

D R A F T

SUMMARY

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

Permits community college districts to establish police departments.

Authorizes public universities, Oregon Health and Science University and community college districts to prohibit possession of firearms on campus, including by persons with concealed handgun licenses. Eliminates exemption for crime of possession of firearm in public building for person with concealed handgun license if university or district has prohibited such possession.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to higher education safety; 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, 166.262, 166.370, 180.320, 181.010, 181.610, 181.715, 181.781, 181.860, 236.350, 238.005, 243.005, 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. Section 2 of this 2013 Act is added to and made a part of ORS chapter 353.

SECTION 2. (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

1 department established under this section has all of the authority and
2 immunity of a municipal police department of this state.

3 (2) Police officers commissioned under this section:

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

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

8 (3) When the university establishes a police department and com-
9 missions one or more employees as police officers under this section,
10 the university, in cooperation with the chief of the police department,
11 shall establish a process by which the university will receive and re-
12 spond to complaints involving the policies of the police department
13 and the conduct of the police officers.

14 (4) The university may:

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

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

19 SECTION 3. Section 4 of this 2013 Act is added to and made a part
20 of ORS chapter 341.

21 SECTION 4. (1) The board of education of a community college
22 district, or officials of the community college district acting under the
23 authority of the board, may establish a police department and com-
24 mission one or more employees as police officers. A police department
25 established under this section has all the authority and immunity of
26 a municipal police department of this state.

27 (2) Police officers commissioned under this section:

28 (a) May enforce criminal laws and any administrative rules and
29 policies adopted by the board of education of a community college
30 district; and

31 (b) Have all the authority and immunity of a police officer or police

1 **officer of this state.**

2 **(3) When a community college district establishes a police depart-**
3 **ment and commissions one or more employees as police officers under**
4 **this section, a community college district, in cooperation with the**
5 **chief of the police department, shall establish a process by which the**
6 **community college district will receive and respond to complaints in-**
7 **volving the policies of the police department and the conduct of the**
8 **police officers.**

9 **(4) A community college district may:**

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

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

14 **SECTION 5.** ORS 40.275 is amended to read:

15 40.275. (1) As used in this section, "unit of government" means:

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

17 (b) A university that has commissioned police officers under ORS 352.383
18 **or section 2 of this 2013 Act or a community college district that has**
19 **commissioned police officers under section 4 of this 2013 Act; or**

20 (c) A tribal government as defined in section 1, chapter 644, Oregon Laws
21 2011, if the information relates to or assists in an investigation conducted
22 by an authorized tribal police officer as defined in section 1, chapter 644,
23 Oregon Laws 2011.

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

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

31 (4) No privilege exists under this section:

1 (a) If the identity of the informer or the informer's interest in the subject
2 matter of the communication has been disclosed to those who would have
3 cause to resent the communication by a holder of the privilege or by the
4 informer's own action, or if the informer appears as a witness for the unit
5 of government.

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

27 (c) If information from an informer is relied upon to establish the legality
28 of the means by which evidence was obtained and the judge is not satisfied
29 that the information was received from an informer reasonably believed to
30 be reliable or credible. The judge may require the identity of the informer
31 to be disclosed. The judge shall, on request of the unit of government, direct

1 that the disclosure be made in camera. All counsel and parties concerned
2 with the issue of legality shall be permitted to be present at every stage of
3 proceedings under this paragraph except a disclosure in camera, at which
4 no counsel or party shall be permitted to be present. If disclosure of the
5 identity of the informer is made in camera, the record thereof shall be sealed
6 and preserved to be made available to the appellate court in the event of an
7 appeal, and the contents shall not otherwise be revealed without consent of
8 the unit of government.

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

11 40.275. (1) As used in this section, “unit of government” means:

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

14 (b) A university that has commissioned police officers under ORS 352.383
15 **or section 2 of this 2013 Act or a community college district that has**
16 **commissioned police officers under section 4 of this 2013 Act.**

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

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

24 (4) No privilege exists under this section:

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

30 (b) If it appears from the evidence in the case or from other showing by
31 a party that an informer may be able to give testimony necessary to a fair

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

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

1 the unit of government.

2 **SECTION 7.** ORS 44.550 is amended to read:

3 44.550. As used in ORS 44.550 to 44.566:

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

5 (2) "Law enforcement unit" means:

6 (a) The police department of a city;

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

8 [*or*]

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

11 **(d) A police department established by a community college district**
12 **under section 4 of this 2013 Act.**

13 (3) "Police officer" means an officer or member of a law enforcement unit
14 who is employed full-time as a peace officer by the city, [*or*] county, **uni-**
15 **versity or community college district** and who is responsible for enforcing
16 the criminal laws of this state.

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

20 **SECTION 8.** ORS 90.440 is amended to read:

21 90.440. (1) As used in this section:

22 (a) "Group recovery home" means a place that provides occupants with
23 shared living facilities and that meets the description of a group home under
24 42 U.S.C. 300x-25.

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

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

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

29 (c) "Peace officer" means:

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

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

1 (C) A police officer commissioned by a university under ORS 352.383 **or**
2 **section 2 of this 2013 Act or a police officer commissioned by a com-**
3 **munity college district under section 4 of this 2013 Act;** or

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

6 (2) Notwithstanding ORS 90.375 and 90.435, a group recovery home may
7 terminate a tenancy and peaceably remove a tenant without complying with
8 ORS 105.105 to 105.168 if the tenant has used or possessed alcohol or illegal
9 drugs within the preceding seven days. For purposes of this subsection, the
10 following are sufficient proof that a tenant has used or possessed alcohol or
11 illegal drugs:

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

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

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

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

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

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

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

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

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

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

1

2 This notice is to inform you that you must move out of _____ (insert
3 address of group recovery home) by _____ (insert date and time that is
4 not less than 24 hours after delivery of notice).

5

The reason for this notice is _____ (specify use or possession of al-
6cohol or illegal drugs, as applicable, and dates of occurrence).

7

The proof of your use or possession is _____ (specify facts).

8

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

13

You may be eligible for free legal services at your local legal services
14 office _____ (insert telephone number) or reduced fee legal services
15 through the Oregon State Bar at 1-800-452-7636.

16

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

24

(6) The date and time for moving out specified in a notice under sub-
25 section (3) of this section must be at least 24 hours after the date and time
26 the notice is delivered to the tenant. If the tenant remains on the group re-
27covery home premises after the date and time for moving out specified in the
28 notice, the tenant is a person remaining unlawfully in a dwelling as de-
29 scribed in ORS 164.255 and not a person described in ORS 105.115. Only a
30 peace officer may forcibly remove a tenant who remains on the group re-
31covery home premises after the date and time specified for moving out.

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

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

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

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

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

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

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

24 **SECTION 9.** ORS 90.440, as amended by section 69, chapter 644, Oregon
25 Laws 2011, is amended to read:

26 90.440. (1) As used in this section:

27 (a) "Group recovery home" means a place that provides occupants with
28 shared living facilities and that meets the description of a group home under
29 42 U.S.C. 300x-25.

