
OREGON STATE SHERIFFS' ASSOCIATION

TESTIMONY ON HOUSE BILL 2233 & -A6

Before the House Rules Committee / June 12, 2013

By: Darrell W. Fuller / 971-388-1786 / fuller_darrell@yahoo.com



Chair Garrett and members of the House Rules Committee:

The Oregon State Sheriffs' Association is comprised of Oregon's 36 elected county sheriffs. Sheriffs take seriously their charge to be "conservators of the peace." Their role in public safety is broad, including routine patrol, investigating crime, search and rescue, marine patrol, jails, community corrections, court security, civil services and the issuance of concealed handgun licenses.

Oregon Sheriffs have been working closely with the Marine Board on this important public safety bill. It is the Sheriffs' Marine Patrols which actually seize these boats to keep the waterways safe and navigable. We strongly support the intent of the bill and understand the purpose and need for the -A6 amendments. However, we have had precious little time to review the amendments and our early read includes some substantial concerns about the language. We are still in the process of a fuller view and request a bit more time, which we know is in short supply. Our early concerns on the -A6 include:

Section 3 Various places - does a Marine Deputy with the Sheriff's office fall under the description of "a person designated by the State Marine Director"? In an emergency we would have to make a decision locally instead of waiting for someone from the Marine Director's Office. This isn't defined so we want to double check who actually has the authority.

Section 3 (6) - Derelict vessel - doesn't address being able to come on the boat to inspect to determine ownership. (5) re abandoned vessels allows inspection to determine ownership as a reason

Section 4 (5) - Requirement for Notices - says "not more than seven days after the notice required by this section is given" - not sure when the time clock starts (when the notice is dated, posted, mailed, postmarked, received)?

Section 6 (2) - "...storage must be paid to avoid title to the vessel vesting in the law enforcement agency." - if we are destroying or selling the vessel is there a need to "vest the title to the law enforcement agency"?

Section 6 (4) - Reads "by submitting a written request for hearing to the enforcement agency not more than 10 business days after the notice required by this section is given." not sure when time clock starts (dated, mailed, postmarked, received)?

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PO Box 7468 Salem OR 97303 (503) 364-4204 info@oregonsheriffs.org www.oregonsheriffs.org

Section 10 (1) & (2) - LIABILITY OF ENFORCEMENT AGENCY - "Liability is established by evidence that the enforcement agency or the person acted, or failed to act, in a manner that constitutes negligence or a higher degree of fault; and (2) The act or failure to act caused or contributed to the damages" - So if there was an abandoned vessel or something that broke loose from a storm and the Sheriff knew about it but failed to tag or notice for a week or two or three. During that time another storm hit and the vessel moved further and now floated in to other boats, docks causing damage, or, broke open losing fuel etc. Is the Sheriff liable for failing to act immediately with notice on the abandoned which later caused damage when it strayed further? Are we liable to other property owners who may have damages as a result of us not handling it earlier when it was in a safer location?

Thank you for holding a Public Hearing on this important bill. Oregon Sheriffs stand ready to assist in any way possible to ensure the PSAP system is fully and adequately funded in the 2013-15 biennial budget.