31 requires otherwise:

1 (1) "Aggrieved person" means a person who was a party to any wire,  
2 electronic or oral communication intercepted under ORS 133.724 or 133.726  
3 or a person against whom the interception was directed and who alleges that  
4 the interception was unlawful.

5 (2) "Contents," when used with respect to any wire, electronic or oral  
6 communication, includes any information concerning the identity of the  
7 parties to such communication or the existence, substance, purport or  
8 meaning of that communication.

9 (3) "Electronic communication" means any transfer of signs, signals,  
10 writing, images, sounds, data or intelligence of any nature transmitted in  
11 whole or in part by a radio, electromagnetic, photoelectronic or photo-optical  
12 system, or transmitted in part by wire, but does not include:

13 (a) Any oral communication or any communication that is completely by  
14 wire; or

15 (b) Any communication made through a tone-only paging device.

16 (4) "Electronic, mechanical or other device" means any device or appara-  
17 tus that can be used to intercept a wire, electronic or oral communication  
18 other than:

19 (a) Any telephone or telegraph instrument, equipment or facility, or any  
20 component thereof that is furnished to the subscriber or user by a telecom-  
21 munications carrier in the ordinary course of its business and that is being  
22 used by the subscriber or user in the ordinary course of its business or being  
23 used by a telecommunications carrier in the ordinary course of its business,  
24 or by an investigative or law enforcement officer in the ordinary course of  
25 official duties; or

26 (b) A hearing aid or similar device being used to correct subnormal  
27 hearing to not better than normal.

28 (5) "Intercept" means the acquisition, by listening or recording, of the  
29 contents of any wire, electronic or oral communication through the use of  
30 any electronic, mechanical or other device.

31 (6) "Investigative or law enforcement officer" means:

1 (a) An officer or other person employed to investigate or enforce the law  
2 by:

3 (A) A county sheriff or municipal police department, or a police depart-  
4 ment established by a university under ORS 352.383 **or section 1 of this 2013**  
5 **Act**;

6 (B) The Oregon State Police, the Department of Corrections, the Attorney  
7 General or a district attorney; or

8 (C) Law enforcement agencies of other states or the federal government;  
9 or

10 (b) A liquor enforcement inspector exercising authority described in ORS  
11 471.775 (2).

12 (7) "Oral communication" means:

13 (a) Any oral communication, other than a wire or electronic communi-  
14 cation, uttered by a person exhibiting an expectation that such communi-  
15 cation is not subject to interception under circumstances justifying such  
16 expectation; or

17 (b) An utterance by a person who is participating in a wire or electronic  
18 communication, if the utterance is audible to another person who, at the  
19 time the wire or electronic communication occurs, is in the immediate pres-  
20 ence of the person participating in the communication.

21 (8) "Telecommunications carrier" means:

22 (a) A telecommunications utility as defined in ORS 759.005; or

23 (b) A cooperative corporation organized under ORS chapter 62 that pro-  
24 vides telecommunications services.

25 (9) "Telecommunications service" has the meaning given that term in ORS  
26 759.005.

27 (10) "Wire communication" means any communication made in whole or  
28 in part through the use of facilities for the transmission of communications  
29 by the aid of wire, cable or other like connection between the point of origin  
30 and the point of reception, whether furnished or operated by a public utility  
31 or privately owned or leased.

1       **SECTION 14.** ORS 133.726, as amended by section 12, chapter 54, Oregon  
2 Laws 2012, is amended to read:

3       133.726. (1) Notwithstanding ORS 133.724, under the circumstances de-  
4 scribed in this section, a law enforcement officer is authorized to intercept  
5 an oral communication to which the officer or a person under the direct  
6 supervision of the officer is a party, without obtaining an order for the in-  
7 terception of a wire, electronic or oral communication under ORS 133.724.

8       (2) For purposes of this section and ORS 133.736, a person is a party to  
9 an oral communication if the oral communication is made in the person's  
10 immediate presence and is audible to the person regardless of whether the  
11 communication is specifically directed to the person.

12       (3) An ex parte order for intercepting an oral communication in any  
13 county of this state under this section may be issued by any judge as defined  
14 in ORS 133.525 upon written application made upon oath or affirmation of  
15 the district attorney or a deputy district attorney authorized by the district  
16 attorney for the county in which the order is sought or upon the oath or  
17 affirmation of any peace officer as defined in ORS 133.005. The application  
18 shall include:

19       (a) The name of the applicant and the applicant's authority to make the  
20 application;

21       (b) A statement demonstrating that there is probable cause to believe that  
22 a person whose oral communication is to be intercepted is engaged in com-  
23 mitting, has committed or is about to commit a particular felony, or a  
24 misdemeanor under ORS 167.007 or 167.008, and that intercepting the oral  
25 communication will yield evidence thereof; and

26       (c) The identity of the person, if known, suspected of committing the  
27 crime and whose oral communication is to be intercepted.

28       (4) The judge may require the applicant to furnish further testimony or  
29 documentary evidence in support of the application.

30       (5) Upon examination of the application and evidence, the judge may en-  
31 ter an ex parte order, as requested or as modified, authorizing or approving



1 the interception of an oral communication within the state if the judge de-  
2 termines on the basis of the facts submitted by the applicant that:

3 (a) There is probable cause to believe that a person is engaged in com-  
4 mitting, has committed or is about to commit a particular felony, or a  
5 misdemeanor under ORS 167.007 or 167.008; and

6 (b) There is probable cause to believe that the oral communication to be  
7 obtained will contain evidence concerning that crime.

8 (6) An order authorizing or approving the interception of an oral com-  
9 munication under this section must specify:

10 (a) The identity of the person, if known, whose oral communication is to  
11 be intercepted;

12 (b) A statement identifying the particular crime to which the oral com-  
13 munication is expected to relate;

14 (c) The agency authorized under the order to intercept the oral commu-  
15 nication;

16 (d) The name and office of the applicant and the signature and title of the  
17 issuing judge;

18 (e) A period of time after which the order shall expire; and

19 (f) A statement that the order authorizes only the interception of an oral  
20 communication to which a law enforcement officer or a person under the  
21 direct supervision of a law enforcement officer is a party.

22 (7) An order under ORS 133.724 or this section is not required when a law  
23 enforcement officer intercepts an oral communication to which the officer  
24 or a person under the direct supervision of the officer is a party if the oral  
25 communication is made by a person whom the officer has probable cause to  
26 believe has committed, is engaged in committing or is about to commit:

27 (a) A crime punishable as a felony under ORS 475.752, 475.806 to 475.894  
28 or 475.906 or as a misdemeanor under ORS 167.007 or 167.008; or

29 (b) Any other crime punishable as a felony if the circumstances at the  
30 time the oral communication is intercepted are of such exigency that it  
31 would be unreasonable to obtain a court order under ORS 133.724 or this

1 section.

2 (8) A law enforcement officer who intercepts an oral communication pur-  
3 suant to this section may not intentionally fail to record and preserve the  
4 oral communication in its entirety. A law enforcement officer, or a person  
5 under the direct supervision of the officer, who is authorized under this  
6 section to intercept an oral communication is not required to exclude from  
7 the interception an oral communication made by a person for whom probable  
8 cause does not exist if the officer or the person under the officer's direct  
9 supervision is a party to the oral communication.

10 (9) A law enforcement officer may not divulge the contents of an oral  
11 communication intercepted under this section before a preliminary hearing  
12 or trial in which an oral communication is going to be introduced as evi-  
13 dence against a person except:

14 (a) To a superior officer or other official with whom the law enforcement  
15 officer is cooperating in the enforcement of the criminal laws of this state  
16 or the United States;

17 (b) To a magistrate;

18 (c) In a presentation to a federal or state grand jury; or

19 (d) In compliance with a court order.

20 (10) A law enforcement officer may intercept an oral communication un-  
21 der this section only when acting within the scope of the officer's employ-  
22 ment and as a part of assigned duties.

23 (11) As used in this section, "law enforcement officer" means:

24 (a) An officer employed to enforce criminal laws by:

25 (A) The United States, this state or a municipal government within this  
26 state;

27 (B) A political subdivision, agency, department or bureau of the govern-  
28 ments described in subparagraph (A) of this paragraph; or

29 (C) A police department established by a university under ORS 352.383  
30 **or section 1 of this 2013 Act;**

31 (b) An authorized tribal police officer as defined in section 1, chapter 644,

1 Oregon Laws 2011; or

2 (c) A liquor enforcement inspector as defined in ORS 471.001.

3 (12) Violation of subsection (9) of this section is a Class A misdemeanor.

4 **SECTION 15.** ORS 133.726, as amended by section 71, chapter 644, Oregon  
5 Laws 2011, and section 13, chapter 54, Oregon Laws 2012, is amended to read:

6 133.726. (1) Notwithstanding ORS 133.724, under the circumstances de-  
7 scribed in this section, a law enforcement officer is authorized to intercept  
8 an oral communication to which the officer or a person under the direct  
9 supervision of the officer is a party, without obtaining an order for the in-  
10 terception of a wire, electronic or oral communication under ORS 133.724.

11 (2) For purposes of this section and ORS 133.736, a person is a party to  
12 an oral communication if the oral communication is made in the person's  
13 immediate presence and is audible to the person regardless of whether the  
14 communication is specifically directed to the person.

15 (3) An ex parte order for intercepting an oral communication in any  
16 county of this state under this section may be issued by any judge as defined  
17 in ORS 133.525 upon written application made upon oath or affirmation of  
18 the district attorney or a deputy district attorney authorized by the district  
19 attorney for the county in which the order is sought or upon the oath or  
20 affirmation of any peace officer as defined in ORS 133.005. The application  
21 shall include:

22 (a) The name of the applicant and the applicant's authority to make the  
23 application;

24 (b) A statement demonstrating that there is probable cause to believe that  
25 a person whose oral communication is to be intercepted is engaged in com-  
26 mitting, has committed or is about to commit a particular felony, or a  
27 misdemeanor under ORS 167.007 or 167.008, and that intercepting the oral  
28 communication will yield evidence thereof; and

29 (c) The identity of the person, if known, suspected of committing the  
30 crime and whose oral communication is to be intercepted.

31 (4) The judge may require the applicant to furnish further testimony or

1 documentary evidence in support of the application.

2 (5) Upon examination of the application and evidence, the judge may en-  
3 ter an ex parte order, as requested or as modified, authorizing or approving  
4 the interception of an oral communication within the state if the judge de-  
5 termines on the basis of the facts submitted by the applicant that:

6 (a) There is probable cause to believe that a person is engaged in com-  
7 mitting, has committed or is about to commit a particular felony, or a  
8 misdemeanor under ORS 167.007 or 167.008; and

9 (b) There is probable cause to believe that the oral communication to be  
10 obtained will contain evidence concerning that crime.

11 (6) An order authorizing or approving the interception of an oral com-  
12 munication under this section must specify:

13 (a) The identity of the person, if known, whose oral communication is to  
14 be intercepted;

15 (b) A statement identifying the particular crime to which the oral com-  
16 munication is expected to relate;

17 (c) The agency authorized under the order to intercept the oral commu-  
18 nication;

19 (d) The name and office of the applicant and the signature and title of the  
20 issuing judge;

21 (e) A period of time after which the order shall expire; and

22 (f) A statement that the order authorizes only the interception of an oral  
23 communication to which a law enforcement officer or a person under the  
24 direct supervision of a law enforcement officer is a party.

25 (7) An order under ORS 133.724 or this section is not required when a law  
26 enforcement officer intercepts an oral communication to which the officer  
27 or a person under the direct supervision of the officer is a party if the oral  
28 communication is made by a person whom the officer has probable cause to  
29 believe has committed, is engaged in committing or is about to commit:

30 (a) A crime punishable as a felony under ORS 475.752, 475.806 to 475.894  
31 or 475.906 or as a misdemeanor under ORS 167.007 or 167.008; or

1 (b) Any other crime punishable as a felony if the circumstances at the  
2 time the oral communication is intercepted are of such exigency that it  
3 would be unreasonable to obtain a court order under ORS 133.724 or this  
4 section.

5 (8) A law enforcement officer who intercepts an oral communication pur-  
6 suant to this section may not intentionally fail to record and preserve the  
7 oral communication in its entirety. A law enforcement officer, or a person  
8 under the direct supervision of the officer, who is authorized under this  
9 section to intercept an oral communication is not required to exclude from  
10 the interception an oral communication made by a person for whom probable  
11 cause does not exist if the officer or the person under the officer's direct  
12 supervision is a party to the oral communication.

13 (9) A law enforcement officer may not divulge the contents of an oral  
14 communication intercepted under this section before a preliminary hearing  
15 or trial in which an oral communication is going to be introduced as evi-  
16 dence against a person except:

17 (a) To a superior officer or other official with whom the law enforcement  
18 officer is cooperating in the enforcement of the criminal laws of this state  
19 or the United States;

20 (b) To a magistrate;

21 (c) In a presentation to a federal or state grand jury; or

22 (d) In compliance with a court order.

23 (10) A law enforcement officer may intercept an oral communication un-  
24 der this section only when acting within the scope of the officer's employ-  
25 ment and as a part of assigned duties.

26 (11) As used in this section, "law enforcement officer" means:

27 (a) An officer employed to enforce criminal laws by:

28 (A) The United States, this state or a municipal government within this  
29 state;

30 (B) A political subdivision, agency, department or bureau of the govern-  
31 ments described in subparagraph (A) of this paragraph; or

1 (C) A police department established by a university under ORS 352.383  
2 **or section 1 of this 2013 Act; or**

3 (b) A liquor enforcement inspector as defined in ORS 471.001.

4 (12) Violation of subsection (9) of this section is a Class A misdemeanor.

5 **SECTION 16.** ORS 136.595 is amended to read:

6 136.595. (1) Except as provided in ORS 136.447 and 136.583 and subsection  
7 (2) of this section, a subpoena is served by delivering a copy to the witness  
8 personally. If the witness is under 14 years of age, the subpoena may be  
9 served by delivering a copy to the witness or to the witness's parent,  
10 guardian or guardian ad litem. Proof of the service is made in the same  
11 manner as in the service of a summons.

12 (2)(a) Every law enforcement agency shall designate an individual or in-  
13 dividuals upon whom service of subpoena may be made. At least one of the  
14 designated individuals shall be available during normal business hours. In  
15 the absence of the designated individuals, service of subpoena pursuant to  
16 paragraph (b) of this subsection may be made upon the officer in charge of  
17 the law enforcement agency.

18 (b) If a peace officer's attendance at trial is required as a result of em-  
19 ployment as a peace officer, a subpoena may be served on such officer by  
20 delivering a copy personally to the officer or to one of the individuals des-  
21 ignated by the agency that employs the officer. A subpoena may be served  
22 by delivery to one of the individuals designated by the agency that employs  
23 the officer only if the subpoena is delivered at least 10 days before the date  
24 the officer's attendance is required, the officer is currently employed as a  
25 peace officer by the agency, and the officer is present within the state at the  
26 time of service.

27 (c) When a subpoena has been served as provided in paragraph (b) of this  
28 subsection, the law enforcement agency shall make a good faith effort to  
29 actually notify the officer whose attendance is sought of the date, time and  
30 location of the court appearance. If the officer cannot be notified, the law  
31 enforcement agency shall contact the court and a continuance may be

1 granted to allow the officer to be personally served.

2 (d) As used in this subsection, “law enforcement agency” means the  
3 Oregon State Police, a county sheriff’s department, a municipal police de-  
4 partment, a police department established by a university under ORS 352.383  
5 **or section 1 of this 2013 Act** or, if the witness whose attendance at trial  
6 is required is an authorized tribal police officer as defined in section 1,  
7 chapter 644, Oregon Laws 2011, a tribal government as defined in section 1,  
8 chapter 644, Oregon Laws 2011.