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

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

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

3 (c) "Peace officer" means:

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

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

6 (C) A police officer commissioned by a university under ORS 352.383 or
7 **section 2 of this 2013 Act or a police officer commissioned by a com-**
8 **munity college district under section 4 of this 2013 Act.**

9 (2) Notwithstanding ORS 90.375 and 90.435, a group recovery home may
10 terminate a tenancy and peaceably remove a tenant without complying with
11 ORS 105.105 to 105.168 if the tenant has used or possessed alcohol or illegal
12 drugs within the preceding seven days. For purposes of this subsection, the
13 following are sufficient proof that a tenant has used or possessed alcohol or
14 illegal drugs:

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

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

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

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

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

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

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

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

30 (e) Gives contact information for the local legal services office and for
31 the Oregon State Bar's Lawyer Referral Service, identifying those services

1 as possible sources for free or reduced-cost legal services.

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

4 _____
5 This notice is to inform you that you must move out of _____ (insert
6 address of group recovery home) by _____ (insert date and time that is
7 not less than 24 hours after delivery of notice).

8 The reason for this notice is _____ (specify use or possession of al-
9 cohool or illegal drugs, as applicable, and dates of occurrence).

10 The proof of your use or possession is _____ (specify facts).

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

16 You may be eligible for free legal services at your local legal services
17 office _____ (insert telephone number) or reduced fee legal services
18 through the Oregon State Bar at 1-800-452-7636.

19 _____
20 (5) Within the notice period, a group recovery home shall allow a tenant
21 removed under this section to follow any emergency departure plan that was
22 prepared by the tenant and approved by the group recovery home at the time
23 the tenancy began. If the removed tenant does not have an emergency de-
24 parture plan, a representative of the group recovery home shall offer to take
25 the removed tenant to a public shelter, detoxification center or similar lo-
26 cation if existing in the community.

27 (6) The date and time for moving out specified in a notice under sub-
28 section (3) of this section must be at least 24 hours after the date and time
29 the notice is delivered to the tenant. If the tenant remains on the group re-
30 covery home premises after the date and time for moving out specified in the
31 notice, the tenant is a person remaining unlawfully in a dwelling as de-

1 scribed in ORS 164.255 and not a person described in ORS 105.115. Only a
2 peace officer may forcibly remove a tenant who remains on the group re-
3covery home premises after the date and time specified for moving out.

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

8 (8) A tenant who is removed under subsection (2) of this section may ob-
9tain injunctive relief to recover possession and may recover an amount equal
10 to the greater of actual damages or three times the tenant's monthly rent if:

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

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

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

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

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

27 **SECTION 10.** ORS 124.050 is amended to read:

28 124.050. As used in ORS 124.050 to 124.095:

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

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

1 of the injury.

2 (b) Neglect.

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

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

7 (e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411,
8 163.415, 163.425, 163.427, 163.465 or 163.467.

9 (f) Verbal abuse.

10 (g) Financial exploitation.

11 (h) Sexual abuse.

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

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

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

20 (3) "Facility" means:

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

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

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

25 (4) "Financial exploitation" means:

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

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

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

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

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

7 (6) "Law enforcement agency" means:

8 (a) Any city or municipal police department.

9 (b) Any county sheriff's office.

10 (c) The Oregon State Police.

11 (d) Any district attorney.

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

14 **(f) A police department established by a community college district**
15 **under section 4 of this 2013 Act.**

16 (7) "Neglect" means:

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

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

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

23 (a) ORS 410.040 (7); or

24 (b) ORS 410.715.

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

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

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

31 (c) Employee of the Department of Human Services or community devel-

1 opmental disabilities program.

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

4 (e) Peace officer.

5 (f) Member of the clergy.

6 (g) Regulated social worker.

7 (h) Physical, speech or occupational therapist.

8 (i) Senior center employee.

9 (j) Information and referral or outreach worker.

10 (k) Licensed professional counselor or licensed marriage and family ther-
11 apist.

12 (L) Any public official who comes in contact with elderly persons in the
13 performance of the official's official duties.

14 (m) Firefighter or emergency medical services provider.

15 (n) Psychologist.

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

17 (p) Audiologist.

18 (q) Speech-language pathologist.

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

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

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

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

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

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

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

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

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

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

8 (a) Derogatory or inappropriate names, insults, verbal assaults, profanity
9 or ridicule; or

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

12 **SECTION 11.** ORS 133.005, as amended by section 6, chapter 54, Oregon
13 Laws 2012, and section 3, chapter 67, Oregon Laws 2012, is amended to read:

14 133.005. As used in ORS 133.005 to 133.400 and 133.410 to 133.450, unless
15 the context requires otherwise:

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

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

24 (3) "Peace officer" means:

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

26 (b) A sheriff, constable, marshal, municipal police officer or reserve offi-
27 cer, [or] a police officer commissioned by a university under ORS 352.383 **or**
28 **section 2 of this 2013 Act or a police officer commissioned by a com-**
29 **munity college district under section 4 of this 2013 Act;**

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

1 (d) An investigator of the Criminal Justice Division of the Department
2 of Justice of the State of Oregon;

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

5 (f) A liquor enforcement inspector exercising authority described in ORS
6 471.775 (2); or

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

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

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

17 (b) Armed with a firearm; and

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

20 **SECTION 12.** ORS 133.005, as amended by section 39, chapter 644, Oregon
21 Laws 2011, section 7, chapter 54, Oregon Laws 2012, and section 4, chapter
22 67, Oregon Laws 2012, is amended to read:

23 133.005. As used in ORS 133.005 to 133.400 and 133.410 to 133.450, unless
24 the context requires otherwise:

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

29 (2) "Federal officer" means a special agent or law enforcement officer
30 employed by a federal agency who is empowered to effect an arrest with or
31 without a warrant for violations of the United States Code and who is au-

1 thORIZED to carry firearms in the performance of duty.

2 (3) "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, [or] a police officer commissioned by a university under ORS 352.383 **or**
6 **section 2 of this 2013 Act or a police officer commissioned by a com-**
7 **munity college district under section 4 of this 2013 Act;**

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

10 (d) An investigator of the Criminal Justice Division of the Department
11 of Justice of the State of Oregon;

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

14 (f) A liquor enforcement inspector exercising authority described in ORS
15 471.775 (2).

16 (4) "Reserve officer" means an officer or member of a law enforcement
17 agency 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, the Criminal Justice Division of the Department of Justice, the
22 Oregon State Lottery Commission or the Governor or a member of the De-
23 partment of State Police;

24 (b) Armed with a firearm; and

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

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

29 133.525. As used in ORS 133.525 to 133.703, unless the context requires
30 otherwise:

31 (1) "Judge" means any judge of the circuit court, the Court of Appeals,

1 the Supreme Court, any justice of the peace or municipal judge authorized
2 to exercise the powers and perform the duties of a justice of the peace.

3 (2) "Police officer" means:

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

5 (b) A sheriff or municipal police officer, a police officer commissioned by
6 a university under ORS 352.383 **or section 2 of this 2013 Act, a police of-**
7 **ficer commissioned by a community college district under section 4**
8 **of this 2013 Act** or an authorized tribal police officer as defined in section
9 1, chapter 644, Oregon Laws 2011;

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

12 (d) An investigator of the Criminal Justice Division of the Department
13 of Justice;

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

16 (f) A liquor enforcement inspector exercising authority described in ORS
17 471.775 (2).

