

SB 49 A-Engrossed
State Court Security and Emergency Preparedness
Submitted by the Oregon Judicial Department

Senate Bill 49 makes several amendments to ORS 1.177 and 1.178 consistent with HB 4163 adopted by the Legislative Assembly in 2012 that were lost inadvertently with amendments to ORS 1.177 made by SB 1579, also in the 2012 legislative session. In addition the bill makes conforming amendments to ORS 133.005, ORS 181.610, and section 3, chapter 88, Oregon Laws 2012.

These amendments include establishment of the new naming protocol for the chief security officer and other security personnel appointed by the Chief Justice. The term "judicial marshal" was included in, and adopted by HB 4163. The term "judicial marshal" follows the federal model of US Marshals providing security for federal courts.

Section Analysis

Senate Bill 49 Section 1 provides that:

- State court security purposes and policy include the physical security for judges, staff, and the public doing business in state court facilities. Effective standards and plans for the security of state courts are not possible if limited to facilities without including judges, staff, and the public.
- Persons appointed as judicial marshals and trained as police officers by DPSST, are authorized to act as "peace officers" subject to the personnel policies and rules established by the Chief Justice. The Chief Justice may define the duties of the persons so employed so as to withhold any or all of the powers otherwise conferred upon peace officers. These duties would include the authority to detain an individual until the law enforcement agency having general jurisdiction over the area can assume responsibility for the person.
- Persons appointed as judicial marshals are not police officers for the purposes of PERS.

SB 49 Section 2 amends ORS 1.178 to include physical security in plans for state court security improvement, emergency preparedness, and business continuity.

SB 49 Section 3 removes the prohibition on the use of funds from the State Court Facilities and Security Account to fund positions in the judicial department scheduled to take effect in the 2013-15 biennium. Historically, funds from this account support the four staff of the Security and Emergency Preparedness Office. This amendment gives the legislature flexibility to use general funds or other funds for these positions and restores OJD flexibility to respond to special circumstances where there is a need to employ limited duration or temporary staff. The issue of expenditure of the money in this account is clearly identified in the OJD budget and will be considered by the Joint Committee on Ways and Means.

SB 49 Sections 4 through 8 make conforming amendments to other Oregon Revised Statutes to implement the intent of the bill.

SB 49 Section 9 contains an emergency clause making the bill effective upon passage.

The bill has no fiscal impact on OJD operations.