9 (3) When a subpoena has been served as provided in ORS 136.583 or sub-  
10 section (1) or (2) of this section and, subsequent to service, the date on, or  
11 the time at, which the person subpoenaed is to appear has changed, a new  
12 subpoena is not required to be served if:

13 (a) The subpoena is continued orally in open court in the presence of the  
14 person subpoenaed; or

15 (b) The party who issued the original subpoena notifies the person  
16 subpoenaed of the change by first class mail and by:

17 (A) Certified or registered mail, return receipt requested; or

18 (B) Express mail.

19 **SECTION 17.** ORS 136.595, as amended by section 72, chapter 644, Oregon  
20 Laws 2011, is amended to read:

21 136.595. (1) Except as provided in ORS 136.447 and 136.583 and subsection  
22 (2) of this section, a subpoena is served by delivering a copy to the witness  
23 personally. If the witness is under 14 years of age, the subpoena may be  
24 served by delivering a copy to the witness or to the witness’s parent,  
25 guardian or guardian ad litem. Proof of the service is made in the same  
26 manner as in the service of a summons.

27 (2)(a) Every law enforcement agency shall designate an individual or in-  
28 dividuals upon whom service of subpoena may be made. At least one of the  
29 designated individuals shall be available during normal business hours. In  
30 the absence of the designated individuals, service of subpoena pursuant to  
31 paragraph (b) of this subsection may be made upon the officer in charge of

1 the law enforcement agency.

2 (b) If a peace officer's attendance at trial is required as a result of em-  
3 ployment as a peace officer, a subpoena may be served on such officer by  
4 delivering a copy personally to the officer or to one of the individuals des-  
5 ignated by the agency that employs the officer. A subpoena may be served  
6 by delivery to one of the individuals designated by the agency that employs  
7 the officer only if the subpoena is delivered at least 10 days before the date  
8 the officer's attendance is required, the officer is currently employed as a  
9 peace officer by the agency, and the officer is present within the state at the  
10 time of service.

11 (c) When a subpoena has been served as provided in paragraph (b) of this  
12 subsection, the law enforcement agency shall make a good faith effort to  
13 actually notify the officer whose attendance is sought of the date, time and  
14 location of the court appearance. If the officer cannot be notified, the law  
15 enforcement agency shall contact the court and a continuance may be  
16 granted to allow the officer to be personally served.

17 (d) As used in this subsection, "law enforcement agency" means the  
18 Oregon State Police, a county sheriff's department, a municipal police de-  
19 partment or a police department established by a university under ORS  
20 352.383 or **section 1 of this 2013 Act**.

21 (3) When a subpoena has been served as provided in ORS 136.583 or sub-  
22 section (1) or (2) of this section and, subsequent to service, the date on, or  
23 the time at, which the person subpoenaed is to appear has changed, a new  
24 subpoena is not required to be served if:

25 (a) The subpoena is continued orally in open court in the presence of the  
26 person subpoenaed; or

27 (b) The party who issued the original subpoena notifies the person  
28 subpoenaed of the change by first class mail and by:

29 (A) Certified or registered mail, return receipt requested; or

30 (B) Express mail.

31 **SECTION 18.** ORS 146.003 is amended to read:



1 146.003. As used in ORS 146.003 to 146.189 and 146.710 to 146.992, unless  
2 the context requires otherwise:

3 (1) "Approved laboratory" means a laboratory approved by the State  
4 Medical Examiner as competent to perform the blood sample analysis re-  
5 quired by ORS 146.113 (2).

6 (2) "Assistant district medical examiner" means a physician appointed by  
7 the district medical examiner to investigate and certify deaths within a  
8 county or district.

9 (3) "Cause of death" means the primary or basic disease process or injury  
10 ending life.

11 (4) "Death requiring investigation" means the death of a person occurring  
12 in any one of the circumstances set forth in ORS 146.090.

13 (5) "Deputy medical examiner" means a person appointed by the district  
14 medical examiner to assist in the investigation of deaths within a county.

15 (6) "District medical examiner" means a physician appointed by the State  
16 Medical Examiner to investigate and certify deaths within a county or dis-  
17 trict, including a Deputy State Medical Examiner.

18 (7) "Law enforcement agency" means a county sheriff's office, municipal  
19 police department, police department established by a university under ORS  
20 352.383 **or section 1 of this 2013 Act** and the Oregon State Police.

21 (8) "Legal intervention" includes an execution pursuant to ORS 137.463,  
22 137.467 and 137.473 and other legal use of force resulting in death.

23 (9) "Manner of death" means the designation of the probable mode of  
24 production of the cause of death, including natural, accidental, suicidal,  
25 homicidal, legal intervention or undetermined.

26 (10) "Medical examiner" means a physician appointed as provided by ORS  
27 146.003 to 146.189 to investigate and certify the cause and manner of deaths  
28 requiring investigation, including the State Medical Examiner.

29 (11) "Pathologist" means a physician holding a current license to practice  
30 medicine and surgery and who is eligible for certification by the American  
31 Board of Pathology.

1 (12) “Unidentified human remains” does not include human remains that  
2 are unidentified human remains that are part of an archaeological site or  
3 suspected of being Native American and covered under ORS chapters 97 and  
4 390 and ORS 358.905 to 358.961.

5 **SECTION 19.** ORS 147.425 is amended to read:

6 147.425. (1) As used in this section:

7 (a) “Health care provider” has the meaning given that term in ORS  
8 192.556.

9 (b) “Law enforcement agency” means:

10 (A) A city or municipal police department.

11 (B) A county sheriff’s office.

12 (C) The Oregon State Police.

13 (D) A district attorney.

14 (E) A police department established by a university under ORS 352.383  
15 **or section 1 of this 2013 Act.**

16 (F) A special campus security officer commissioned under ORS 352.385  
17 [*or 353.050*].

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

20 (c) “Person crime” means a person felony or person Class A misdemeanor,  
21 as those terms are defined in the rules of the Oregon Criminal Justice  
22 Commission.

23 (d) “Personal representative” means a person selected under subsection  
24 (2) of this section to accompany the victim of a crime to certain phases of  
25 an investigation and prosecution.

26 (e) “Protective service worker” means an employee or contractor of a lo-  
27 cal or state agency whose role it is to protect children or vulnerable adults  
28 from abuse or neglect.

29 (2) A victim of a person crime, who is at least 15 years of age at the time  
30 the crime is committed, may select a person who is at least 18 years of age  
31 as the victim’s personal representative for purposes of this section. The vic-

1 tim may not select a person who is a suspect in, or a party or witness to,  
2 the crime as a personal representative.

3 (3) Except for grand jury proceedings and child abuse assessments occur-  
4 ring at a child advocacy center recognized by the Department of Justice, a  
5 personal representative may accompany the victim to those phases of the  
6 investigation, including medical examinations, and prosecution of the crime  
7 at which the victim is entitled or required to be present.

8 (4) A health care provider, law enforcement agency, protective service  
9 worker or court may not prohibit a personal representative from accompa-  
10 nying a victim as authorized by subsection (3) of this section unless the  
11 health care provider, law enforcement agency, protective service worker or  
12 court believes that the personal representative would compromise the pro-  
13 cess.

14 (5) A health care provider, law enforcement agency, protective service  
15 worker or court is immune from any liability, civil or criminal, that might  
16 otherwise be incurred or imposed with respect to a decision under subsection  
17 (4) of this section to prohibit a personal representative from accompanying  
18 a victim.

19 (6) The fact that a personal representative was allowed or was not al-  
20 lowed to accompany a victim may not be used as a basis for excluding oth-  
21 erwise admissible evidence.

22 (7) The fact that a victim has or has not selected a personal represen-  
23 tative under this section may not be used as evidence in the criminal case.

24 **SECTION 20.** ORS 147.425, as amended by section 44, chapter 644, Oregon  
25 Laws 2011, is amended to read:

26 147.425. (1) As used in this section:

27 (a) "Health care provider" has the meaning given that term in ORS  
28 192.556.

29 (b) "Law enforcement agency" means:

30 (A) A city or municipal police department.

31 (B) A county sheriff's office.

1 (C) The Oregon State Police.

2 (D) A district attorney.

3 (E) A police department established by a university under ORS 352.383  
4 **or section 1 of this 2013 Act.**

5 (F) A special campus security officer commissioned under ORS 352.385  
6 [*or 353.050*].

7 (c) "Person crime" means a person felony or person Class A misdemeanor,  
8 as those terms are defined in the rules of the Oregon Criminal Justice  
9 Commission.

10 (d) "Personal representative" means a person selected under subsection  
11 (2) of this section to accompany the victim of a crime to certain phases of  
12 an investigation and prosecution.

13 (e) "Protective service worker" means an employee or contractor of a lo-  
14 cal or state agency whose role it is to protect children or vulnerable adults  
15 from abuse or neglect.

16 (2) A victim of a person crime, who is at least 15 years of age at the time  
17 the crime is committed, may select a person who is at least 18 years of age  
18 as the victim's personal representative for purposes of this section. The vic-  
19 tim may not select a person who is a suspect in, or a party or witness to,  
20 the crime as a personal representative.

21 (3) Except for grand jury proceedings and child abuse assessments occur-  
22 ring at a child advocacy center recognized by the Department of Justice, a  
23 personal representative may accompany the victim to those phases of the  
24 investigation, including medical examinations, and prosecution of the crime  
25 at which the victim is entitled or required to be present.

26 (4) A health care provider, law enforcement agency, protective service  
27 worker or court may not prohibit a personal representative from accompa-  
28 nying a victim as authorized by subsection (3) of this section unless the  
29 health care provider, law enforcement agency, protective service worker or  
30 court believes that the personal representative would compromise the pro-  
31 cess.

1 (5) A health care provider, law enforcement agency, protective service  
2 worker or court is immune from any liability, civil or criminal, that might  
3 otherwise be incurred or imposed with respect to a decision under subsection  
4 (4) of this section to prohibit a personal representative from accompanying  
5 a victim.

6 (6) The fact that a personal representative was allowed or was not al-  
7 lowed to accompany a victim may not be used as a basis for excluding oth-  
8 erwise admissible evidence.

9 (7) The fact that a victim has or has not selected a personal represen-  
10 tative under this section may not be used as evidence in the criminal case.

11 **SECTION 21.** ORS 153.005, as amended by section 14, chapter 54, Oregon  
12 Laws 2012, and section 7, chapter 67, Oregon Laws 2012, is amended to read:

13 153.005. As used in this chapter:

14 (1) "Enforcement officer" means:

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

16 (b) A sheriff or deputy sheriff.

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

19 (d) A police officer commissioned by a university under ORS 352.383 **or**  
20 **section 1 of this 2013 Act.**

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

23 (f) An investigator of the Criminal Justice Division of the Department of  
24 Justice of the State of Oregon.

25 (g) A Port of Portland peace officer.

26 (h) A humane special agent as defined in section 2, chapter 67, Oregon  
27 Laws 2012.

28 (i) A liquor enforcement inspector exercising authority described in ORS  
29 471.775 (2).

30 (j) An authorized tribal police officer as defined in section 1, chapter 644,  
31 Oregon Laws 2011.

1 (k) Any other person specifically authorized by law to issue citations for  
2 the commission of violations.

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

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

5 (4) "Violation proceeding" means a judicial proceeding initiated by issu-  
6 ance of a citation that charges a person with commission of a violation.

7 **SECTION 22.** ORS 153.005, as amended by section 45, chapter 644, Oregon  
8 Laws 2011, section 15, chapter 54, Oregon Laws 2012, and section 8, chapter  
9 67, Oregon Laws 2012, is amended to read:

10 153.005. As used in this chapter:

11 (1) "Enforcement officer" means:

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

13 (b) A sheriff or deputy sheriff.

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

16 (d) A police officer commissioned by a university under ORS 352.383 **or**  
17 **section 1 of this 2013 Act.**

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

20 (f) An investigator of the Criminal Justice Division of the Department of  
21 Justice of the State of Oregon.

22 (g) A Port of Portland peace officer.

23 (h) A humane special agent as defined in section 2, chapter 67, Oregon  
24 Laws 2012.

25 (i) A liquor enforcement inspector exercising authority described in ORS  
26 471.775 (2).

27 (j) Any other person specifically authorized by law to issue citations for  
28 the commission of violations.

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

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

31 (4) "Violation proceeding" means a judicial proceeding initiated by issu-

1 ance of a citation that charges a person with commission of a violation.

2 **SECTION 23.** ORS 161.015, as amended by section 16, chapter 54, Oregon  
3 Laws 2012, and section 9, chapter 67, Oregon Laws 2012, is amended to read:

4 161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635, un-  
5 less the context requires otherwise:

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

10 (2) "Deadly weapon" means any instrument, article or substance specif-  
11 ically designed for and presently capable of causing death or serious physical  
12 injury.

13 (3) "Deadly physical force" means physical force that under the circum-  
14 stances in which it is used is readily capable of causing death or serious  
15 physical injury.

16 (4) "Peace officer" means:

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

18 (b) A sheriff, constable, marshal, municipal police officer or reserve offi-  
19 cer as defined in ORS 133.005, or a police officer commissioned by a univer-  
20 sity under ORS 352.383 **or section 1 of this 2013 Act**;

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

23 (d) A humane special agent as defined in section 2, chapter 67, Oregon  
24 Laws 2012;

25 (e) A liquor enforcement inspector exercising authority described in ORS  
26 471.775 (2);

27 (f) An authorized tribal police officer as defined in section 1, chapter 644,  
28 Oregon Laws 2011; and

29 (g) Any other person designated by law as a peace officer.

30 (5) "Person" means a human being and, where appropriate, a public or  
31 private corporation, an unincorporated association, a partnership, a govern-

1 ment or a governmental instrumentality.

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

4 (7) "Physical injury" means impairment of physical condition or substan-  
5 tial pain.

6 (8) "Serious physical injury" means physical injury which creates a sub-  
7 stantial risk of death or which causes serious and protracted disfigurement,  
8 protracted impairment of health or protracted loss or impairment of the  
9 function of any bodily organ.

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

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

18 **SECTION 24.** ORS 161.015, as amended by section 46, chapter 644, Oregon  
19 Laws 2011, section 17, chapter 54, Oregon Laws 2012, and section 10, chapter  
20 67, Oregon Laws 2012, is amended to read:

21 161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635, un-  
22 less the context requires otherwise:

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

27 (2) "Deadly weapon" means any instrument, article or substance specif-  
28 ically designed for and presently capable of causing death or serious physical  
29 injury.

30 (3) "Deadly physical force" means physical force that under the circum-  
31 stances in which it is used is readily capable of causing death or serious



1 physical injury.

2 (4) "Peace officer" means:

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

4 (b) A sheriff, constable, marshal, municipal police officer or reserve offi-  
5 cer as defined in ORS 133.005, or a police officer commissioned by a univer-  
6 sity under ORS 352.383 **or section 1 of this 2013 Act**;

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

9 (d) A humane special agent as defined in section 2, chapter 67, Oregon  
10 Laws 2012;

11 (e) A liquor enforcement inspector exercising authority described in ORS  
12 471.775 (2); and

13 (f) Any other person designated by law as a peace officer.

14 (5) "Person" means a human being and, where appropriate, a public or  
15 private corporation, an unincorporated association, a partnership, a govern-  
16 ment or a governmental instrumentality.

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

19 (7) "Physical injury" means impairment of physical condition or substan-  
20 tial pain.

21 (8) "Serious physical injury" means physical injury which creates a sub-  
22 stantial risk of death or which causes serious and protracted disfigurement,  
23 protracted impairment of health or protracted loss or impairment of the  
24 function of any bodily organ.