18 **SECTION 14.** ORS 133.525, as amended by section 40, chapter 644, Oregon
19 Laws 2011, section 9, chapter 54, Oregon Laws 2012, and section 6, chapter
20 67, Oregon Laws 2012, is amended to read:

21 133.525. As used in ORS 133.525 to 133.703, unless the context requires
22 otherwise:

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

26 (2) "Police officer" means:

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

28 (b) A sheriff or municipal police officer, [or] a police officer commissioned
29 by a university under ORS 352.383 **or section 2 of this 2013 Act or a police**
30 **officer commissioned by a community college district under section 4**
31 **of this 2013 Act;**

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

3 (d) An investigator of the Criminal Justice Division of the Department
4 of Justice;

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

7 (f) A liquor enforcement inspector exercising authority described in ORS
8 471.775 (2).

9 **SECTION 15.** ORS 133.721, as amended by section 10, chapter 54, Oregon
10 Laws 2012, is amended to read:

11 133.721. As used in ORS 41.910 and 133.721 to 133.739, unless the context
12 requires otherwise:

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

17 (2) "Contents," when used with respect to any wire, electronic or oral
18 communication, includes any information concerning the identity of the
19 parties to such communication or the existence, substance, purport or
20 meaning of that communication.

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

25 (a) Any oral communication or any communication that is completely by
26 wire; or

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

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

31 (a) Any telephone or telegraph instrument, equipment or facility, or any

1 component thereof that is furnished to the subscriber or user by a telecom-
2 munications carrier in the ordinary course of its business and that is being
3 used by the subscriber or user in the ordinary course of its business or being
4 used by a telecommunications carrier in the ordinary course of its business,
5 or by an investigative or law enforcement officer in the ordinary course of
6 official duties; or

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

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

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

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

15 (A) A county sheriff or municipal police department, [*or*] a police de-
16 partment established by a university under ORS 352.383 **or section 2 of this**
17 **2013 Act or a police department established by a community college**
18 **district under section 4 of this 2013 Act;**

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

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

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

24 (c) A liquor enforcement inspector exercising authority described in ORS
25 471.775 (2).

26 (7) "Oral communication" means:

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

31 (b) An utterance by a person who is participating in a wire or electronic

1 communication, if the utterance is audible to another person who, at the
2 time the wire or electronic communication occurs, is in the immediate pres-
3 ence of the person participating in the communication.

4 (8) "Telecommunications carrier" means:

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

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

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

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

15 **SECTION 16.** ORS 133.721, as amended by section 70, chapter 644, Oregon
16 Laws 2011, and section 11, chapter 54, Oregon Laws 2012, is amended to read:

17 133.721. As used in ORS 41.910 and 133.721 to 133.739, unless the context
18 requires otherwise:

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

23 (2) "Contents," when used with respect to any wire, electronic or oral
24 communication, includes any information concerning the identity of the
25 parties to such communication or the existence, substance, purport or
26 meaning of that communication.

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

31 (a) Any oral communication or any communication that is completely by

1 wire; or

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

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

6 (a) Any telephone or telegraph instrument, equipment or facility, or any
7 component thereof that is furnished to the subscriber or user by a telecom-
8 munications carrier in the ordinary course of its business and that is being
9 used by the subscriber or user in the ordinary course of its business or being
10 used by a telecommunications carrier in the ordinary course of its business,
11 or by an investigative or law enforcement officer in the ordinary course of
12 official duties; or

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

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

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

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

21 (A) A county sheriff or municipal police department, [or] a police de-
22 partment established by a university under ORS 352.383 **or section 2 of this**
23 **2013 Act or a police department established by a community college**
24 **district under section 4 of this 2013 Act;**

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

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

29 (b) A liquor enforcement inspector exercising authority described in ORS
30 471.775 (2).

31 (7) "Oral communication" means:

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

5 (b) An utterance by a person who is participating in a wire or electronic
6 communication, if the utterance is audible to another person who, at the
7 time the wire or electronic communication occurs, is in the immediate pres-
8 ence of the person participating in the communication.

9 (8) "Telecommunications carrier" means:

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

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

13 (9) "Telecommunications service" has the meaning given that term in ORS
14 759.005.

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

20 **SECTION 17.** ORS 133.726, as amended by section 12, chapter 54, Oregon
21 Laws 2012, is amended to read:

22 133.726. (1) Notwithstanding ORS 133.724, under the circumstances de-
23 scribed in this section, a law enforcement officer is authorized to intercept
24 an oral communication to which the officer or a person under the direct
25 supervision of the officer is a party, without obtaining an order for the in-
26 terception of a wire, electronic or oral communication under ORS 133.724.

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

31 (3) An ex parte order for intercepting an oral communication in any

1 county of this state under this section may be issued by any judge as defined
2 in ORS 133.525 upon written application made upon oath or affirmation of
3 the district attorney or a deputy district attorney authorized by the district
4 attorney for the county in which the order is sought or upon the oath or
5 affirmation of any peace officer as defined in ORS 133.005. The application
6 shall include:

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

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

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

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

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

22 (a) There is probable cause to believe that a person 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

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

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

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

31 (b) A statement identifying the particular crime to which the oral com-

1 munication is expected to relate;

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

4 (d) The name and office of the applicant and the signature and title of the
5 issuing judge;

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

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

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

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

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

21 (8) A law enforcement officer who intercepts an oral communication pur-
22 suant to this section may not intentionally fail to record and preserve the
23 oral communication in its entirety. A law enforcement officer, or a person
24 under the direct supervision of the officer, who is authorized under this
25 section to intercept an oral communication is not required to exclude from
26 the interception an oral communication made by a person for whom probable
27 cause does not exist if the officer or the person under the officer's direct
28 supervision is a party to the oral communication.

29 (9) A law enforcement officer may not divulge the contents of an oral
30 communication intercepted under this section before a preliminary hearing
31 or trial in which an oral communication is going to be introduced as evi-

1 dence against a person except:

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

5 (b) To a magistrate;

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

7 (d) In compliance with a court order.

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

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

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

13 (A) The United States, this state or a municipal government within this
14 state;

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

17 (C) A police department established by a university under ORS 352.383
18 **or section 2 of this 2013 Act or a police department established by a**
19 **community college district under section 4 of this 2013 Act;**

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

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

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

24 **SECTION 18.** ORS 133.726, as amended by section 71, chapter 644, Oregon
25 Laws 2011, and section 13, chapter 54, Oregon Laws 2012, is amended to read:

26 133.726. (1) Notwithstanding ORS 133.724, under the circumstances de-
27 scribed in this section, a law enforcement officer is authorized to intercept
28 an oral communication to which the officer or a person under the direct
29 supervision of the officer is a party, without obtaining an order for the in-
30 terception of a wire, electronic or oral communication under ORS 133.724.

31 (2) For purposes of this section and ORS 133.736, a person is a party to

1 an oral communication if the oral communication is made in the person's
2 immediate presence and is audible to the person regardless of whether the
3 communication is specifically directed to the person.

4 (3) An ex parte order for intercepting an oral communication in any
5 county of this state under this section may be issued by any judge as defined
6 in ORS 133.525 upon written application made upon oath or affirmation of
7 the district attorney or a deputy district attorney authorized by the district
8 attorney for the county in which the order is sought or upon the oath or
9 affirmation of any peace officer as defined in ORS 133.005. The application
10 shall include:

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

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

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

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

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

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

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

31 (6) An order authorizing or approving the interception of an oral com-

1 munication under this section must specify:

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

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

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

8 (d) The name and office of the applicant and the signature and title of the
9 issuing judge;

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

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

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

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

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

25 (8) A law enforcement officer who intercepts an oral communication pur-
26 suant to this section may not intentionally fail to record and preserve the
27 oral communication in its entirety. A law enforcement officer, or a person
28 under the direct supervision of the officer, who is authorized under this
29 section to intercept an oral communication is not required to exclude from
30 the interception an oral communication made by a person for whom probable
31 cause does not exist if the officer or the person under the officer's direct

1 supervision is a party to the oral communication.

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

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

9 (b) To a magistrate;

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

11 (d) In compliance with a court order.

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

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

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

17 (A) The United States, this state or a municipal government within this
18 state;

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

21 (C) A police department established by a university under ORS 352.383
22 **or section 2 of this 2013 Act or a police department established by a**
23 **community college district under section 4 of this 2013 Act;** or

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

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

26 **SECTION 19.** ORS 136.595 is amended to read:

27 136.595. (1) Except as provided in ORS 136.447 and 136.583 and subsection
28 (2) of this section, a subpoena is served by delivering a copy to the witness
29 personally. If the witness is under 14 years of age, the subpoena may be
30 served by delivering a copy to the witness or to the witness's parent,
31 guardian or guardian ad litem. Proof of the service is made in the same

1 manner as in the service of a summons.

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

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

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

23 (d) As used in this subsection, "law enforcement agency" means the
24 Oregon State Police, a county sheriff's department, a municipal police de-
25 partment, a police department established by a university under ORS 352.383
26 **or section 2 of this 2013 Act, a police department established by a**
27 **community college district under section 4 of this 2013 Act** or, if the
28 witness whose attendance at trial is required is an authorized tribal police
29 officer as defined in section 1, chapter 644, Oregon Laws 2011, a tribal gov-
30 ernment as defined in section 1, chapter 644, Oregon Laws 2011.

31 (3) When a subpoena has been served as provided in ORS 136.583 or sub-

1 section (1) or (2) of this section and, subsequent to service, the date on, or
2 the time at, which the person subpoenaed is to appear has changed, a new
3 subpoena is not required to be served if:

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

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

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

9 (B) Express mail.

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

12 136.595. (1) Except as provided in ORS 136.447 and 136.583 and subsection
13 (2) of this section, a subpoena is served by delivering a copy to the witness
14 personally. If the witness is under 14 years of age, the subpoena may be
15 served by delivering a copy to the witness or to the witness's parent,
16 guardian or guardian ad litem. Proof of the service is made in the same
17 manner as in the service of a summons.

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

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

1 time of service.

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

8 (d) As used in this subsection, “law enforcement agency” means the
9 Oregon State Police, a county sheriff’s department, a municipal police de-
10 partment, [*or*] a police department established by a university under ORS
11 352.383 **or section 2 of this 2013 Act or a police department established**
12 **by a community college district under section 4 of this 2013 Act.**

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

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

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

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

22 (B) Express mail.

23 **SECTION 21.** ORS 146.003 is amended to read:

24 146.003. As used in ORS 146.003 to 146.189 and 146.710 to 146.992, unless
25 the context requires otherwise:

26 (1) “Approved laboratory” means a laboratory approved by the State
27 Medical Examiner as competent to perform the blood sample analysis re-
28 quired by ORS 146.113 (2).

29 (2) “Assistant district medical examiner” means a physician appointed by
30 the district medical examiner to investigate and certify deaths within a
31 county or district.

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

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

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

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

10 (7) "Law enforcement agency" means a county sheriff's office, municipal
11 police department, police department established by a university under ORS
12 352.383 **or section 2 of this 2013 Act, a police department established**
13 **by a community college district under section 4 of this 2013 Act** and the
14 Oregon State Police.

15 (8) "Legal intervention" includes an execution pursuant to ORS 137.463,
16 137.467 and 137.473 and other legal use of force resulting in death.

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

20 (10) "Medical examiner" means a physician appointed as provided by ORS
21 146.003 to 146.189 to investigate and certify the cause and manner of deaths
22 requiring investigation, including the State Medical Examiner.

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

26 (12) "Unidentified human remains" does not include human remains that
27 are unidentified human remains that are part of an archaeological site or
28 suspected of being Native American and covered under ORS chapters 97 and
29 390 and ORS 358.905 to 358.961.

30 **SECTION 22.** ORS 147.425 is amended to read:

31 147.425. (1) As used in this section:

1 (a) "Health care provider" has the meaning given that term in ORS
2 192.556.

3 (b) "Law enforcement agency" means:

4 (A) A city or municipal police department.

5 (B) A county sheriff's office.

6 (C) The Oregon State Police.

7 (D) A district attorney.

8 (E) A police department established by a university under ORS 352.383
9 **or section 2 of this 2013 Act or a police department established by a**
10 **community college district under section 4 of this 2013 Act.**

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

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

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

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

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

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

29 (3) Except for grand jury proceedings and child abuse assessments occur-
30 ring at a child advocacy center recognized by the Department of Justice, a
31 personal representative may accompany the victim to those phases of the

1 investigation, including medical examinations, and prosecution of the crime
2 at which the victim is entitled or required to be present.

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

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

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

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

19 **SECTION 23.** ORS 147.425, as amended by section 44, chapter 644, Oregon
20 Laws 2011, is amended to read:

21 147.425. (1) As used in this section:

22 (a) "Health care provider" has the meaning given that term in ORS
23 192.556.

24 (b) "Law enforcement agency" means:

25 (A) A city or municipal police department.

26 (B) A county sheriff's office.

27 (C) The Oregon State Police.

28 (D) A district attorney.

29 (E) A police department established by a university under ORS 352.383
30 **or section 2 of this 2013 Act or a police department established by a**
31 **community college district under section 4 of this 2013 Act.**

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

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

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

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

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

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

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

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

1 a victim.

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

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

7 **SECTION 24.** ORS 153.005, as amended by section 14, chapter 54, Oregon
8 Laws 2012, and section 7, chapter 67, Oregon Laws 2012, is amended to read:

9 153.005. As used in this chapter:

10 (1) "Enforcement officer" means:

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

12 (b) A sheriff or deputy sheriff.

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

15 (d) A police officer commissioned by a university under ORS 352.383 **or**
16 **section 2 of this 2013 Act or a police officer commissioned by a com-**
17 **munity college district under section 4 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) An authorized tribal police officer as defined in section 1, chapter 644,
28 Oregon Laws 2011.

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

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

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

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

4 **SECTION 25.** ORS 153.005, as amended by section 45, chapter 644, Oregon
5 Laws 2011, section 15, chapter 54, Oregon Laws 2012, and section 8, chapter
6 67, Oregon Laws 2012, is amended to read:

7 153.005. As used in this chapter:

8 (1) "Enforcement officer" means:

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

10 (b) A sheriff or deputy sheriff.