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

27 (10) "Public place" means a place to which the general public has access  
28 and includes, but is not limited to, hallways, lobbies and other parts of  
29 apartment houses and hotels not constituting rooms or apartments designed  
30 for actual residence, and highways, streets, schools, places of amusement,  
31 parks, playgrounds and premises used in connection with public passenger

1 transportation.

2 **SECTION 25.** ORS 163.730 is amended to read:

3 163.730. As used in ORS 30.866 and 163.730 to 163.750, unless the context  
4 requires otherwise:

5 (1) "Alarm" means to cause apprehension or fear resulting from the per-  
6 ception of danger.

7 (2) "Coerce" means to restrain, compel or dominate by force or threat.

8 (3) "Contact" includes but is not limited to:

9 (a) Coming into the visual or physical presence of the other person;

10 (b) Following the other person;

11 (c) Waiting outside the home, property, place of work or school of the  
12 other person or of a member of that person's family or household;

13 (d) Sending or making written or electronic communications in any form  
14 to the other person;

15 (e) Speaking with the other person by any means;

16 (f) Communicating with the other person through a third person;

17 (g) Committing a crime against the other person;

18 (h) Communicating with a third person who has some relationship to the  
19 other person with the intent of affecting the third person's relationship with  
20 the other person;

21 (i) Communicating with business entities with the intent of affecting some  
22 right or interest of the other person;

23 (j) Damaging the other person's home, property, place of work or school;

24 (k) Delivering directly or through a third person any object to the home,  
25 property, place of work or school of the other person; or

26 (L) Service of process or other legal documents unless the other person  
27 is served as provided in ORCP 7 or 9.

28 (4) "Household member" means any person residing in the same residence  
29 as the victim.

30 (5) "Immediate family" means father, mother, child, sibling, spouse,  
31 grandparent, stepparent and stepchild.

1 (6) “Law enforcement officer” means:

2 (a) A person employed in this state as a police officer by:

3 (A) A county sheriff, constable or marshal;

4 (B) A police department established by a university under ORS 352.383

5 **or section 1 of this 2013 Act**; or

6 (C) A municipal or state police agency; or

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

9 (7) “Repeated” means two or more times.

10 (8) “School” means a public or private institution of learning or a child  
11 care facility.

12 **SECTION 26.** ORS 163.730, as amended by section 73, chapter 644, Oregon  
13 Laws 2011, is amended to read:

14 163.730. As used in ORS 30.866 and 163.730 to 163.750, unless the context  
15 requires otherwise:

16 (1) “Alarm” means to cause apprehension or fear resulting from the per-  
17 ception of danger.

18 (2) “Coerce” means to restrain, compel or dominate by force or threat.

19 (3) “Contact” includes but is not limited to:

20 (a) Coming into the visual or physical presence of the other person;

21 (b) Following the other person;

22 (c) Waiting outside the home, property, place of work or school of the  
23 other person or of a member of that person’s family or household;

24 (d) Sending or making written or electronic communications in any form  
25 to the other person;

26 (e) Speaking with the other person by any means;

27 (f) Communicating with the other person through a third person;

28 (g) Committing a crime against the other person;

29 (h) Communicating with a third person who has some relationship to the  
30 other person with the intent of affecting the third person’s relationship with  
31 the other person;

1 (i) Communicating with business entities with the intent of affecting some  
2 right or interest of the other person;

3 (j) Damaging the other person's home, property, place of work or school;

4 (k) Delivering directly or through a third person any object to the home,  
5 property, place of work or school of the other person; or

6 (L) Service of process or other legal documents unless the other person  
7 is served as provided in ORCP 7 or 9.

8 (4) "Household member" means any person residing in the same residence  
9 as the victim.

10 (5) "Immediate family" means father, mother, child, sibling, spouse,  
11 grandparent, stepparent and stepchild.

12 (6) "Law enforcement officer" means a person employed in this state as  
13 a police officer by:

14 (a) A county sheriff, constable or marshal;

15 (b) A police department established by a university under ORS 352.383  
16 **or section 1 of this 2013 Act**; or

17 (c) A municipal or state police agency.

18 (7) "Repeated" means two or more times.

19 (8) "School" means a public or private institution of learning or a child  
20 care facility.

21 **SECTION 27.** ORS 165.535 is amended to read:

22 165.535. As used in ORS 41.910, 133.723, 133.724, 165.540 and 165.545:

23 (1) "Conversation" means the transmission between two or more persons  
24 of an oral communication which is not a telecommunication or a radio  
25 communication.

26 (2) "Person" has the meaning given that term in ORS 174.100 and in-  
27 cludes:

28 (a) Public officials and law enforcement officers of:

29 (A) The state and of a county, municipal corporation or any other poli-  
30 tical subdivision of the state; and

31 (B) A police department established by a university under ORS 352.383

1 **or section 1 of this 2013 Act;** and

2 (b) An authorized tribal police officer as defined in section 1, chapter 644,  
3 Oregon Laws 2011.

4 (3) "Radio communication" means the transmission by radio or other  
5 wireless methods of writing, signs, signals, pictures and sounds of all kinds,  
6 including all instrumentalities, facilities, equipment and services (including,  
7 among other things, the receipt, forwarding and delivering of communi-  
8 cations) incidental to such transmission.

9 (4) "Telecommunication" means the transmission of writing, signs,  
10 signals, pictures and sounds of all kinds by aid of wire, cable or other similar  
11 connection between the points of origin and reception of such transmission,  
12 including all instrumentalities, facilities, equipment and services (including,  
13 among other things, the receipt, forwarding and delivering of communi-  
14 cations) incidental to such transmission.

15 **SECTION 28.** ORS 165.535, as amended by section 74, chapter 644, Oregon  
16 Laws 2011, is amended to read:

17 165.535. As used in ORS 41.910, 133.723, 133.724, 165.540 and 165.545:

18 (1) "Conversation" means the transmission between two or more persons  
19 of an oral communication which is not a telecommunication or a radio  
20 communication.

21 (2) "Person" has the meaning given that term in ORS 174.100 and includes  
22 public officials and law enforcement officers of:

23 (a) The state and of a county, municipal corporation or any other political  
24 subdivision of the state; and

25 (b) A police department established by a university under ORS 352.383  
26 **or section 1 of this 2013 Act.**

27 (3) "Radio communication" means the transmission by radio or other  
28 wireless methods of writing, signs, signals, pictures and sounds of all kinds,  
29 including all instrumentalities, facilities, equipment and services (including,  
30 among other things, the receipt, forwarding and delivering of communi-  
31 cations) incidental to such transmission.

1 (4) "Telecommunication" means the transmission of writing, signs,  
2 signals, pictures and sounds of all kinds by aid of wire, cable or other similar  
3 connection between the points of origin and reception of such transmission,  
4 including all instrumentalities, facilities, equipment and services (including,  
5 among other things, the receipt, forwarding and delivering of communi-  
6 cations) incidental to such transmission.

7 **SECTION 29.** ORS 181.010, as amended by section 18, chapter 54, Oregon  
8 Laws 2012, and section 11, chapter 67, Oregon Laws 2012, is amended to read:

9 181.010. As used in ORS 181.010 to 181.560 and 181.715 to 181.730, unless  
10 the context requires otherwise:

11 (1) "Criminal justice agency" means:

12 (a) The Governor;

13 (b) Courts of criminal jurisdiction;

14 (c) The Attorney General;

15 (d) District attorneys, city attorneys with criminal prosecutorial func-  
16 tions, attorney employees of the office of public defense services and  
17 nonprofit public defender organizations established under contract with the  
18 Public Defense Services Commission;

19 (e) Law enforcement agencies;

20 (f) The Department of Corrections;

21 (g) The Oregon Youth Authority;

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

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

24 (j) The Oregon Liquor Control Commission;

25 (k) Regional information systems that share programs to track, identify  
26 and remove cross-jurisdictional criminal and terrorist conspiracies; and

27 (L) Any other state or local agency with law enforcement authority.

28 (2) "Criminal offender information" includes records and related data as  
29 to physical description and vital statistics, fingerprints received and com-  
30 piled for purposes of identifying criminal offenders and alleged offenders,  
31 records of arrests and the nature and disposition of criminal charges, in-

1 cluding sentencing, confinement, parole and release.

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

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

6 (5) "Designated agency" means any state, county or municipal government  
7 agency where Oregon criminal offender information is required to implement  
8 a federal or state statute, executive order or administrative rule that ex-  
9 pressly refers to criminal conduct and contains requirements or exclusions  
10 expressly based on such conduct or for agency employment purposes, licens-  
11 ing purposes or other demonstrated and legitimate needs when designated  
12 by order of the Governor.

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

16 (7) "Law enforcement agency" means:

17 (a) County sheriffs, municipal police departments, police departments es-  
18 tablished by a university under ORS 352.383 **or section 1 of this 2013 Act**  
19 and State Police;

20 (b) Other police officers of this state or another state, including humane  
21 special agents as defined in section 2, chapter 67, Oregon Laws 2012;

22 (c) A tribal government as defined in section 1, chapter 644, Oregon Laws  
23 2011, that employs authorized tribal police officers as defined in section 1,  
24 chapter 644, Oregon Laws 2011; and

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

26 (8) "State police" means the sworn members of the state police force ap-  
27 pointed under ORS 181.250.

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

30 **SECTION 30.** ORS 181.010, as amended by section 49, chapter 644, Oregon  
31 Laws 2011, section 19, chapter 54, Oregon Laws 2012, and section 12, chapter

1 67, Oregon Laws 2012, is amended to read:

2 181.010. As used in ORS 181.010 to 181.560 and 181.715 to 181.730, unless  
3 the context requires otherwise:

4 (1) "Criminal justice agency" means:

5 (a) The Governor;

6 (b) Courts of criminal jurisdiction;

7 (c) The Attorney General;

8 (d) District attorneys, city attorneys with criminal prosecutorial func-  
9 tions, attorney employees of the office of public defense services and  
10 nonprofit public defender organizations established under contract with the  
11 Public Defense Services Commission;

12 (e) Law enforcement agencies;

13 (f) The Department of Corrections;

14 (g) The Oregon Youth Authority;

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

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

17 (j) The Oregon Liquor Control Commission;

18 (k) Regional information systems that share programs to track, identify  
19 and remove cross-jurisdictional criminal and terrorist conspiracies; and

20 (L) Any other state or local agency with law enforcement authority.

21 (2) "Criminal offender information" includes records and related data as  
22 to physical description and vital statistics, fingerprints received and com-  
23 piled for purposes of identifying criminal offenders and alleged offenders,  
24 records of arrests and the nature and disposition of criminal charges, in-  
25 cluding sentencing, confinement, parole and release.

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

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

30 (5) "Designated agency" means any state, county or municipal government  
31 agency where Oregon criminal offender information is required to implement



1 a federal or state statute, executive order or administrative rule that ex-  
2 pressly refers to criminal conduct and contains requirements or exclusions  
3 expressly based on such conduct or for agency employment purposes, licens-  
4 ing purposes or other demonstrated and legitimate needs when designated  
5 by order of the Governor.

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

9 (7) "Law enforcement agency" means:

10 (a) County sheriffs, municipal police departments, police departments es-  
11 tablished by a university under ORS 352.383 **or section 1 of this 2013 Act**  
12 and State Police;

13 (b) Other police officers of this state or another state, including humane  
14 special agents as defined in section 2, chapter 67, Oregon Laws 2012; and

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

16 (8) "State police" means the sworn members of the state police force ap-  
17 pointed under ORS 181.250.

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

20 **SECTION 31.** ORS 181.610, as amended by section 22, chapter 54, Oregon  
21 Laws 2012, section 13, chapter 67, Oregon Laws 2012, and section 4, chapter  
22 88, Oregon Laws 2012, is amended to read:

23 181.610. In ORS 181.610 to 181.712, unless the context requires otherwise:

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

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

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

31 (4) "Commissioned" means being authorized to perform various acts or

1 duties of a police officer or certified reserve officer and acting under the  
2 supervision and responsibility of a county sheriff or as otherwise provided  
3 by law.

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

6 (a) Is charged with and primarily performs the duty of custody, control  
7 or supervision of individuals convicted of or arrested for a criminal offense  
8 and confined in a place of incarceration or detention other than a place used  
9 exclusively for incarceration or detention of juveniles; or

10 (b) Has been certified as a corrections officer described in paragraph (a)  
11 of this subsection and has supervisory or management authority for cor-  
12 rections officers described in paragraph (a) of this subsection.

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

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

17 (8) "Domestic violence" means abuse between family or household mem-  
18 bers.

19 (9) "Emergency medical dispatcher" means a person who has responsibil-  
20 ity to process requests for medical assistance from the public or to dispatch  
21 medical care providers.

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

24 (11) "Fire service professional" means a paid or volunteer firefighter, an  
25 officer or a member of a public or private fire protection agency that is en-  
26 gaged primarily in fire investigation, fire prevention, fire safety, fire control  
27 or fire suppression or providing emergency medical services, light and heavy  
28 rescue services, search and rescue services or hazardous materials incident  
29 response. "Fire service professional" does not mean forest fire protection  
30 agency personnel.

31 (12) "Law enforcement unit" means:

1 (a) A police force or organization of the state, a city, university that has  
2 established a police department under ORS 352.383 **or section 1 of this 2013**  
3 **Act**, port, school district, mass transit district, county, county service dis-  
4 trict authorized to provide law enforcement services under ORS 451.010,  
5 tribal government as defined in section 1, chapter 644, Oregon Laws 2011,  
6 that employs authorized tribal police officers as defined in section 1, chapter  
7 644, Oregon Laws 2011, the Criminal Justice Division of the Department of  
8 Justice, the Department of Corrections, the Oregon State Lottery Commis-  
9 sion, the Security and Emergency Preparedness Office of the Judicial De-  
10 partment or common carrier railroad the primary duty of which, as  
11 prescribed by law, ordinance or directive, is one or more of the following:

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

14 (B) The custody, control or supervision of individuals convicted of or ar-  
15 rested for a criminal offense and confined to a place of incarceration or de-  
16 tention other than a place used exclusively for incarceration or detention  
17 of juveniles; or

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

21 (b) A police force or organization of a private entity with a population  
22 of more than 1,000 residents in an unincorporated area the employees of  
23 which are commissioned by a county sheriff;

24 (c) A district attorney's office;

25 (d) The Oregon Liquor Control Commission with regard to liquor  
26 enforcement inspectors; or

27 (e) A humane investigation agency as defined in section 1, chapter 67,  
28 Oregon Laws 2012.

29 (13) "Liquor enforcement inspector" has the meaning given that term in  
30 ORS 471.001.

31 (14) "Parole and probation officer" means:

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

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

6 (B) Investigating adult offenders on parole or probation or being consid-  
7 ered for parole or probation; or

8 (b) An officer who:

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

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

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

14 (i) Community protection by controlling, investigating, supervising and  
15 providing or making referrals to reformatory services for adult parolees or  
16 probationers or offenders on post-prison supervision; or

17 (ii) Investigating adult offenders on parole or probation or being consid-  
18 ered for parole or probation.

19 (15) "Police officer" means:

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

22 (A) Commissioned by a city, port, school district, mass transit district,  
23 county, county service district authorized to provide law enforcement ser-  
24 vices under ORS 451.010, tribal government as defined in section 1, chapter  
25 644, Oregon Laws 2011, the Criminal Justice Division of the Department of  
26 Justice, the Oregon State Lottery Commission, a university that has estab-  
27 lished a police department under ORS 352.383 **or section 1 of this 2013**  
28 **Act**, the Governor or the Department of State Police; and

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

31 (b) An investigator of a district attorney's office if the investigator is or

1 has been certified as a peace officer in this or another state, an authorized  
2 tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011,  
3 or a humane special agent commissioned under section 1, chapter 67, Oregon  
4 Laws 2012; or

5 (c) An individual member of the judicial security personnel identified  
6 pursuant to ORS 1.177 who is trained pursuant to section 3, chapter 88,  
7 Oregon Laws 2012.