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

13 (d) A police officer commissioned by a university under ORS 352.383 **or**
14 **section 2 of this 2013 Act or a police officer commissioned by a com-**
15 **munity college district under section 4 of this 2013 Act.**

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

18 (f) An investigator of the Criminal Justice Division of the Department of
19 Justice of the State of Oregon.

20 (g) A Port of Portland peace officer.

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

23 (i) A liquor enforcement inspector exercising authority described in ORS
24 471.775 (2).

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

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

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

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

31 **SECTION 26.** ORS 161.015, as amended by section 16, chapter 54, Oregon

1 Laws 2012, and section 9, chapter 67, Oregon Laws 2012, is amended to read:
2 161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635, un-
3 less the context requires otherwise:

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

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

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

14 (4) "Peace officer" means:

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

16 (b) A sheriff, constable, marshal, municipal police officer or reserve offi-
17 cer as defined in ORS 133.005, [or] a police officer commissioned by a uni-
18 versity under ORS 352.383 **or section 2 of this 2013 Act or a police officer**
19 **commissioned by a community college district under section 4 of this**
20 **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 27.** 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 uni-
6 versity under ORS 352.383 **or section 2 of this 2013 Act or a police officer**
7 **commissioned by a community college district under section 4 of this**
8 **2013 Act;**

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

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

13 (e) A liquor enforcement inspector exercising authority described in ORS
14 471.775 (2); and

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

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

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

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

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

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

29 (10) "Public place" means a place to which the general public has access
30 and includes, but is not limited to, hallways, lobbies and other parts of
31 apartment houses and hotels not constituting rooms or apartments designed

1 for actual residence, and highways, streets, schools, places of amusement,
2 parks, playgrounds and premises used in connection with public passenger
3 transportation.

4 **SECTION 28.** ORS 163.730 is amended to read:

5 163.730. As used in ORS 30.866 and 163.730 to 163.750, unless the context
6 requires otherwise:

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

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

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

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

12 (b) Following the other person;

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

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

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

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

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

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

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

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

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

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

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

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

3 (6) "Law enforcement officer" means:

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

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

6 (B) A police department established by a university under ORS 352.383
7 **or section 2 of this 2013 Act or a police department established by a**
8 **community college district under section 4 of this 2013 Act;** or

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

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

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

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

15 **SECTION 29.** ORS 163.730, as amended by section 73, chapter 644, Oregon
16 Laws 2011, is amended to read:

17 163.730. As used in ORS 30.866 and 163.730 to 163.750, unless the context
18 requires otherwise:

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

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

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

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

24 (b) Following the other person;

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

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

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

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

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

1 (h) Communicating with a third person who has some relationship to the
2 other person with the intent of affecting the third person's relationship with
3 the other person;

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

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

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

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

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

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

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

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

18 (b) A police department established by a university under ORS 352.383
19 **or section 2 of this 2013 Act or a police department established by a**
20 **community college district under section 4 of this 2013 Act;** or

21 (c) A municipal or state police agency.

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

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

25 **SECTION 30.** ORS 165.535 is amended to read:

26 165.535. As used in ORS 41.910, 133.723, 133.724, 165.540 and 165.545:

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

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

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

2 (A) The state and of a county, municipal corporation or any other poli-
3 tical subdivision of the state; [*and*]

4 (B) A police department established by a university under ORS 352.383
5 **or section 2 of this 2013 Act**; and

6 **(C) A police department established by a community college district**
7 **under section 4 of this 2013 Act; and**

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

10 (3) "Radio communication" means the transmission by radio or other
11 wireless methods of writing, signs, signals, pictures and sounds of all kinds,
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 (4) "Telecommunication" means the transmission of writing, signs,
16 signals, pictures and sounds of all kinds by aid of wire, cable or other similar
17 connection between the points of origin and reception of such transmission,
18 including all instrumentalities, facilities, equipment and services (including,
19 among other things, the receipt, forwarding and delivering of communi-
20 cations) incidental to such transmission.

21 **SECTION 31.** ORS 165.535, as amended by section 74, chapter 644, Oregon
22 Laws 2011, is amended to read:

23 165.535. As used in ORS 41.910, 133.723, 133.724, 165.540 and 165.545:

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

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

29 (a) The state and of a county, municipal corporation or any other political
30 subdivision of the state; [*and*]

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

1 **or section 2 of this 2013 Act; and**

2 **(c) A police department established by a community college district**
3 **under section 4 of this 2013 Act.**

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 32.** ORS 180.320 is amended to read:

16 180.320. (1) All state agencies, district attorneys, [*and all*] police officers
17 of the state, county or any municipality[, *university*] or court thereof, **and**
18 **police officers of any university or community college**, shall cooperate
19 with the Division of Child Support of the Department of Justice in furnish-
20 ing and making available information, records and documents necessary to
21 assist in establishing or enforcing support obligations or paternity, in per-
22 forming the duties set out in ORS 25.080 and in determining the location of
23 any absent parent or child for the purpose of enforcing any state or federal
24 law regarding the unlawful taking or restraint of a child or for the purpose
25 of making or enforcing a child custody determination. Notwithstanding the
26 provisions of ORS 109.225, 416.430, 432.121, 432.230 and 432.430, records per-
27 taining to the paternity of a child shall be made available upon written re-
28 quest of an authorized representative of the Division of Child Support. Any
29 information obtained pursuant to this subsection is confidential, and shall
30 be used only for the purposes set out in this subsection.

31 (2) Information furnished to the Division of Child Support by the De-

1 partment of Revenue and made confidential by ORS 314.835 shall be used by
2 the division and its employees solely for the purpose of enforcing the pro-
3 visions of ORS 180.320 to 180.365 and shall not be disclosed or made known
4 for any other purpose. Any person who violates the prohibition against dis-
5 closure contained in this subsection, upon conviction, is punishable as pro-
6 vided in ORS 314.991 (2).

7 **SECTION 33.** 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 2 of this 2013 Act,**
19 **police departments established by a community college district under**
20 **section 4 of this 2013 Act** and State Police;

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

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

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

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

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

31 **SECTION 34.** ORS 181.010, as amended by section 49, chapter 644, Oregon

1 Laws 2011, section 19, chapter 54, Oregon Laws 2012, and section 12, chapter
2 67, Oregon Laws 2012, is amended to read:

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

5 (1) "Criminal justice agency" means:

6 (a) The Governor;

7 (b) Courts of criminal jurisdiction;

8 (c) The Attorney General;

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

13 (e) Law enforcement agencies;

14 (f) The Department of Corrections;

15 (g) The Oregon Youth Authority;

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

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

18 (j) The Oregon Liquor Control Commission;

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

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

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

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

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

31 (5) "Designated agency" means any state, county or municipal government

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

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

10 (7) "Law enforcement agency" means:

11 (a) County sheriffs, municipal police departments, police departments es-
12 tablished by a university under ORS 352.383 **or section 2 of this 2013 Act,**
13 **police departments established by a community college district under**
14 **section 4 of this 2013 Act** and State Police;

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

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

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

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

22 **SECTION 35.** ORS 181.610, as amended by section 22, chapter 54, Oregon
23 Laws 2012, section 13, chapter 67, Oregon Laws 2012, and section 4, chapter
24 88, Oregon Laws 2012, is amended to read:

25 181.610. In ORS 181.610 to 181.712, unless the context requires otherwise:

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

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

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

1 established under ORS 181.640.

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

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

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

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

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

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

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

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

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

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

1 agency personnel.

2 (12) “Law enforcement unit” means:

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

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

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

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

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

28 (c) A district attorney’s office;

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

31 (e) A humane investigation agency as defined in section 1, chapter 67,

1 Oregon Laws 2012.

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

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

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

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

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

12 (b) An officer who:

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

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

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

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

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

23 (15) "Police officer" means:

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

26 (A) Commissioned by a city, port, school district, mass transit district,
27 county, county service district authorized to provide law enforcement ser-
28 vices under ORS 451.010, tribal government as defined in section 1, chapter
29 644, Oregon Laws 2011, the Criminal Justice Division of the Department of
30 Justice, the Oregon State Lottery Commission, a university that has estab-
31 lished a police department under ORS 352.383 **or section 2 of this 2013 Act,**

1 **a community college district that has established a police department**
2 **under section 4 of this 2013 Act**, the Governor or the Department of State
3 Police; and

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

6 (b) An investigator of a district attorney's office if the investigator is or
7 has been certified as a peace officer in this or another state, an authorized
8 tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011,
9 or a humane special agent commissioned under section 1, chapter 67, Oregon
10 Laws 2012; or

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

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

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

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

24 (a) A volunteer or employed less than full-time as a peace officer com-
25 missioned by a city, port, school district, mass transit district, county,
26 county service district authorized to provide law enforcement services under
27 ORS 451.010, tribal government as defined in section 1, chapter 644, Oregon
28 Laws 2011, the Criminal Justice Division of the Department of Justice, the
29 Oregon State Lottery Commission, a university that has established a police
30 department under ORS 352.383 **or section 2 of this 2013 Act, a community**
31 **college district that has established a police department under section**

1 **4 of this 2013 Act**, the Governor or the Department of State Police;

2 (b) Armed with a firearm; and

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

5 (19) “Telecommunicator” means a person employed as an emergency tele-
6 phone worker as defined in ORS 243.736 or a public safety dispatcher whose
7 primary duties are receiving, processing and transmitting public safety in-
8 formation received through a 9-1-1 emergency reporting system as defined in
9 ORS 403.105.

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

14 **SECTION 36.** ORS 181.610, as amended by section 50, chapter 644, Oregon
15 Laws 2011, section 23, chapter 54, Oregon Laws 2012, section 14, chapter 67,
16 Oregon Laws 2012, and section 5, chapter 88, Oregon Laws 2012, is amended
17 to read:

18 181.610. In ORS 181.610 to 181.712, unless the context requires otherwise:

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (12) "Law enforcement unit" means:

27 (a) A police force or organization of the state, a city, university that has
28 established a police department under ORS 352.383 **or section 2 of this 2013**
29 **Act, community college district that has established a police depart-**
30 **ment under section 4 of this 2013 Act**, port, school district, mass transit
31 district, county, county service district authorized to provide law enforce-

1 ment services under ORS 451.010, tribal government, the Criminal Justice
2 Division of the Department of Justice, the Department of Corrections, the
3 Oregon State Lottery Commission, the Security and Emergency Preparedness
4 Office of the Judicial Department or common carrier railroad the primary
5 duty of which, as prescribed by law, ordinance or directive, is one or more
6 of the following:

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

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

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

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

19 (c) A district attorney's office;

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

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

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

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

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

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

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

3 (b) An officer who:

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

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

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

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

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

14 (15) "Police officer" means:

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

17 (A) Commissioned by a city, port, school district, mass transit district,
18 county, county service district authorized to provide law enforcement ser-
19 vices under ORS 451.010, tribal government, the Criminal Justice Division
20 of the Department of Justice, the Oregon State Lottery Commission, a uni-
21 versity that has established a police department under ORS 352.383 **or sec-**
22 **tion 2 of this 2013 Act, a community college district that has**
23 **established a police department under section 4 of this 2013 Act,** the
24 Governor or the Department of State Police; and

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

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

31 (c) An individual member of the judicial security personnel identified

1 pursuant to ORS 1.177 who is trained pursuant to section 3, chapter 88,
2 Oregon Laws 2012.

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

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

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

13 (a) A volunteer or employed less than full-time as a peace officer com-
14 missioned by a city, port, school district, mass transit district, county,
15 county service district authorized to provide law enforcement services under
16 ORS 451.010, tribal government, the Criminal Justice Division of the De-
17 partment of Justice, the Oregon State Lottery Commission, a university that
18 has established a police department under ORS 352.383 **or section 2 of this**
19 **2013 Act, a community college district that has established a police**
20 **department under section 4 of this 2013 Act**, the Governor or the De-
21 partment of State Police;

22 (b) Armed with a firearm; and

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

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

30 (20) "Youth correction officer" means an employee of the Oregon Youth
31 Authority who is charged with and primarily performs the duty of custody,

1 control or supervision of youth offenders confined in a youth correction fa-
2 cility.

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

5 181.715. (1) The Department of State Police or another criminal justice
6 agency designated by the Director of the Oregon Department of Administra-
7 tive Services shall operate a Criminal Justice Information Standards program
8 that coordinates information among state criminal justice agencies. The
9 program shall:

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

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

16 (c) Establish methods and standards for data interchange and information
17 access between criminal justice information systems, in compliance with the
18 technology standards and policies of the Oregon Department of Administra-
19 tive Services;

20 (d) Design and implement improved applications for exchange of agency
21 information; and

22 (e) Implement the capability to exchange images between criminal justice
23 agencies.

24 (2) The program shall develop a plan to accelerate data sharing and in-
25 formation integration among criminal justice agencies. The plan shall in-
26 clude, but is not limited to, priorities, timelines, development costs, resources
27 needed, the projected ongoing cost of support, critical success factors and
28 any known barriers to accomplishing the plan. Representatives of criminal
29 justice agencies and public safety agencies, including but not limited to local
30 law enforcement agencies, courts of criminal jurisdiction, district attorneys,
31 city attorneys with criminal prosecutive functions, public defender organ-

1 izations established under ORS chapter 151, community corrections directors,
2 jail managers and county juvenile departments, shall be invited to partic-
3 ipate in the planning process. The program shall present the plan to the
4 Director of the Oregon Department of Administrative Services no later than
5 May 30 of each even-numbered year for development of the Governor’s budget
6 report. The program shall submit the plan to the Joint Legislative Committee
7 on Information Management and Technology no later than December 31 of
8 each even-numbered year.

9 (3) Notwithstanding the meaning given “criminal justice agency” in ORS
10 181.010, as used in this section and ORS 181.720, “criminal justice agency”
11 includes, but is not limited to:

- 12 (a) The Judicial Department;
- 13 (b) The Attorney General;
- 14 (c) The Department of Corrections;
- 15 (d) The Department of State Police;
- 16 (e) Any other state agency with law enforcement authority designated by
17 order of the Governor;
- 18 (f) The Department of Transportation;
- 19 (g) The State Board of Parole and Post-Prison Supervision;
- 20 (h) The Department of Public Safety Standards and Training;
- 21 (i) The State Department of Fish and Wildlife;
- 22 (j) The Oregon Liquor Control Commission;
- 23 (k) The Oregon Youth Authority;
- 24 (L) The Youth Development Council; [*and*]
- 25 (m) A university that has established a police department under ORS
26 352.383 or section 2 of this 2013 Act; and
- 27 (n) A community college district that has established a police de-
28 partment under section 4 of this 2013 Act.