8 (16) "Public or private safety agency" means a unit of state or local gov-  
9 ernment, a special purpose district or a private firm that provides, or has  
10 authority to provide, fire fighting, police, ambulance or emergency medical  
11 services.

12 (17) "Public safety personnel" and "public safety officer" include cor-  
13 rections officers, youth correction officers, emergency medical dispatchers,  
14 parole and probation officers, police officers, certified reserve officers, tele-  
15 communicators, liquor enforcement inspectors and fire service professionals.

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

18 (a) A volunteer or employed less than full-time as a peace officer com-  
19 missioned by a city, port, school district, mass transit district, county,  
20 county service district authorized to provide law enforcement services under  
21 ORS 451.010, tribal government as defined in section 1, chapter 644, Oregon  
22 Laws 2011, the Criminal Justice Division of the Department of Justice, the  
23 Oregon State Lottery Commission, a university that has established a police  
24 department under ORS 352.383 **or section 1 of this 2013 Act**, the Governor  
25 or the Department of State Police;

26 (b) Armed with a firearm; and

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

29 (19) "Telecommunicator" means a person employed as an emergency tele-  
30 phone worker as defined in ORS 243.736 or a public safety dispatcher whose  
31 primary duties are receiving, processing and transmitting public safety in-

1 formation received through a 9-1-1 emergency reporting system as defined in  
2 ORS 403.105.

3 (20) “Youth correction officer” means an employee of the Oregon Youth  
4 Authority who is charged with and primarily performs the duty of custody,  
5 control or supervision of youth offenders confined in a youth correction fa-  
6 cility.

7 **SECTION 32.** ORS 181.610, as amended by section 50, chapter 644, Oregon  
8 Laws 2011, section 23, chapter 54, Oregon Laws 2012, section 14, chapter 67,  
9 Oregon Laws 2012, and section 5, chapter 88, Oregon Laws 2012, is amended  
10 to read:

11 181.610. In ORS 181.610 to 181.712, unless the context requires otherwise:

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

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

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

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

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

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

29 (b) Has been certified as a corrections officer described in paragraph (a)  
30 of this subsection and has supervisory or management authority for cor-  
31 rections officers described in paragraph (a) of this subsection.

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

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

5 (8) "Domestic violence" means abuse between family or household mem-  
6 bers.

7 (9) "Emergency medical dispatcher" means a person who has responsibil-  
8 ity to process requests for medical assistance from the public or to dispatch  
9 medical care providers.

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

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

19 (12) "Law enforcement unit" means:

20 (a) A police force or organization of the state, a city, university that has  
21 established a police department under ORS 352.383 **or section 1 of this 2013**  
22 **Act**, port, school district, mass transit district, county, county service dis-  
23 trict authorized to provide law enforcement services under ORS 451.010,  
24 tribal government, the Criminal Justice Division of the Department of Jus-  
25 tice, the Department of Corrections, the Oregon State Lottery Commission,  
26 the Security and Emergency Preparedness Office of the Judicial Department  
27 or common carrier railroad the primary duty of which, as prescribed by law,  
28 ordinance or directive, is one or more of the following:

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

31 (B) The custody, control or supervision of individuals convicted of or ar-

1 rested for a criminal offense and confined to a place of incarceration or de-  
2 tention other than a place used exclusively for incarceration or detention  
3 of juveniles; or

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

7 (b) A police force or organization of a private entity with a population  
8 of more than 1,000 residents in an unincorporated area the employees of  
9 which are commissioned by a county sheriff;

10 (c) A district attorney's office;

11 (d) The Oregon Liquor Control Commission with regard to liquor  
12 enforcement inspectors; or

13 (e) A humane investigation agency as defined in section 1, chapter 67,  
14 Oregon Laws 2012.

15 (13) "Liquor enforcement inspector" has the meaning given that term in  
16 ORS 471.001.

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

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

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

23 (B) Investigating adult offenders on parole or probation or being consid-  
24 ered for parole or probation; or

25 (b) An officer who:

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

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

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

31 (i) Community protection by controlling, investigating, supervising and



1 providing or making referrals to reformative services for adult parolees or  
2 probationers or offenders on post-prison supervision; or

3 (ii) Investigating adult offenders on parole or probation or being consid-  
4 ered for parole or probation.

5 (15) "Police officer" means:

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

8 (A) Commissioned by a city, port, school district, mass transit district,  
9 county, county service district authorized to provide law enforcement ser-  
10 vices under ORS 451.010, tribal government, the Criminal Justice Division  
11 of the Department of Justice, the Oregon State Lottery Commission, a uni-  
12 versity that has established a police department under ORS 352.383 **or sec-**  
13 **tion 1 of this 2013 Act**, the Governor or the Department of State Police; and

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

16 (b) An investigator of a district attorney's office if the investigator is or  
17 has been certified as a peace officer in this or another state or a humane  
18 special agent commissioned under section 1, chapter 67, Oregon Laws 2012;  
19 or

20 (c) An individual member of the judicial security personnel identified  
21 pursuant to ORS 1.177 who is trained pursuant to section 3, chapter 88,  
22 Oregon Laws 2012.

23 (16) "Public or private safety agency" means a unit of state or local gov-  
24 ernment, a special purpose district or a private firm that provides, or has  
25 authority to provide, fire fighting, police, ambulance or emergency medical  
26 services.

27 (17) "Public safety personnel" and "public safety officer" include cor-  
28 rections officers, youth correction officers, emergency medical dispatchers,  
29 parole and probation officers, police officers, certified reserve officers, tele-  
30 communicators, liquor enforcement inspectors and fire service professionals.

31 (18) "Reserve officer" means an officer or member of a law enforcement

1 unit who is:

2 (a) A volunteer or employed less than full-time as a peace officer com-  
3 missioned by a city, port, school district, mass transit district, county,  
4 county service district authorized to provide law enforcement services under  
5 ORS 451.010, tribal government, the Criminal Justice Division of the De-  
6 partment of Justice, the Oregon State Lottery Commission, a university that  
7 has established a police department under ORS 352.383 **or section 1 of this**  
8 **2013 Act**, the Governor or the Department of State Police;

9 (b) Armed with a firearm; and

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

12 (19) "Telecommunicator" means a person employed as an emergency tele-  
13 phone worker as defined in ORS 243.736 or a public safety dispatcher whose  
14 primary duties are receiving, processing and transmitting public safety in-  
15 formation received through a 9-1-1 emergency reporting system as defined in  
16 ORS 403.105.

17 (20) "Youth correction officer" means an employee of the Oregon Youth  
18 Authority who is charged with and primarily performs the duty of custody,  
19 control or supervision of youth offenders confined in a youth correction fa-  
20 cility.

21 **SECTION 33.** ORS 181.715, as amended by section 35, chapter 37, Oregon  
22 Laws 2012, is amended to read:

23 181.715. (1) The Department of State Police or another criminal justice  
24 agency designated by the Director of the Oregon Department of Administra-  
25 tive Services shall operate a Criminal Justice Information Standards program  
26 that coordinates information among state criminal justice agencies. The  
27 program shall:

28 (a) Ensure that in developing new information systems, data can be re-  
29 trieved to support evaluation of criminal justice planning and programs, in-  
30 cluding, but not limited to, the ability of the programs to reduce future  
31 criminal conduct;

1 (b) Ensure that maximum effort is made for the safety of public safety  
2 officers;

3 (c) Establish methods and standards for data interchange and information  
4 access between criminal justice information systems, in compliance with the  
5 technology standards and policies of the Oregon Department of Administra-  
6 tive Services;

7 (d) Design and implement improved applications for exchange of agency  
8 information; and

9 (e) Implement the capability to exchange images between criminal justice  
10 agencies.

11 (2) The program shall develop a plan to accelerate data sharing and in-  
12 formation integration among criminal justice agencies. The plan shall in-  
13 clude, but is not limited to, priorities, timelines, development costs, resources  
14 needed, the projected ongoing cost of support, critical success factors and  
15 any known barriers to accomplishing the plan. Representatives of criminal  
16 justice agencies and public safety agencies, including but not limited to local  
17 law enforcement agencies, courts of criminal jurisdiction, district attorneys,  
18 city attorneys with criminal prosecutive functions, public defender organ-  
19 izations established under ORS chapter 151, community corrections directors,  
20 jail managers and county juvenile departments, shall be invited to partic-  
21 ipate in the planning process. The program shall present the plan to the  
22 Director of the Oregon Department of Administrative Services no later than  
23 May 30 of each even-numbered year for development of the Governor's budget  
24 report. The program shall submit the plan to the Joint Legislative Committee  
25 on Information Management and Technology no later than December 31 of  
26 each even-numbered year.

27 (3) Notwithstanding the meaning given "criminal justice agency" in ORS  
28 181.010, as used in this section and ORS 181.720, "criminal justice agency"  
29 includes, but is not limited to:

30 (a) The Judicial Department;

31 (b) The Attorney General;

- 1 (c) The Department of Corrections;
- 2 (d) The Department of State Police;
- 3 (e) Any other state agency with law enforcement authority designated by  
4 order of the Governor;
- 5 (f) The Department of Transportation;
- 6 (g) The State Board of Parole and Post-Prison Supervision;
- 7 (h) The Department of Public Safety Standards and Training;
- 8 (i) The State Department of Fish and Wildlife;
- 9 (j) The Oregon Liquor Control Commission;
- 10 (k) The Oregon Youth Authority;
- 11 (L) The Youth Development Council; and
- 12 (m) A university that has established a police department under ORS  
13 **352.383 or section 1 of this 2013 Act.**

14 **SECTION 34.** ORS 181.860 is amended to read:

15 181.860. (1) For the purposes of this section:

16 (a) “Emergency services provider” means any public employer that em-  
17 ploys persons to provide firefighting services.

18 (b) “Emergency services personnel” means any employee of an emergency  
19 services provider who is engaged in providing firefighting services.

20 (c) “Employee assistance program” means a program established by a law  
21 enforcement agency or emergency services provider to provide counseling or  
22 support services to employees of the law enforcement agency or emergency  
23 services provider.

24 (d) “Law enforcement agency” means any county sheriff, municipal police  
25 department, police department established by a university under ORS 352.383  
26 **or section 1 of this 2013 Act**, the Oregon State Police and any state or local  
27 public body that employs public safety personnel.

28 (e) “Public safety personnel” means a sheriff, deputy sheriff, municipal  
29 police officer, police officer commissioned by a university under ORS 352.383  
30 **or section 1 of this 2013 Act**, state police officer, parole and probation of-  
31 ficer, corrections employee, certified reserve officer, telecommunicator or

1 emergency medical dispatcher.

2 (2) Any communication made by a participant or counselor in a peer  
3 support counseling session conducted by a law enforcement agency or by an  
4 emergency services provider for public safety personnel or emergency ser-  
5 vices personnel, and any oral or written information conveyed in the peer  
6 support counseling session, is confidential and may not be disclosed by any  
7 person participating in the peer support counseling session.

8 (3) Any communication relating to a peer support counseling session made  
9 confidential under subsection (2) of this section that is made between coun-  
10 selors, between counselors and the supervisors or staff of an employee as-  
11 sistance program, or between the supervisors or staff of an employee  
12 assistance program, is confidential and may not be disclosed.

13 (4) The provisions of this section apply only to peer support counseling  
14 sessions conducted by an employee or other person who:

15 (a) Has been designated by a law enforcement agency or emergency ser-  
16 vices provider, or by an employee assistance program, to act as a counselor;  
17 and

18 (b) Has received training in counseling and in providing emotional and  
19 moral support to public safety personnel or emergency services personnel  
20 who have been involved in emotionally traumatic incidents by reason of their  
21 employment.

22 (5) The provisions of this section apply to all oral communications, notes,  
23 records and reports arising out of a peer support counseling session. Any  
24 notes, records or reports arising out of a peer support counseling session are  
25 not public records for the purpose of ORS 192.410 to 192.505.

26 (6) Any communication made by a participant or counselor in a peer  
27 support counseling session subject to this section, and any oral or written  
28 information conveyed in a peer support counseling session subject to this  
29 section, is not admissible in any judicial proceeding, administrative pro-  
30 ceeding, arbitration proceeding or other adjudicatory proceeding. Communi-  
31 cations and information made confidential under this section may not be

1 disclosed by the participants in any judicial proceeding, administrative pro-  
2 ceeding, arbitration proceeding or other adjudicatory proceeding. The limi-  
3 tations on disclosure imposed by this subsection include disclosure during  
4 any discovery conducted as part of an adjudicatory proceeding.

5 (7) Nothing in this section limits the discovery or introduction in evi-  
6 dence of knowledge acquired by any public safety personnel or emergency  
7 services personnel from observation made during the course of employment,  
8 or material or information acquired during the course of employment, that  
9 is otherwise subject to discovery or introduction in evidence.

10 (8) This section does not apply to:

11 (a) Any threat of suicide or homicide made by a participant in a peer  
12 support counseling session, or any information conveyed in a peer support  
13 counseling session relating to a threat of suicide or homicide;

14 (b) Any information relating to abuse of children or of the elderly, or  
15 other information that is required to be reported by law; or

16 (c) Any admission of criminal conduct.

17 (9) This section does not prohibit any communications between counselors  
18 who conduct peer support counseling sessions, or any communications be-  
19 tween counselors and the supervisors or staff of an employee assistance  
20 program.

21 **SECTION 35.** ORS 236.350 is amended to read:

22 236.350. As used in ORS 236.350 to 236.370:

23 (1) "Disciplinary action" means action taken against a public safety offi-  
24 cer by an employer to punish the officer, including dismissal, demotion, sus-  
25 pension without pay, reduction in salary, written reprimand and transfer.

26 (2) "Just cause" means a cause reasonably related to the public safety  
27 officer's ability to perform required work. The term includes a willful vio-  
28 lation of reasonable work rules, regulations or written policies.

29 (3) "Public safety officer" means:

30 (a) A member of a law enforcement unit who is employed full-time as a  
31 peace officer commissioned by a city, university that has established a police

1 department under ORS 352.383 **or section 1 of this 2013 Act**, port, school  
2 district, mass transit district, county, Indian reservation, the Criminal Jus-  
3 tice Division of the Department of Justice, the Oregon State Lottery Com-  
4 mission or the Governor and who is responsible for enforcing the criminal  
5 laws of this state or laws or ordinances relating to airport security.

6 (b) A corrections officer, a parole and probation officer or a youth cor-  
7 rection officer as those terms are defined in ORS 181.610.

8 **SECTION 36.** ORS 348.270 is amended to read:

9 348.270. (1) In addition to any other scholarships provided by law, the  
10 commission shall award scholarships in any public university listed in ORS  
11 352.002, in the Oregon Health and Science University, in any community  
12 college operated under ORS chapter 341, or in any Oregon-based regionally  
13 accredited independent institution, to any student applying for enrollment  
14 or who is enrolled therein, who is:

15 (a) The natural child, adopted child or stepchild of any public safety of-  
16 ficer who, in the line of duty, was killed or so disabled, as determined by the  
17 commission, that the income of the public safety officer is less than that  
18 earned by public safety officers performing duties comparable to those per-  
19 formed at the highest rank or grade attained by the public safety officer; or

20 (b) A current foster child or former foster child who enrolls in an insti-  
21 tution of higher education as an undergraduate student not later than three  
22 years from the date the student was removed from the care of the Depart-  
23 ment of Human Services, the date the student graduated from high school  
24 or the date the student received the equivalent of a high school diploma,  
25 whichever date is earliest.

26 (2) Scholarships awarded under this section to students who are depen-  
27 dents of public safety officers or who are current foster children or former  
28 foster children shall equal the amount of tuition and all fees levied by the  
29 institution against the recipient of the scholarship. However, scholarships  
30 awarded to students who attend independent institutions shall not exceed the  
31 amount of tuition and all fees levied by the University of Oregon.

1 (3) If the student who is the dependent of a deceased public safety officer  
2 continues to remain enrolled in a public university listed in ORS 352.002 or  
3 a community college or an independent institution within the State of  
4 Oregon, the student shall be entitled to renewal of the scholarship until the  
5 student has received the equivalent of four years of undergraduate education  
6 and four years of post-graduate education.

7 (4) If the student who is a current foster child or former foster child or  
8 who is the dependent of a public safety officer with a disability continues  
9 to remain enrolled in a public university listed in ORS 352.002 or a commu-  
10 nity college or an independent institution within the State of Oregon, the  
11 student shall be entitled to renewal of the scholarship until the student has  
12 received the equivalent of four years of undergraduate education.

13 (5) The commission may require proof of the student's relationship to a  
14 public safety officer described in subsection (1) of this section or proof that  
15 the student is a current foster child or former foster child.

16 (6) As used in this section:

17 (a) "Former foster child" means an individual who, for a total of 12 or  
18 more months while between the ages of 16 and 21, was a ward of the court  
19 pursuant to ORS 419B.100 (1)(b) to (e) and in the legal custody of the De-  
20 partment of Human Services for out-of-home placement.

21 (b) "Public safety officer" means:

22 (A) A firefighter or police officer as those terms are defined in ORS  
23 237.610.

24 (B) A member of the Oregon State Police.

25 (C) A police officer commissioned by a university under ORS 352.383 **or**  
26 **section 1 of this 2013 Act.**

27 (D) An authorized tribal police officer as defined in section 1, chapter 644,  
28 Oregon Laws 2011.

29 **SECTION 37.** ORS 348.270, as amended by section 51, chapter 644, Oregon  
30 Laws 2011, is amended to read:

31 348.270. (1) In addition to any other scholarships provided by law, the



1 commission shall award scholarships in any public university listed in ORS  
2 352.002, in the Oregon Health and Science University, in any community  
3 college operated under ORS chapter 341, or in any Oregon-based regionally  
4 accredited independent institution, to any student applying for enrollment  
5 or who is enrolled therein, who is:

6 (a) The natural child, adopted child or stepchild of any public safety of-  
7 ficer who, in the line of duty, was killed or so disabled, as determined by the  
8 commission, that the income of the public safety officer is less than that  
9 earned by public safety officers performing duties comparable to those per-  
10 formed at the highest rank or grade attained by the public safety officer; or

11 (b) A current foster child or former foster child who enrolls in an insti-  
12 tution of higher education as an undergraduate student not later than three  
13 years from the date the student was removed from the care of the Depart-  
14 ment of Human Services, the date the student graduated from high school  
15 or the date the student received the equivalent of a high school diploma,  
16 whichever date is earliest.

17 (2) Scholarships awarded under this section to students who are depen-  
18 dents of public safety officers or who are current foster children or former  
19 foster children shall equal the amount of tuition and all fees levied by the  
20 institution against the recipient of the scholarship. However, scholarships  
21 awarded to students who attend independent institutions shall not exceed the  
22 amount of tuition and all fees levied by the University of Oregon.

23 (3) If the student who is the dependent of a deceased public safety officer  
24 continues to remain enrolled in a public university listed in ORS 352.002 or  
25 a community college or an independent institution within the State of  
26 Oregon, the student shall be entitled to renewal of the scholarship until the  
27 student has received the equivalent of four years of undergraduate education  
28 and four years of post-graduate education.

29 (4) If the student who is a current foster child or former foster child or  
30 who is the dependent of a public safety officer with a disability continues  
31 to remain enrolled in a public university listed in ORS 352.002 or a commu-

1 nity college or an independent institution within the State of Oregon, the  
2 student shall be entitled to renewal of the scholarship until the student has  
3 received the equivalent of four years of undergraduate education.

4 (5) The commission may require proof of the student's relationship to a  
5 public safety officer described in subsection (1) of this section or proof that  
6 the student is a current foster child or former foster child.

7 (6) As used in this section:

8 (a) "Former foster child" means an individual who, for a total of 12 or  
9 more months while between the ages of 16 and 21, was a ward of the court  
10 pursuant to ORS 419B.100 (1)(b) to (e) and in the legal custody of the De-  
11 partment of Human Services for out-of-home placement.

12 (b) "Public safety officer" means:

13 (A) A firefighter or police officer as those terms are defined in ORS  
14 237.610.

15 (B) A member of the Oregon State Police.

16 (C) A police officer commissioned by a university under ORS 352.383 **or**  
17 **section 1 of this 2013 Act.**

18 **SECTION 38.** ORS 414.805 is amended to read:

19 414.805. (1) An individual who receives medical services while in the  
20 custody of a law enforcement officer is liable:

21 (a) To the provider of the medical services for the charges and expenses  
22 therefor; and

23 (b) To the Oregon Health Authority for any charges or expenses paid by  
24 the authority out of the Law Enforcement Medical Liability Account for the  
25 medical services.

26 (2) A person providing medical services to an individual described in  
27 subsection (1) of this section shall first make reasonable efforts to collect the  
28 charges and expenses thereof from the individual before seeking to collect  
29 them from the authority out of the Law Enforcement Medical Liability Ac-  
30 count.

31 (3)(a) If the provider has not been paid within 45 days of the date of the

1 billing, the provider may bill the authority who shall pay the account out  
2 of the Law Enforcement Medical Liability Account.

3 (b) A bill submitted to the authority under this subsection must be ac-  
4 companied by evidence documenting that:

5 (A) The provider has billed the individual or the individual's insurer or  
6 health care service contractor for the charges or expenses owed to the pro-  
7 vider; and

8 (B) The provider has made a reasonable effort to collect from the indi-  
9 vidual or the individual's insurer or health care service contractor the  
10 charges and expenses owed to the provider.

11 (c) If the provider receives payment from the individual or the insurer or  
12 health care service contractor after receiving payment from the authority,  
13 the provider shall repay the authority the amount received from the public  
14 agency less any difference between payment received from the individual,  
15 insurer or contractor and the amount of the billing.

16 (4) As used in this section:

17 (a) "Law enforcement officer" means:

18 (A) An officer who is commissioned and employed by a public agency as  
19 a peace officer to enforce the criminal laws of this state or laws or ordi-  
20 nances of a public agency; or

21 (B) An authorized tribal police officer as defined in section 1, chapter 644,  
22 Oregon Laws 2011.

23 (b) "Public agency" means the state, a city, university that has estab-  
24 lished a police department under ORS 352.383 **or section 1 of this 2013**  
25 **Act**, port, school district, mass transit district or county.

26 **SECTION 39.** ORS 414.805, as amended by section 52, chapter 644, Oregon  
27 Laws 2011, is amended to read:

28 414.805. (1) An individual who receives medical services while in the  
29 custody of a law enforcement officer is liable:

30 (a) To the provider of the medical services for the charges and expenses  
31 therefor; and

1 (b) To the Oregon Health Authority for any charges or expenses paid by  
2 the authority out of the Law Enforcement Medical Liability Account for the  
3 medical services.

4 (2) A person providing medical services to an individual described in  
5 subsection (1) of this section shall first make reasonable efforts to collect the  
6 charges and expenses thereof from the individual before seeking to collect  
7 them from the authority out of the Law Enforcement Medical Liability Ac-  
8 count.

9 (3)(a) If the provider has not been paid within 45 days of the date of the  
10 billing, the provider may bill the authority who shall pay the account out  
11 of the Law Enforcement Medical Liability Account.

12 (b) A bill submitted to the authority under this subsection must be ac-  
13 companied by evidence documenting that:

14 (A) The provider has billed the individual or the individual's insurer or  
15 health care service contractor for the charges or expenses owed to the pro-  
16 vider; and

17 (B) The provider has made a reasonable effort to collect from the indi-  
18 vidual or the individual's insurer or health care service contractor the  
19 charges and expenses owed to the provider.

20 (c) If the provider receives payment from the individual or the insurer or  
21 health care service contractor after receiving payment from the authority,  
22 the provider shall repay the authority the amount received from the public  
23 agency less any difference between payment received from the individual,  
24 insurer or contractor and the amount of the billing.

25 (4) As used in this section:

26 (a) "Law enforcement officer" means an officer who is commissioned and  
27 employed by a public agency as a peace officer to enforce the criminal laws  
28 of this state or laws or ordinances of a public agency.

29 (b) "Public agency" means the state, a city, university that has estab-  
30 lished a police department under ORS 352.383 **or section 1 of this 2013**  
31 **Act**, port, school district, mass transit district or county.

1       **SECTION 40.** ORS 419B.005, as amended by section 60, chapter 37,  
2 Oregon Laws 2012, and section 1, chapter 92, Oregon Laws 2012, is amended  
3 to read:

4       419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-  
5 quires otherwise:

6       (1)(a) “Abuse” means:

7       (A) Any assault, as defined in ORS chapter 163, of a child and any phys-  
8 ical injury to a child which has been caused by other than accidental means,  
9 including any injury which appears to be at variance with the explanation  
10 given of the injury.

11       (B) Any mental injury to a child, which shall include only observable and  
12 substantial impairment of the child’s mental or psychological ability to  
13 function caused by cruelty to the child, with due regard to the culture of the  
14 child.

15       (C) Rape of a child, which includes but is not limited to rape, sodomy,  
16 unlawful sexual penetration and incest, as those acts are described in ORS  
17 chapter 163.

18       (D) Sexual abuse, as described in ORS chapter 163.

19       (E) Sexual exploitation, including but not limited to:

20       (i) Contributing to the sexual delinquency of a minor, as defined in ORS  
21 chapter 163, and any other conduct which allows, employs, authorizes, per-  
22 mits, induces or encourages a child to engage in the performing for people  
23 to observe or the photographing, filming, tape recording or other exhibition  
24 which, in whole or in part, depicts sexual conduct or contact, as defined in  
25 ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving  
26 a child or rape of a child, but not including any conduct which is part of  
27 any investigation conducted pursuant to ORS 419B.020 or which is designed  
28 to serve educational or other legitimate purposes; and

29       (ii) Allowing, permitting, encouraging or hiring a child to engage in  
30 prostitution or to patronize a prostitute, as defined in ORS chapter 167.

31       (F) Negligent treatment or maltreatment of a child, including but not

1 limited to the failure to provide adequate food, clothing, shelter or medical  
2 care that is likely to endanger the health or welfare of the child.

3 (G) Threatened harm to a child, which means subjecting a child to a  
4 substantial risk of harm to the child's health or welfare.

5 (H) Buying or selling a person under 18 years of age as described in ORS  
6 163.537.

7 (I) Permitting a person under 18 years of age to enter or remain in or  
8 upon premises where methamphetamines are being manufactured.

9 (J) Unlawful exposure to a controlled substance, as defined in ORS  
10 475.005, that subjects a child to a substantial risk of harm to the child's  
11 health or safety.

12 (b) "Abuse" does not include reasonable discipline unless the discipline  
13 results in one of the conditions described in paragraph (a) of this subsection.

14 (2) "Child" means an unmarried person who is under 18 years of age.

15 (3) "Higher education institution" means:

16 (a) A community college as defined in ORS 341.005;

17 (b) A public university listed in ORS 352.002;

18 (c) The Oregon Health and Science University; and

19 (d) A private institution of higher education located in Oregon.

20 (4) "Law enforcement agency" means:

21 (a) A city or municipal police department.

22 (b) A county sheriff's office.

23 (c) The Oregon State Police.

24 (d) A police department established by a university under ORS 352.383

25 **or section 1 of this 2013 Act.**

26 (e) A county juvenile department.

27 (5) "Public or private official" means:

28 (a) Physician, osteopathic physician, physician assistant, naturopathic  
29 physician, podiatric physician and surgeon, including any intern or resident.

30 (b) Dentist.

31 (c) School employee, including an employee of a higher education insti-

1 tution.

2 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's  
3 aide, home health aide or employee of an in-home health service.

4 (e) Employee of the Department of Human Services, Oregon Health Au-  
5 thority, Early Learning Council, Youth Development Council, Child Care  
6 Division of the Employment Department, the Oregon Youth Authority, a  
7 county health department, a community mental health program, a community  
8 developmental disabilities program, a county juvenile department, a licensed  
9 child-caring agency or an alcohol and drug treatment program.

10 (f) Peace officer.

11 (g) Psychologist.

12 (h) Member of the clergy.

13 (i) Regulated social worker.

14 (j) Optometrist.

15 (k) Chiropractor.

16 (L) Certified provider of foster care, or an employee thereof.

17 (m) Attorney.

18 (n) Licensed professional counselor.

19 (o) Licensed marriage and family therapist.

20 (p) Firefighter or emergency medical services provider.

21 (q) A court appointed special advocate, as defined in ORS 419A.004.

22 (r) A child care provider registered or certified under ORS 657A.030 and  
23 657A.250 to 657A.450.

24 (s) Member of the Legislative Assembly.

25 (t) Physical, speech or occupational therapist.

26 (u) Audiologist.

27 (v) Speech-language pathologist.

28 (w) Employee of the Teacher Standards and Practices Commission directly  
29 involved in investigations or discipline by the commission.

30 (x) Pharmacist.

31 (y) An operator of a preschool recorded program under ORS 657A.255.

1 (z) An operator of a school-age recorded program under ORS 657A.257.

2 (aa) Employee of a private agency or organization facilitating the pro-  
3 vision of respite services, as defined in ORS 418.205, for parents pursuant to  
4 a properly executed power of attorney under ORS 109.056.

5 (bb) Employee of a public or private organization providing child-related  
6 services or activities:

7 (A) Including but not limited to youth groups or centers, scout groups or  
8 camps, summer or day camps, survival camps or groups, centers or camps  
9 that are operated under the guidance, supervision or auspices of religious,  
10 public or private educational systems or community service organizations;  
11 and

12 (B) Excluding community-based, nonprofit organizations whose primary  
13 purpose is to provide confidential, direct services to victims of domestic vi-  
14 olence, sexual assault, stalking or human trafficking.

15 (cc) A coach, assistant coach or trainer of an amateur, semiprofessional  
16 or professional athlete, if compensated and if the athlete is a child.

17 **SECTION 41.** ORS 419B.902 is amended to read:

18 419B.902. (1) A subpoena may be served by the party or any other person  
19 18 years of age or older. Except as provided in subsections (2), (3) and (4)  
20 of this section, the service must be made by delivering a copy to the witness  
21 personally. The service must be made so as to allow the witness a reasonable  
22 time for preparation and travel to the place of attendance. If the subpoena  
23 is not accompanied by a command to appear at trial, hearing or deposition  
24 under ORS 419B.884, whether the subpoena is served personally or by mail,  
25 copies of a subpoena commanding production and inspection of books, papers,  
26 documents or other tangible things before trial must be served on each party  
27 at least seven days before the subpoena is served on the person required to  
28 produce and permit inspection, unless the court orders a shorter period.

29 (2)(a) A law enforcement agency shall designate an individual upon whom  
30 service of a subpoena may be made. A designated individual must be avail-  
31 able during normal business hours. In the absence of a designated individual,



1 service of a subpoena under paragraph (b) of this subsection may be made  
2 upon the officer in charge of the law enforcement agency.