29 **SECTION 38.** ORS 181.781 is amended to read:

30 181.781. As used in ORS 181.781 to 181.796:

31 (1) “Employ,” when used in the context of the relationship between a law

1 enforcement agency and a police officer, includes the assignment of law
2 enforcement duties on a volunteer basis to a reserve officer.

3 (2) “Law enforcement agency” means the Department of State Police, the
4 Department of Justice, a district attorney, a political subdivision of the State
5 of Oregon, a municipal corporation of the State of Oregon, a tribal govern-
6 ment, [and] a university **and a community college district**[,] that main-
7 tains a law enforcement unit as defined in ORS 181.610 (12)(a)(A).

8 (3) “Police officer” means a person who is:

9 (a) A police officer or reserve officer as defined in ORS 181.610; and

10 (b) Employed by a law enforcement agency to enforce the criminal laws
11 of this state.

12 (4) “Tribal government” means a tribal government as defined in section
13 1, chapter 644, Oregon Laws 2011:

14 (a) With land that is contiguous to the county in which the deadly phys-
15 ical force planning authority is created; and

16 (b) That has adopted the provision of tribal law described in section 2
17 (4)(d)(A), chapter 644, Oregon Laws 2011.

18 **SECTION 39.** ORS 181.781, as amended by section 50a, chapter 644,
19 Oregon Laws 2011, is amended to read:

20 181.781. As used in ORS 181.781 to 181.796:

21 (1) “Employ,” when used in the context of the relationship between a law
22 enforcement agency and a police officer, includes the assignment of law
23 enforcement duties on a volunteer basis to a reserve officer.

24 (2) “Law enforcement agency” means the Department of State Police, the
25 Department of Justice, a district attorney, a political subdivision of the State
26 of Oregon, a municipal corporation of the State of Oregon, [and] a university
27 **and a community college district**[,] that maintains a law enforcement unit
28 as defined in ORS 181.610 (12)(a)(A).

29 (3) “Police officer” means a person who is:

30 (a) A police officer or reserve officer as defined in ORS 181.610; and

31 (b) Employed by a law enforcement agency to enforce the criminal laws

1 of this state.

2 **SECTION 40.** ORS 181.860 is amended to read:

3 181.860. (1) For the purposes of this section:

4 (a) "Emergency services provider" means any public employer that em-
5 ploys persons to provide firefighting services.

6 (b) "Emergency services personnel" means any employee of an emergency
7 services provider who is engaged in providing firefighting services.

8 (c) "Employee assistance program" means a program established by a law
9 enforcement agency or emergency services provider to provide counseling or
10 support services to employees of the law enforcement agency or emergency
11 services provider.

12 (d) "Law enforcement agency" means any county sheriff, municipal police
13 department, police department established by a university under ORS 352.383
14 **or section 2 of this 2013 Act, police department established by a com-**
15 **munity college district under section 4 of this 2013 Act,** the Oregon State
16 Police and any state or local public body that employs public safety person-
17 nel.

18 (e) "Public safety personnel" means a sheriff, deputy sheriff, municipal
19 police officer, police officer commissioned by a university under ORS 352.383
20 **or section 2 of this 2013 Act, police officer commissioned by a com-**
21 **munity college district under section 4 of this 2013 Act,** state police of-
22 ficer, parole and probation officer, corrections employee, certified reserve
23 officer, telecommunicator or emergency medical dispatcher.

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

30 (3) Any communication relating to a peer support counseling session made
31 confidential under subsection (2) of this section that is made between coun-

1 selors, between counselors and the supervisors or staff of an employee as-
2 sistance program, or between the supervisors or staff of an employee
3 assistance program, is confidential and may not be disclosed.

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

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

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

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

17 (6) Any communication made by a participant or counselor in a peer
18 support counseling session subject to this section, and any oral or written
19 information conveyed in a peer support counseling session subject to this
20 section, is not admissible in any judicial proceeding, administrative pro-
21 ceeding, arbitration proceeding or other adjudicatory proceeding. Communi-
22 cations and information made confidential under this section may not be
23 disclosed by the participants in any judicial proceeding, administrative pro-
24 ceeding, arbitration proceeding or other adjudicatory proceeding. The limi-
25 tations on disclosure imposed by this subsection include disclosure during
26 any discovery conducted as part of an adjudicatory proceeding.

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

1 (8) This section does not apply to:

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

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

7 (c) Any admission of criminal conduct.

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

12 **SECTION 41.** ORS 236.350 is amended to read:

13 236.350. As used in ORS 236.350 to 236.370:

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

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

20 (3) "Public safety officer" means:

21 (a) A member of a law enforcement unit who is employed full-time as a
22 peace officer commissioned by a city, university that has established a police
23 department under ORS 352.383 **or section 2 of this 2013 Act, community**
24 **college district that has established a police department under section**
25 **4 of this 2013 Act**, port, school district, mass transit district, county, Indian
26 reservation, the Criminal Justice Division of the Department of Justice, the
27 Oregon State Lottery Commission or the Governor and who is responsible
28 for enforcing the criminal laws of this state or laws or ordinances relating
29 to airport security.

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

1 **SECTION 42.** ORS 238.005, as amended by section 30, chapter 54, Oregon
2 Laws 2012, is amended to read:

3 238.005. For purposes of this chapter:

4 (1) “Active member” means a member who is presently employed by a
5 participating public employer in a qualifying position and who has completed
6 the six-month period of service required by ORS 238.015.

7 (2) “Annuity” means payments for life derived from contributions made
8 by a member as provided in this chapter.

9 (3) “Board” means the Public Employees Retirement Board.

10 (4) “Calendar year” means 12 calendar months commencing on January 1
11 and ending on December 31 following.

12 (5) “Continuous service” means service not interrupted for more than five
13 years, except that such continuous service shall be computed without regard
14 to interruptions in the case of:

15 (a) An employee who had returned to the service of the employer as of
16 January 1, 1945, and who remained in that employment until having estab-
17 lished membership in the Public Employees Retirement System.

18 (b) An employee who was in the armed services on January 1, 1945, and
19 returned to the service of the employer within one year of the date of being
20 otherwise than dishonorably discharged and remained in that employment
21 until having established membership in the Public Employees Retirement
22 System.

23 (6) “Creditable service” means any period of time during which an active
24 member is being paid a salary by a participating public employer and for
25 which benefits under this chapter are funded by employer contributions and
26 earnings on the fund. For purposes of computing years of “creditable
27 service,” full months and major fractions of a month shall be considered to
28 be one-twelfth of a year and shall be added to all full years. “Creditable
29 service” includes all retirement credit received by a member.

30 (7) “Earliest service retirement age” means the age attained by a member
31 when the member could first make application for retirement under the pro-

1 visions of ORS 238.280.

2 (8) "Employee" includes, in addition to employees, public officers, but
3 does not include:

4 (a) Persons engaged as independent contractors.