3 (b) If a peace officer's attendance at trial is required as a result of em-  
4 ployment as a peace officer, a subpoena may be served on the officer by de-  
5 livering a copy personally to the officer or to an individual designated by the  
6 agency that employs the officer no later than 10 days prior to the date at-  
7 tendance is sought. A subpoena may be served in this manner only if the  
8 officer is currently employed as a peace officer and is present within the  
9 state at the time of service.

10 (c) When a subpoena has been served as provided in paragraph (b) of this  
11 subsection, the law enforcement agency shall make a good faith effort to give  
12 actual notice to the officer whose attendance is sought of the date, time and  
13 location of the court appearance. If the officer cannot be notified, the law  
14 enforcement agency shall promptly notify the court and a postponement or  
15 continuance may be granted to allow the officer to be personally served.

16 (d) As used in this subsection, "law enforcement agency" means the  
17 Oregon State Police, a county sheriff's department, a municipal police de-  
18 partment, a police department established by a university under ORS 352.383  
19 **or section 1 of this 2013 Act**, or, if the witness whose attendance at trial  
20 is required is an authorized tribal police officer as defined in section 1,  
21 chapter 644, Oregon Laws 2011, a tribal government as defined in section 1,  
22 chapter 644, Oregon Laws 2011.

23 (3) Under the following circumstances, service of a subpoena to a witness  
24 by mail has the same legal force and effect as personal service:

25 (a) The attorney mailing the subpoena certifies in connection with or  
26 upon the return of service that the attorney, or the attorney's agent, has had  
27 personal or telephone contact with the witness and the witness indicated a  
28 willingness to appear at trial if subpoenaed; or

29 (b) The subpoena was mailed to the witness more than five days before  
30 trial by certified mail or some other designation of mail that provides a re-  
31 ceipt for the mail signed by the recipient and the attorney received a return

1 receipt signed by the witness prior to trial.

2 (4) Service of subpoena by mail may be used for a subpoena commanding  
3 production of books, papers, documents or other tangible things that is not  
4 accompanied by a command to appear at trial or hearing or at a deposition  
5 under ORS 419B.884.

6 (5) Proof of service of a subpoena is made in the same manner as proof  
7 of service of a summons except that the server is not required to certify that  
8 the server is not a party in the action or an attorney for a party in the  
9 action.

10 **SECTION 42.** ORS 419B.902, as amended by section 75, chapter 644,  
11 Oregon Laws 2011, is amended to read:

12 419B.902. (1) A subpoena may be served by the party or any other person  
13 18 years of age or older. Except as provided in subsections (2), (3) and (4)  
14 of this section, the service must be made by delivering a copy to the witness  
15 personally. The service must be made so as to allow the witness a reasonable  
16 time for preparation and travel to the place of attendance. If the subpoena  
17 is not accompanied by a command to appear at trial, hearing or deposition  
18 under ORS 419B.884, whether the subpoena is served personally or by mail,  
19 copies of a subpoena commanding production and inspection of books, papers,  
20 documents or other tangible things before trial must be served on each party  
21 at least seven days before the subpoena is served on the person required to  
22 produce and permit inspection, unless the court orders a shorter period.

23 (2)(a) A law enforcement agency shall designate an individual upon whom  
24 service of a subpoena may be made. A designated individual must be avail-  
25 able during normal business hours. In the absence of a designated individual,  
26 service of a subpoena under paragraph (b) of this subsection may be made  
27 upon the officer in charge of the law enforcement agency.

28 (b) If a peace officer's attendance at trial is required as a result of em-  
29 ployment as a peace officer, a subpoena may be served on the officer by de-  
30 livering a copy personally to the officer or to an individual designated by the  
31 agency that employs the officer no later than 10 days prior to the date at-

1 tendance is sought. A subpoena may be served in this manner only if the  
2 officer is currently employed as a peace officer and is present within the  
3 state at the time of service.

4 (c) When a subpoena has been served as provided in paragraph (b) of this  
5 subsection, the law enforcement agency shall make a good faith effort to give  
6 actual notice to the officer whose attendance is sought of the date, time and  
7 location of the court appearance. If the officer cannot be notified, the law  
8 enforcement agency shall promptly notify the court and a postponement or  
9 continuance may be granted to allow the officer to be personally served.

10 (d) As used in this subsection, "law enforcement agency" means the  
11 Oregon State Police, a county sheriff's department, a municipal police de-  
12 partment or a police department established by a university under ORS  
13 **352.383 or section 1 of this 2013 Act.**

14 (3) Under the following circumstances, service of a subpoena to a witness  
15 by mail has the same legal force and effect as personal service:

16 (a) The attorney mailing the subpoena certifies in connection with or  
17 upon the return of service that the attorney, or the attorney's agent, has had  
18 personal or telephone contact with the witness and the witness indicated a  
19 willingness to appear at trial if subpoenaed; or

20 (b) The subpoena was mailed to the witness more than five days before  
21 trial by certified mail or some other designation of mail that provides a re-  
22 ceipt for the mail signed by the recipient and the attorney received a return  
23 receipt signed by the witness prior to trial.

24 (4) Service of subpoena by mail may be used for a subpoena commanding  
25 production of books, papers, documents or other tangible things that is not  
26 accompanied by a command to appear at trial or hearing or at a deposition  
27 under ORS 419B.884.

28 (5) Proof of service of a subpoena is made in the same manner as proof  
29 of service of a summons except that the server is not required to certify that  
30 the server is not a party in the action or an attorney for a party in the  
31 action.

1 **SECTION 43.** ORS 420.905 is amended to read:

2 420.905. As used in ORS 420.905 to 420.915, “peace officer” means:

3 (1) A sheriff, constable or marshal, or the deputy of any such officer;

4 (2) A member of the state police;

5 (3) A member of the police force of a city or a university that has estab-  
6 lished a police department under ORS 352.383 **or section 1 of this 2013**  
7 **Act**; or

8 (4) An authorized tribal police officer as defined in section 1, chapter 644,  
9 Oregon Laws 2011.

10 **SECTION 44.** ORS 420.905, as amended by section 54, chapter 644, Oregon  
11 Laws 2011, is amended to read:

12 420.905. As used in ORS 420.905 to 420.915, “peace officer” means:

13 (1) A sheriff, constable or marshal, or the deputy of any such officer;

14 (2) A member of the state police; or

15 (3) A member of the police force of a city or a university that has estab-  
16 lished a police department under ORS 352.383 **or section 1 of this 2013**  
17 **Act**.

18 **SECTION 45.** ORS 430.735 is amended to read:

19 430.735. As used in ORS 430.735 to 430.765:

20 (1) “Abuse” means one or more of the following:

21 (a) Abandonment, including desertion or willful forsaking of a person  
22 with a developmental disability or the withdrawal or neglect of duties and  
23 obligations owed a person with a developmental disability by a caregiver or  
24 other person.

25 (b) Any physical injury to an adult caused by other than accidental  
26 means, or that appears to be at variance with the explanation given of the  
27 injury.

28 (c) Willful infliction of physical pain or injury upon an adult.

29 (d) Sexual abuse of an adult.

30 (e) Neglect.

31 (f) Verbal abuse of a person with a developmental disability.

1 (g) Financial exploitation of a person with a developmental disability.

2 (h) Involuntary seclusion of a person with a developmental disability for  
3 the convenience of the caregiver or to discipline the person.

4 (i) A wrongful use of a physical or chemical restraint upon a person with  
5 a developmental disability, excluding an act of restraint prescribed by a li-  
6 censed physician and any treatment activities that are consistent with an  
7 approved treatment plan or in connection with a court order.

8 (j) An act that constitutes a crime under ORS 163.375, 163.405, 163.411,  
9 163.415, 163.425, 163.427, 163.465 or 163.467.

10 (k) Any death of an adult caused by other than accidental or natural  
11 means.

12 (2) "Adult" means a person 18 years of age or older with:

13 (a) A developmental disability who is currently receiving services from a  
14 community program or facility or was previously determined eligible for  
15 services as an adult by a community program or facility; or

16 (b) A mental illness who is receiving services from a community program  
17 or facility.

18 (3) "Adult protective services" means the necessary actions taken to pre-  
19 vent abuse or exploitation of an adult, to prevent self-destructive acts and  
20 to safeguard an adult's person, property and funds, including petitioning for  
21 a protective order as defined in ORS 125.005. Any actions taken to protect  
22 an adult shall be undertaken in a manner that is least intrusive to the adult  
23 and provides for the greatest degree of independence.

24 (4) "Caregiver" means an individual, whether paid or unpaid, or a facility  
25 that has assumed responsibility for all or a portion of the care of an adult  
26 as a result of a contract or agreement.

27 (5) "Community program" means a community mental health program or  
28 a community developmental disabilities program as established in ORS  
29 430.610 to 430.695.

30 (6) "Facility" means a residential treatment home or facility, residential  
31 care facility, adult foster home, residential training home or facility or crisis

1 respite facility.

2 (7) "Financial exploitation" means:

3 (a) Wrongfully taking the assets, funds or property belonging to or in-  
4 tended for the use of a person with a developmental disability.

5 (b) Alarming a person with a developmental disability by conveying a  
6 threat to wrongfully take or appropriate money or property of the person if  
7 the person would reasonably believe that the threat conveyed would be car-  
8 ried out.

9 (c) Misappropriating, misusing or transferring without authorization any  
10 money from any account held jointly or singly by a person with a develop-  
11 mental disability.

12 (d) Failing to use the income or assets of a person with a developmental  
13 disability effectively for the support and maintenance of the person.

14 (8) "Intimidation" means compelling or deterring conduct by threat.

15 (9) "Law enforcement agency" means:

16 (a) Any city or municipal police department;

17 (b) A police department established by a university under ORS 352.383  
18 **or section 1 of this 2013 Act;**

19 (c) Any county sheriff's office;

20 (d) The Oregon State Police; or

21 (e) Any district attorney.

22 (10) "Neglect" means:

23 (a) Failure to provide the care, supervision or services necessary to  
24 maintain the physical and mental health of a person with a developmental  
25 disability that may result in physical harm or significant emotional harm to  
26 the person;

27 (b) The failure of a caregiver to make a reasonable effort to protect a  
28 person with a developmental disability from abuse; or

29 (c) Withholding of services necessary to maintain the health and well-  
30 being of an adult which leads to physical harm of an adult.

31 (11) "Person with a developmental disability" means a person described

1 in subsection (2)(a) of this section.

2 (12) "Public or private official" means:

3 (a) Physician, naturopathic physician, osteopathic physician, psychologist,  
4 chiropractor or podiatric physician and surgeon, including any intern or  
5 resident;

6 (b) Licensed practical nurse, registered nurse, nurse's aide, home health  
7 aide or employee of an in-home health service;

8 (c) Employee of the Department of Human Services or Oregon Health  
9 Authority, county health department, community mental health program or  
10 community developmental disabilities program or private agency contracting  
11 with a public body to provide any community mental health service;

12 (d) Peace officer;

13 (e) Member of the clergy;

14 (f) Regulated social worker;

15 (g) Physical, speech or occupational therapist;

16 (h) Information and referral, outreach or crisis worker;

17 (i) Attorney;

18 (j) Licensed professional counselor or licensed marriage and family ther-  
19 apist;

20 (k) Any public official who comes in contact with adults in the perform-  
21 ance of the official's duties; or

22 (L) Firefighter or emergency medical services provider.

23 (13) "Services" includes but is not limited to the provision of food,  
24 clothing, medicine, housing, medical services, assistance with bathing or  
25 personal hygiene or any other service essential to the well-being of an adult.

26 (14)(a) "Sexual abuse" means:

27 (A) Sexual contact with a nonconsenting adult or with an adult consid-  
28 ered incapable of consenting to a sexual act under ORS 163.315;

29 (B) Sexual harassment, sexual exploitation or inappropriate exposure to  
30 sexually explicit material or language;

31 (C) Any sexual contact between an employee of a facility or paid

1 caregiver and an adult served by the facility or caregiver;

2 (D) Any sexual contact between a person with a developmental disability  
3 and a relative of the person with a developmental disability other than a  
4 spouse; or

5 (E) Any sexual contact that is achieved through force, trickery, threat  
6 or coercion.

7 (b) "Sexual abuse" does not mean consensual sexual contact between an  
8 adult and a paid caregiver who is the spouse of the adult.

9 (15) "Sexual contact" has the meaning given that term in ORS 163.305.

10 (16) "Verbal abuse" means to threaten significant physical or emotional  
11 harm to a person with a developmental disability through the use of:

12 (a) Derogatory or inappropriate names, insults, verbal assaults, profanity  
13 or ridicule; or

14 (b) Harassment, coercion, threats, intimidation, humiliation, mental cru-  
15 elty or inappropriate sexual comments.

16 **SECTION 46.** ORS 441.630 is amended to read:

17 441.630. As used in ORS 441.630 to 441.680 and 441.995:

18 (1) "Abuse" means:

19 (a) Any physical injury to a resident of a long term care facility which  
20 has been caused by other than accidental means.

21 (b) Failure to provide basic care or services, which failure results in  
22 physical harm or unreasonable discomfort or serious loss of human dignity.

23 (c) Sexual contact with a resident caused by an employee, agent or other  
24 resident of a long term care facility by force, threat, duress or coercion.

25 (d) Illegal or improper use of a resident's resources for the personal profit  
26 or gain of another person.

27 (e) Verbal or mental abuse as prohibited by federal law.

28 (f) Corporal punishment.

29 (g) Involuntary seclusion for convenience or discipline.

30 (2) "Abuse complaint" means any oral or written communication to the  
31 department, one of its agents or a law enforcement agency alleging abuse.



1 (3) "Department" means the Department of Human Services or a designee  
2 of the department.

3 (4) "Facility" means a long term care facility, as defined in ORS 442.015.

4 (5) "Law enforcement agency" means:

5 (a) Any city or municipal police department.

6 (b) A police department established by a university under ORS 352.383  
7 **or section 1 of this 2013 Act.**

8 (c) Any county sheriff's office.

9 (d) The Oregon State Police.

10 (e) Any district attorney.

11 (6) "Public or private official" means:

12 (a) Physician, including any intern or resident.

13 (b) Licensed practical nurse or registered nurse.

14 (c) Employee of the Department of Human Services, a community devel-  
15 opmental disabilities program or a long term care facility or person who  
16 contracts to provide services to a long term care facility.

17 (d) Employee of the Oregon Health Authority, county health department  
18 or community mental health program.

19 (e) Peace officer.

20 (f) Member of the clergy.

21 (g) Regulated social worker.

22 (h) Physical, speech and occupational therapists.

23 (i) Legal counsel for a resident or guardian or family member of the res-  
24 ident.

25 **SECTION 47.** ORS 506.521 is amended to read:

26 506.521. Each member of the State Fish and Wildlife Commission, the  
27 State Fish and Wildlife Director and every inspector, deputy fish warden,  
28 special deputy fish warden, and all peace officers of this state or any poli-  
29 tical subdivision therein, including police officers commissioned by a uni-  
30 versity under ORS 352.383 **or section 1 of this 2013 Act**, shall enforce the  
31 commercial fishing laws within their respective jurisdictions. In the per-

1 formance of these duties such officers are subject to the direction and con-  
2 trol of the commission or director.

3 **SECTION 48.** ORS 609.652, as amended by section 66, chapter 37, Oregon  
4 Laws 2012, and section 15, chapter 67, Oregon Laws 2012, is amended to read:

5 609.652. As used in ORS 609.654:

6 (1)(a) “Aggravated animal abuse” means any animal abuse as described  
7 in ORS 167.322.

8 (b) “Aggravated animal abuse” does not include:

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

10 (B) Any exemption listed in ORS 167.335.

11 (2) “Law enforcement agency” means:

12 (a) Any city or municipal police department.

13 (b) A police department established by a university under ORS 352.383  
14 **or section 1 of this 2013 Act.**

15 (c) Any county sheriff’s office.

16 (d) The Oregon State Police.

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

19 (f) A humane investigation agency as defined in section 1, chapter 67,  
20 Oregon Laws 2012, that employs humane special agents commissioned under  
21 section 1, chapter 67, Oregon Laws 2012.

22 (3) “Public or private official” means:

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

24 (b) A dentist.

25 (c) A school employee.

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

27 (e) An employee of the Department of Human Services, Oregon Health  
28 Authority, Early Learning Council, Youth Development Council, Child Care  
29 Division of the Employment Department, the Oregon Youth Authority, a  
30 county health department, a community mental health program, a community  
31 developmental disabilities program, a county juvenile department, a licensed

1 child-caring agency or an alcohol and drug treatment program.

2 (f) A peace officer.

3 (g) A psychologist.

4 (h) A member of the clergy.

5 (i) A regulated social worker.

6 (j) An optometrist.

7 (k) A chiropractor.

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

9 (m) An attorney.

10 (n) A naturopathic physician.

11 (o) A licensed professional counselor.

12 (p) A licensed marriage and family therapist.

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

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

15 (s) A child care provider registered or certified under ORS 657A.030 and  
16 657A.250 to 657A.450.

17 (t) A member of the Legislative Assembly.

18 **SECTION 49.** ORS 659A.320, as amended by section 25, chapter 54,  
19 Oregon Laws 2012, and section 16, chapter 67, Oregon Laws 2012, is amended  
20 to read:

21 659A.320. (1) Except as provided in subsection (2) of this section, it is an  
22 unlawful employment practice for an employer to obtain or use for employ-  
23 ment purposes information contained in the credit history of an applicant for  
24 employment or an employee, or to refuse to hire, discharge, demote, suspend,  
25 retaliate or otherwise discriminate against an applicant or an employee with  
26 regard to promotion, compensation or the terms, conditions or privileges of  
27 employment based on information in the credit history of the applicant or  
28 employee.

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

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

31 (b) Employers that are required by state or federal law to use individual

1 credit history for employment purposes;

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

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

5 (B) Employed as a peace officer commissioned by a city, port, school dis-  
6 trict, mass transit district, county, university under ORS 352.383 **or section**  
7 **1 of this 2013 Act**, Indian reservation, the Superintendent of State Police  
8 under section 1, chapter 67, Oregon Laws 2012, the Criminal Justice Division  
9 of the Department of Justice, the Oregon State Lottery Commission or the  
10 Governor or employed as a liquor enforcement inspector by the Oregon Li-  
11 quor Control Commission; and

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

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

18 (3) An employee or an applicant for employment may file a complaint  
19 under ORS 659A.820 for violations of this section and may bring a civil  
20 action under ORS 659A.885 and recover the relief as provided by ORS  
21 659A.885 (1) and (2).

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

25 **SECTION 50.** ORS 686.450, as amended by section 17, chapter 67, Oregon  
26 Laws 2012, is amended to read:

27 686.450. As used in ORS 686.450 to 686.465 and 686.990 (3):

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

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

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

1 (B) Any exemption listed in ORS 167.335.

2 (2) "Law enforcement agency" means:

3 (a) Any city or municipal police department.

4 (b) A police department established by a university under ORS 352.383  
5 **or section 1 of this 2013 Act.**

6 (c) Any county sheriff's office.

7 (d) The Oregon State Police.

8 (e) A law enforcement division of a humane society in Oregon that em-  
9 ploys special agents authorized under ORS 131.805 or humane special agents  
10 commissioned under section 1, chapter 67, Oregon Laws 2012.

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

13 (3) "Veterinarian" means a person licensed to practice veterinary medi-  
14 cine under ORS chapter 686.

15 **SECTION 51.** ORS 756.160 is amended to read:

16 756.160. (1) The Public Utility Commission shall inquire into any neglect  
17 or violation of any law of this state or any law or ordinance of any  
18 municipality thereof relating to public utilities and telecommunications  
19 utilities by any public utility or telecommunications utility doing business  
20 therein, its officers, agents or employees and shall enforce all laws of this  
21 state relating to public utilities and telecommunications utilities and may  
22 enforce all such laws and ordinances of a municipality. The commission shall  
23 report all violations of any such laws or ordinances to the Attorney General.

24 (2) The Attorney General, district attorney of each county, all state,  
25 county and city police officers and police officers commissioned by a uni-  
26 versity under ORS 352.383 **or section 1 of this 2013 Act** shall assist the  
27 commission in the administration and enforcement of all laws administered  
28 by the commission, and they, as well as assistants and employees of the  
29 commission, shall inform against and diligently prosecute all persons whom  
30 they have reasonable cause to believe guilty of violation of any such laws  
31 or of the rules, regulations, orders, decisions or requirements of the com-

1 mission made pursuant thereto.

2 (3) Upon the request of the commission, the Attorney General or the dis-  
3 trict attorney of the proper county shall aid in any investigation, hearing  
4 or trial, and shall institute and prosecute all necessary suits, actions or  
5 proceedings for the enforcement of those laws and ordinances referred to in  
6 subsection (1) of this section.

7 (4) Any forfeiture or penalty provided for in any law administered by the  
8 commission shall be recovered by an action brought thereon in the name of  
9 the State of Oregon in any court of appropriate jurisdiction.

10 **SECTION 52.** ORS 801.395 is amended to read:

11 801.395. "Police officer" includes a member of the Oregon State Police, a  
12 sheriff, a deputy sheriff, a city police officer, an authorized tribal police of-  
13 ficer as defined in section 1, chapter 644, Oregon Laws 2011, a police officer  
14 commissioned by a university under ORS 352.383 **or section 1 of this 2013**  
15 **Act**, a Port of Portland peace officer, a reserve officer as defined in ORS  
16 133.005 or a law enforcement officer employed by a service district estab-  
17 lished under ORS 451.410 to 451.610 for the purpose of law enforcement ser-  
18 vices.

19 **SECTION 53.** ORS 801.395, as amended by section 55, chapter 644, Oregon  
20 Laws 2011, is amended to read:

21 801.395. "Police officer" includes a member of the Oregon State Police, a  
22 sheriff, a deputy sheriff, a city police officer, a police officer commissioned  
23 by a university under ORS 352.383 **or section 1 of this 2013 Act**, a Port of  
24 Portland peace officer, a reserve officer as defined in ORS 133.005 or a law  
25 enforcement officer employed by a service district established under ORS  
26 451.410 to 451.610 for the purpose of law enforcement services.

27 **SECTION 54.** ORS 811.720 is amended to read:

28 811.720. (1) Except as provided in subsection (4) of this section, any acci-  
29 dent occurring on a highway or upon premises open to the public resulting  
30 in injury or death to any person is subject to the reporting requirements  
31 under the following sections:

1 (a) The reporting requirements for drivers under ORS 811.725.

2 (b) The reporting requirements for occupants of vehicles in accidents un-  
3 der ORS 811.735.

4 (c) The reporting requirements for owners of vehicles under ORS 811.730.

5 (2) Except as provided in subsection (4) of this section, an accident oc-  
6 ccurring on a highway or upon premises open to the public resulting in  
7 damage to the property of any person in excess of \$1,500 is subject to the  
8 following reporting requirements:

9 (a) The driver of a vehicle that has more than \$1,500 damage must report  
10 the accident in the manner specified under ORS 811.725.

11 (b) The owner of a vehicle that has more than \$1,500 damage must report  
12 the accident in the manner specified in ORS 811.730 and under the circum-  
13 stances specified in ORS 811.730.

14 (c) If the property damage is to property other than a vehicle involved in  
15 the accident, each driver involved in the accident must report the accident  
16 in the manner specified under ORS 811.725 and each owner of a vehicle in-  
17 volved in the accident must report the accident in the manner specified in  
18 ORS 811.730 and under the circumstances specified in ORS 811.730.

19 (d) If a vehicle involved in the accident is damaged to the extent that the  
20 vehicle must be towed from the scene of the accident, each driver involved  
21 in the accident must report the accident in the manner specified under ORS  
22 811.725 and each owner of a vehicle involved in the accident must report the  
23 accident in the manner specified in ORS 811.730 and under the circumstances  
24 specified in ORS 811.730.

25 (3) The dollar amount specified in subsection (2) of this section may be  
26 increased every five years by the Department of Transportation based upon  
27 any increase in the Portland-Salem Consumer Price Index for All Urban  
28 Consumers for All Items as prepared by the Bureau of Labor Statistics of the  
29 United States Department of Labor or its successor during the preceding  
30 12-month period. The amount determined under this subsection shall be  
31 rounded to the nearest \$100.

1 (4) The following are exempt from the reporting requirements of this  
2 section:

3 (a) Operators of snowmobiles, Class I all-terrain vehicles or Class III  
4 all-terrain vehicles.

5 (b) A law enforcement official acting in the course of official duty if the  
6 accident involved a law enforcement official performing a lawful intervention  
7 technique or a law enforcement official and a person acting during the  
8 commission of a criminal offense. As used in this paragraph:

9 (A) "Law enforcement official" means a person who is responsible for  
10 enforcing the criminal laws of this state or a political subdivision of this  
11 state and who is employed or volunteers:

12 (i) As a peace officer commissioned by a city, university that has estab-  
13 lished a police department under ORS 352.383 **or section 1 of this 2013**  
14 **Act**, port, school district, mass transit district, county or county service  
15 district authorized to provide law enforcement services under ORS 451.010;

16 (ii) With the Department of State Police or the Criminal Justice Division  
17 of the Department of Justice;

18 (iii) As an investigator of a district attorney's office, if the investigator  
19 is certified as a peace officer in this state; or

20 (iv) As an authorized tribal police officer as defined in section 1, chapter  
21 644, Oregon Laws 2011.

22 (B) "Lawful intervention technique" means a method by which one motor  
23 vehicle causes, or attempts to cause, another motor vehicle to stop.

24 **SECTION 55.** ORS 811.720, as amended by section 56, chapter 644, Oregon  
25 Laws 2011, is amended to read:

26 811.720. (1) Except as provided in subsection (4) of this section, any acci-  
27 dent occurring on a highway or upon premises open to the public resulting  
28 in injury or death to any person is subject to the reporting requirements  
29 under the following sections:

30 (a) The reporting requirements for drivers under ORS 811.725.

31 (b) The reporting requirements for occupants of vehicles in accidents un-



1 der ORS 811.735.

2 (c) The reporting requirements for owners of vehicles under ORS 811.730.

3 (2) Except as provided in subsection (4) of this section, an accident oc-  
4 ccurring on a highway or upon premises open to the public resulting in  
5 damage to the property of any person in excess of \$1,500 is subject to the  
6 following reporting requirements:

7 (a) The driver of a vehicle that has more than \$1,500 damage must report  
8 the accident in the manner specified under ORS 811.725.

9 (b) The owner of a vehicle that has more than \$1,500 damage must report  
10 the accident in the manner specified in ORS 811.730 and under the circum-  
11 stances specified in ORS 811.730.

12 (c) If the property damage is to property other than a vehicle involved in  
13 the accident, each driver involved in the accident must report the accident  
14 in the manner specified under ORS 811.725 and each owner of a vehicle in-  
15 volved in the accident must report the accident in the manner specified in  
16 ORS 811.730 and under the circumstances specified in ORS 811.730.

17 (d) If a vehicle involved in the accident is damaged to the extent that the  
18 vehicle must be towed from the scene of the accident, each driver involved  
19 in the accident must report the accident in the manner specified under ORS  
20 811.725 and each owner of a vehicle involved in the accident must report the  
21 accident in the manner specified in ORS 811.730 and under the circumstances  
22 specified in ORS 811.730.

23 (3) The dollar amount specified in subsection (2) of this section may be  
24 increased every five years by the Department of Transportation based upon  
25 any increase in the Portland-Salem Consumer Price Index for All Urban  
26 Consumers for All Items as prepared by the Bureau of Labor Statistics of the  
27 United States Department of Labor or its successor during the preceding  
28 12-month period. The amount determined under this subsection shall be  
29 rounded to the nearest \$100.

30 (4) The following are exempt from the reporting requirements of this  
31 section:

1 (a) Operators of snowmobiles, Class I all-terrain vehicles or Class III  
2 all-terrain vehicles.

3 (b) A law enforcement official acting in the course of official duty if the  
4 accident involved a law enforcement official performing a lawful intervention  
5 technique or a law enforcement official and a person acting during the  
6 commission of a criminal offense. As used in this paragraph:

7 (A) "Law enforcement official" means a person who is responsible for  
8 enforcing the criminal laws of this state or a political subdivision of this  
9 state and who is employed or volunteers:

10 (i) As a peace officer commissioned by a city, university that has estab-  
11 lished a police department under ORS 352.383 **or section 1 of this 2013**  
12 **Act**, port, school district, mass transit district, county or county service  
13 district authorized to provide law enforcement services under ORS 451.010;

14 (ii) With the Department of State Police or the Criminal Justice Division  
15 of the Department of Justice; or

16 (iii) As an investigator of a district attorney's office, if the investigator  
17 is certified as a peace officer in this state.

18 (B) "Lawful intervention technique" means a method by which one motor  
19 vehicle causes, or attempts to cause, another motor vehicle to stop.

20 **SECTION 56.** ORS 811.745 is amended to read:

21 811.745. (1) Except as provided in subsection (4) of this section, any acci-  
22 dent occurring on a highway or upon premises open to the public resulting  
23 in injury or death to any person is subject to the reporting requirements  
24 under the following sections:

25 (a) The reporting requirements for drivers under ORS 811.748.

26 (b) The reporting requirements for occupants of vehicles in accidents un-  
27 der ORS 811.750.

28 (2) Except as provided in subsection (4) of this section, an accident oc-  
29 ccurring on a highway or upon premises open to the public resulting in  
30 damage to the property of any person in excess of \$1,500 is subject to the  
31 following reporting requirements:

1 (a) The driver of a vehicle that has more than \$1,500 damage must report  
2 the accident in the manner specified under ORS 811.748.

3 (b) If the property damage is to property other than a vehicle involved in  
4 the accident, each driver involved in the accident must report the accident  
5 in the manner specified under ORS 811.748.

6 (c) If a vehicle involved in the accident is damaged to the extent that the  
7 vehicle must be towed from the scene of the accident, each driver involved  
8 in the accident must report the accident in the manner specified under ORS  
9 811.748.

10 (3) The dollar amount specified in subsection (2) of this section may be  
11 increased every five years by the Department of Transportation based upon  
12 any increase in the Portland-Salem Consumer Price Index for All Urban  
13 Consumers for All Items as prepared by the Bureau of Labor Statistics of the  
14 United States Department of Labor or its successor during the preceding  
15 12-month period. The amount determined under this subsection shall be  
16 rounded to the nearest \$100.

17 (4) The following are exempt from the reporting requirements of this  
18 section:

19 (a) Operators of snowmobiles and Class I, Class III and Class IV all-  
20 terrain vehicles.

21 (b) A law enforcement official acting in the course of official duty if the  
22 accident involved a law enforcement official performing a lawful intervention  
23 technique or involved a law enforcement official and a person acting during  
24 the commission of a criminal offense. As used in this paragraph:

25 (A) "Law enforcement official" means a person who is responsible for  
26 enforcing the criminal laws of this state or a political subdivision of this  
27 state and who is employed or volunteers:

28 (i) As a peace officer commissioned by a city, port, university that has  
29 established a police department under ORS 352.383 **or section 1 of this 2013**  
30 **Act**, school district, mass transit district, county or service district author-  
31 ized to provide law enforcement services under ORS 451.010;

1 (ii) With the Department of State Police or the Criminal Justice Division  
2 of the Department of Justice; or

3 (iii) As an investigator of a district attorney's office, if the investigator  
4 is certified as a peace officer in this state.

5 (B) "Lawful intervention technique" means a method by which one motor  
6 vehicle causes, or attempts to cause, another motor vehicle to stop.

7 (5) The reporting requirements under this section are in addition to, and  
8 not in lieu of, the reporting requirements under ORS 811.720.

9 **SECTION 57.** ORS 811.747 is amended to read:

10 811.747. As used in ORS 811.748 and 811.750:

11 (1) "9-1-1 emergency reporting system" has the meaning given that term  
12 in ORS 403.105.

13 (2) "Law enforcement agency" means any agency that employs members  
14 of the Oregon State Police, a sheriff, a deputy sheriff, a city police officer,  
15 a police officer commissioned by a university under ORS 352.383 **or section**  
16 **1 of this 2013 Act** or a law enforcement officer employed by a service dis-  
17 trict established under ORS 451.410 to 451.610 for the purpose of law  
18 enforcement services.

19 **SECTION 58.** ORS 823.081 is amended to read:

20 823.081. (1) The Department of Transportation shall inquire into any  
21 neglect or violation of any law of this state, or any law or ordinance of any  
22 municipality thereof, relating to motor carriers or railroads by any motor  
23 carrier or railroad doing business therein, its officers, agents or employees  
24 and shall enforce all laws of this state relating to motor carriers and rail-  
25 roads and may enforce all such laws and ordinances of a municipality. The  
26 department shall report all violations of any such laws or ordinances to the  
27 Attorney General.

28 (2) The Attorney General, district attorney of each county, all state,  
29 county and city police officers and police officers commissioned by a uni-  
30 versity under ORS 352.383 **or section 1 of this 2013 Act** shall assist the  
31 department in the administration and enforcement of all laws related to

1 motor carriers and railroads administered by the department, and they, as  
2 well as assistants and employees of the department, shall inform against and  
3 diligently prosecute all persons whom they have reasonable cause to believe  
4 guilty of the violation of any such laws or of the rules, regulations, orders,  
5 decisions or requirements of the department made pursuant thereto.

6 (3) Upon the request of the department, the Attorney General or the dis-  
7 trict attorney of the proper county shall aid in any investigation, hearing  
8 or trial, and shall institute and prosecute all necessary suits, actions or  
9 proceedings for the enforcement of those laws and ordinances referred to in  
10 subsection (1) of this section.

11 (4) Any forfeiture or penalty provided for in any law regarding motor  
12 carriers or railroads administered by the department shall be recovered by  
13 an action brought thereon in the name of the State of Oregon in any court  
14 of appropriate jurisdiction or as provided in ORS 183.745.

15 **SECTION 59.** ORS 830.005 is amended to read:

16 830.005. As used in this chapter, unless the context requires otherwise:

17 (1) "Board" means the State Marine Board.

18 (2) "Boat" means every description of watercraft, including a seaplane on  
19 the water and not in flight, used or capable of being used as a means of  
20 transportation on the water, but does not include boathouses, floating homes,  
21 air mattresses, beach and water toys or single inner tubes.

22 (3) "Boating offense" means violation of any provision of law that is made  
23 a crime or violation under the provisions of this chapter.

24 (4) "In flight" means from the moment a seaplane starts its takeoff run  
25 until the end of a normal power-off landing run.

26 (5) "Length" means the length of a boat measured from end to end over  
27 the deck excluding sheer.

28 (6) "Motorboat" means any boat propelled in whole or in part by ma-  
29 chinery, including boats temporarily equipped with detachable motors.

30 (7) "Navigable waters of the United States" means those waters of the  
31 United States, including the territorial seas adjacent thereto, the general

1 character of which is navigable, and that, either by themselves or by uniting  
2 with other waters, form a continuous waterway on which boats or vessels  
3 may navigate or travel between two or more states, or to and from foreign  
4 nations.

5 (8) "Operate" means to navigate or otherwise use a boat.

6 (9) "Operator of a boat livery" means any person who is engaged wholly  
7 or in part in the business of chartering or renting boats to other persons.

8 (10) "Passenger" means every person on board a boat who is not the  
9 master, operator, crew member or other person engaged in any capacity in  
10 the business of the boat.

11 (11) "Peace officer" includes a member of the Oregon State Police, a  
12 sheriff or deputy sheriff, a city police officer, an authorized tribal police of-  
13 ficer as defined in section 1, chapter 644, Oregon Laws 2011, and a police  
14 officer commissioned by a university under ORS 352.383 **or section 1 of this**  
15 **2013 Act.**

16 (12) "State waters" means those waters entirely within the confines of  
17 this state that have not been declared navigable waters of the United States.

18 (13) "Waters of this state" means all waters within the territorial limits  
19 of this state, the marginal sea adjacent to this state and the high seas when  
20 navigated as part of a journey or ride to or from the shore of this state.

21 **SECTION 60.** ORS 830.005, as amended by section 57, chapter 644, Oregon  
22 Laws 2011, is amended to read:

23 830.005. As used in this chapter, unless the context requires otherwise:

24 (1) "Board" means the State Marine Board.

25 (2) "Boat" means every description of watercraft, including a seaplane on  
26 the water and not in flight, used or capable of being used as a means of  
27 transportation on the water, but does not include boathouses, floating homes,  
28 air mattresses, beach and water toys or single inner tubes.

29 (3) "Boating offense" means violation of any provision of law that is made  
30 a crime or violation under the provisions of this chapter.

31 (4) "In flight" means from the moment a seaplane starts its takeoff run

1 until the end of a normal power-off landing run.

2 (5) "Length" means the length of a boat measured from end to end over  
3 the deck excluding sheer.

4 (6) "Motorboat" means any boat propelled in whole or in part by ma-  
5 chinery, including boats temporarily equipped with detachable motors.

6 (7) "Navigable waters of the United States" means those waters of the  
7 United States, including the territorial seas adjacent thereto, the general  
8 character of which is navigable, and that, either by themselves or by uniting  
9 with other waters, form a continuous waterway on which boats or vessels  
10 may navigate or travel between two or more states, or to and from foreign  
11 nations.

12 (8) "Operate" means to navigate or otherwise use a boat.

13 (9) "Operator of a boat livery" means any person who is engaged wholly  
14 or in part in the business of chartering or renting boats to other persons.

15 (10) "Passenger" means every person on board a boat who is not the  
16 master, operator, crew member or other person engaged in any capacity in  
17 the business of the boat.

18 (11) "Peace officer" includes a member of the Oregon State Police, a  
19 sheriff or deputy sheriff, a city police officer and a police officer commis-  
20 sioned by a university under ORS 352.383 **or section 1 of this 2013 Act.**

21 (12) "State waters" means those waters entirely within the confines of  
22 this state that have not been declared navigable waters of the United States.

23 (13) "Waters of this state" means all waters within the territorial limits  
24 of this state, the marginal sea adjacent to this state and the high seas when  
25 navigated as part of a journey or ride to or from the shore of this state.

26 **SECTION 61.** ORS 353.050 is amended to read:

27 353.050. Except as otherwise provided in this chapter, the Oregon Health  
28 and Science University Board of Directors, or university officials acting un-  
29 der the authority of the board, shall exercise all the powers of the Oregon  
30 Health and Science University and shall govern the university. In carrying  
31 out its powers, rights and privileges, the university shall be a governmental

1 entity performing governmental functions and exercising governmental pow-  
2 ers. The university or the board may either within or outside the state:

3 (1) Determine or approve policies for the organization, administration and  
4 development of the university.

5 (2) Appoint and employ any instructional, administrative, professional,  
6 trade, occupational and other personnel as are necessary or appropriate to  
7 carry out the missions of the university, and prescribe their compensation  
8 and terms of office or employment.

9 (3) Make any and all contracts and agreements, enter into any partner-  
10 ship, joint venture or other business arrangement, create and participate  
11 fully in the operation of any business structure, including but not limited to  
12 the development of business structures for health care delivery systems and  
13 networks with any public or private government, nonprofit or for-profit per-  
14 son or entity that in the judgment of the university or the board is necessary  
15 or appropriate to carry out the university's missions and goals.

16 (4) Acquire, purchase, receive, hold, control, convey, sell, manage, oper-  
17 ate, lease, license, lend, invest, improve, develop, use, dispose of and hold  
18 title to real and personal property of any nature, including intellectual  
19 property, in its own name.

20 (5) Sue in its own name and be sued, plead and be impleaded in all  
21 actions, suits or proceedings in any forum brought by or against it by any  
22 and all private or state, local, federal or other public entities, agencies or  
23 persons.

24 (6) Encourage gifts and donations for the benefit of the university, and  
25 subject to the terms of the gift, retain, invest and use such gifts as deemed  
26 appropriate by the university or the board.

27 (7) Acquire, receive, hold, keep, pledge, control, convey, manage, use, lend,  
28 expend and invest all funds, appropriations, gifts, bequests, stock and reve-  
29 nue from any source to the university.

30 (8) Borrow money for the needs of the university, in such amounts and  
31 for such time and upon such terms as may be determined by the university



1 or the board.

2 (9) Erect, construct, improve, develop, repair, maintain, equip, furnish,  
3 lease, lend, convey, sell, manage, operate, use, dispose of and hold title to  
4 buildings, structures and lands for the university.

5 (10) Purchase any and all insurance, operate a self-insurance program or  
6 otherwise arrange for the equivalent of insurance coverage of any nature and  
7 the indemnity and defense of its officers, agents and employees or other  
8 persons designated by the university to carry out or further the missions of  
9 the university.

10 (11) Create, develop, supervise, control and adopt academic programs, in-  
11 cluding standards, qualifications, policies or practices relating to admissions,  
12 curriculum, academic advancement, grading policy, student conduct, credits  
13 and scholarships and the granting of academic degrees, certificates and other  
14 forms of recognition.

15 (12) Authorize, create, eliminate, establish, operate, reorganize, reduce or  
16 expand any program, school, institute, health care facility or other unit of  
17 operation.

18 (13) Establish, charge, collect and use charges for enrollment into the  
19 university, including charges such as tuition for education and general ser-  
20 vices, incidental fees and such other charges found by the university to be  
21 necessary to carry out its educational programs. Fees realized in excess of  
22 amounts allocated and exceeding required reserves shall be considered sur-  
23 plus incidental fees and shall be allocated for programs under the control  
24 of the board and found to be advantageous to the cultural or physical de-  
25 velopment of students of the university upon the recommendation of the re-  
26 cognized student government of the university.

27 (14) Establish, charge, collect and use charges and fees for university  
28 services and the use of university facilities.

29 (15) Impose charges, fines, fees and such other regulations considered  
30 convenient or necessary to control and regulate traffic and parking of vehi-  
31 cles to the same extent allowed the State Board of Higher Education. This

1 authority includes the authority to enforce the regulations of the university  
2 in a court to the extent allowed the State Board of Higher Education in  
3 enforcing the state board's regulations as provided in ORS 352.360 (7).

4 [(16) *Commission special campus security officers to be known as university*  
5 *police. University police commissioned under this subsection have all the*  
6 *powers and authority given by statute to peace officers and police officers of*  
7 *this state. University police shall complete training necessary for certification*  
8 *as police officers at an academy operated or authorized by the Department of*  
9 *Public Safety Standards and Training at the expense of the Oregon Health*  
10 *and Science University Board of Directors. University police are not author-*  
11 *ized to carry firearms as police officers and are not police officers for purposes*  
12 *of ORS 238.005, 243.005 or 243.736. The university is a criminal justice agency*  
13 *for purposes of ORS 181.715 and 181.720 and a law enforcement unit within*  
14 *the meaning of ORS 181.610 (12).]*

15 [(17)] **(16)** Enforce and recover for payment to the university any fines  
16 that are authorized by this chapter.

17 [(18)] **(17)** Adopt, amend or repeal bylaws, administrative rules, regu-  
18 lations and orders applicable to the matters that are the subject of this  
19 chapter.

20 [(19)] **(18)** Contract with any state agency for the performance of such  
21 duties, functions and powers as is appropriate. A state agency shall not  
22 charge the university for such services an amount that is greater than the  
23 actual cost of the services.

24 [(20)] **(19)** Purchase, receive, subscribe for or otherwise acquire, own,  
25 hold, vote, use, sell, mortgage, lend, pledge, invest in or otherwise dispose  
26 of and deal in or with the shares, stock or other equity or interests in or  
27 obligations of any other entity. Separate funds may be established for such  
28 investments. The State of Oregon shall have no proprietary or other interest  
29 in such investments or such funds.

30 [(21)] **(20)** Make available, by lease or otherwise, or control access to any  
31 health care facilities or services or other of its properties and assets to such

1 persons, firms, partnerships, associations or corporations and on such terms  
2 as considered appropriate, charge and collect rent or other fees or charges  
3 therefor and terminate or deny any such access or any such lease or other  
4 agreement for such reasons as considered appropriate and as may be con-  
5 sistent with its obligations under any such lease or other agreement.

6 [(22)] **(21)** Contract for the operation of any department, section, equip-  
7 ment or holdings of the university and enter into any agreements with any  
8 person, firm or corporation for the management by said person, firm or cor-  
9 poration on behalf of the university of any of its properties or for the more  
10 efficient or economical performance of clerical, accounting, administrative  
11 and other functions relating to its health care facilities.

12 [(23)] **(22)** Select and appoint faculty as medical and dental staff members  
13 and others licensed to practice the healing arts, delineate and define the  
14 privileges granted each such individual, adopt and direct a plan for faculty  
15 clinical income and set the terms and conditions of that plan (including such  
16 modifications to any such existing plan as considered necessary or appro-  
17 priate upon expiration of the term of such plan), and determine the extent  
18 to which and the terms upon which each such individual may provide  
19 teaching, research, consulting or other services at the university or any  
20 other health care facility.

21 [(24)] **(23)** Enter into affiliation, cooperation, territorial, management or  
22 other similar agreements with other public or private universities or health  
23 care providers for the sharing, division, allocation or furnishing of services  
24 on an exclusive or a nonexclusive basis, referral of patients, management of  
25 facilities, formation of health care delivery systems and other similar activ-  
26 ities.

27 [(25)] **(24)** Perform any other acts that in the judgment of the board or  
28 university are requisite, necessary or appropriate in accomplishing the pur-  
29 poses described in or carrying out the powers granted by this chapter.

30 [(26)] **(25)** Exercise these powers, notwithstanding that as a consequence  
31 of the exercise of such powers, the university engages in activities that

1 might otherwise be deemed anticompetitive within the contemplation of state  
2 or federal antitrust laws.

3 **SECTION 62.** (1) **Section 1 of this 2013 Act and the amendments to**  
4 **ORS 40.275, 44.550, 90.440, 124.050, 133.005, 133.525, 133.721, 133.726,**  
5 **136.595, 146.003, 147.425, 153.005, 161.015, 163.730, 165.535, 181.010, 181.610,**  
6 **181.715, 181.860, 236.350, 348.270, 353.050, 414.805, 419B.005, 419B.902,**  
7 **420.905, 430.735, 441.630, 506.521, 609.652, 659A.320, 686.450, 756.160, 801.395,**  
8 **811.720, 811.745, 811.747, 823.081 and 830.005 by sections 2 to 61 of this**  
9 **2013 Act become operative on January 1, 2014.**

10 (2) **The Oregon Health and Science University may adopt rules or**  
11 **take any other action necessary to enable the university to exercise,**  
12 **on and after the operative date specified in subsection (1) of this sec-**  
13 **tion, all the duties, functions and powers conferred on the university**  
14 **by this 2013 Act.**

15 **SECTION 63.** **This 2013 Act being necessary for the immediate**  
16 **preservation of the public peace, health and safety, an emergency is**  
17 **declared to exist, and this 2013 Act takes effect on its passage.**

18