5 (b) Seasonal, emergency or casual workers whose periods of employment
6 with any public employer or public employers do not total 600 hours in any
7 calendar year.

8 (c) Persons, other than workers in the Oregon Industries for the Blind
9 under ORS 346.190, provided sheltered employment or made-work by a public
10 employer in an employment or industries program maintained for the benefit
11 of such persons.

12 (d) Persons employed and paid from federal funds received under a federal
13 program intended primarily to alleviate unemployment. However, any such
14 person shall be considered an "employee" if not otherwise excluded by para-
15 graphs (a) to (c) of this subsection and the public employer elects to have
16 the person so considered by an irrevocable written notice to the board.

17 (e) Persons who are employees of a railroad, as defined in ORS 824.020,
18 and who, as such employees, are included in a retirement plan under federal
19 railroad retirement statutes. This paragraph shall be deemed to have been
20 in effect since the inception of the system.

21 (9) "Final average salary" means whichever of the following is greater:

22 (a) The average salary per calendar year paid by one or more participat-
23 ing public employers to an employee who is an active member of the system
24 in three of the calendar years of membership before the effective date of re-
25 tirement of the employee, in which three years the employee was paid the
26 highest salary. The three calendar years in which the employee was paid the
27 largest total salary may include calendar years in which the employee was
28 employed for less than a full calendar year. If the number of calendar years
29 of active membership before the effective date of retirement of the employee
30 is three or fewer, the final average salary for the employee is the average
31 salary per calendar year paid by one or more participating public employers

1 to the employee in all of those years, without regard to whether the em-
2 ployee was employed for the full calendar year.

3 (b) One-third of the total salary paid by a participating public employer
4 to an employee who is an active member of the system in the last 36 calendar
5 months of active membership before the effective date of retirement of the
6 employee.

7 (10) "Firefighter" does not include a volunteer firefighter, but does in-
8 clude:

9 (a) The State Fire Marshal, the chief deputy fire marshal and deputy state
10 fire marshals; and

11 (b) An employee of the State Forestry Department who is certified by the
12 State Forester as a professional wildland firefighter and whose primary du-
13 ties include the abatement of uncontrolled fires as described in ORS 477.064.

14 (11) "Fiscal year" means 12 calendar months commencing on July 1 and
15 ending on June 30 following.

16 (12) "Fund" means the Public Employees Retirement Fund.

17 (13) "Inactive member" means a member who is not employed in a quali-
18 fying position, whose membership has not been terminated in the manner
19 described by ORS 238.095 and who is not retired for service or disability.

20 (14) "Institution of higher education" means a public university listed in
21 ORS 352.002, the Oregon Health and Science University and a community
22 college, as defined in ORS 341.005.

23 (15) "Member" means a person who has established membership in the
24 system and whose membership has not been terminated as described in ORS
25 238.095. "Member" includes active, inactive and retired members.

26 (16) "Member account" means the regular account and the variable ac-
27 count.

28 (17) "Normal retirement age" means:

29 (a) For a person who establishes membership in the system before January
30 1, 1996, as described in ORS 238.430, 55 years of age if the employee retires
31 at that age as a police officer or firefighter or 58 years of age if the employee

1 retires at that age as other than a police officer or firefighter.

2 (b) For a person who establishes membership in the system on or after
3 January 1, 1996, as described in ORS 238.430, 55 years of age if the employee
4 retires at that age as a police officer or firefighter or 60 years of age if the
5 employee retires at that age as other than a police officer or firefighter.

6 (18) "Pension" means annual payments for life derived from contributions
7 by one or more public employers.

8 (19) "Police officer" includes:

9 (a) Employees of institutions defined in ORS 421.005 as Department of
10 Corrections institutions whose duties, as assigned by the Director of the
11 Department of Corrections, include the custody of persons committed to the
12 custody of or transferred to the Department of Corrections and employees
13 of the Department of Corrections who were classified as police officers on
14 or before July 27, 1989, whether or not such classification was authorized
15 by law.

16 (b) Employees of the Department of State Police who are classified as
17 police officers by the Superintendent of State Police.

18 (c) Employees of the Oregon Liquor Control Commission who are classi-
19 fied as liquor enforcement inspectors by the administrator of the commission.

20 (d) Sheriffs and those deputy sheriffs or other employees of a sheriff
21 whose duties, as classified by the sheriff, are the regular duties of police
22 officers or corrections officers.

23 (e) Police chiefs and police personnel of a city who are classified as police
24 officers by the council or other governing body of the city.

25 (f) Police officers who are commissioned by a university under ORS
26 **352.383 or section 2 of this 2013 Act, or police officers who are com-**
27 **missioned by a community college district under section 4 of this 2013**
28 **Act, and who are classified as police officers by the university or the**
29 **community college district.**

30 (g) Parole and probation officers employed by the Department of Cor-
31 rections, parole and probation officers who are transferred to county em-

1 ployment under ORS 423.549 and adult parole and probation officers, as
2 defined in ORS 181.610, who are classified as police officers for the purposes
3 of this chapter by the county governing body. If a county classifies adult
4 parole and probation officers as police officers for the purposes of this
5 chapter, and the employees so classified are represented by a labor organ-
6 ization, any proposal by the county to change that classification or to cease
7 to classify adult parole and probation officers as police officers for the pur-
8 poses of this chapter is a mandatory subject of bargaining.

9 (h) Police officers appointed under ORS 276.021 or 276.023.

10 (i) Employees of the Port of Portland who are classified as airport police
11 by the Board of Commissioners of the Port of Portland.

12 (j) Employees of the State Department of Agriculture who are classified
13 as livestock police officers by the Director of Agriculture.

14 (k) Employees of the Department of Public Safety Standards and Training
15 who are classified by the department as other than secretarial or clerical
16 personnel.

17 (L) Investigators of the Criminal Justice Division of the Department of
18 Justice.

19 (m) Corrections officers as defined in ORS 181.610.

20 (n) Employees of the Oregon State Lottery Commission who are classified
21 by the Director of the Oregon State Lottery as enforcement agents pursuant
22 to ORS 461.110.

23 (o) The Director of the Department of Corrections.

24 (p) An employee who for seven consecutive years has been classified as
25 a police officer as defined by this section, and who is employed or transferred
26 by the Department of Corrections to fill a position designated by the Direc-
27 tor of the Department of Corrections as being eligible for police officer sta-
28 tus.

29 (q) An employee of the Department of Corrections classified as a police
30 officer on or prior to July 27, 1989, whether or not that classification was
31 authorized by law, as long as the employee remains in the position held on

1 July 27, 1989. The initial classification of an employee under a system im-
2 plemented pursuant to ORS 240.190 does not affect police officer status.

3 (r) Employees of a school district who are appointed and duly sworn
4 members of a law enforcement agency of the district as provided in ORS
5 332.531 or otherwise employed full-time as police officers commissioned by
6 the district.

7 (s) Employees at youth correction facilities and juvenile detention facili-
8 ties under ORS 419A.050, 419A.052 and 420.005 to 420.915 who are required
9 to hold valid Oregon teaching licenses and who have supervisory, control or
10 teaching responsibilities over juveniles committed to the custody of the De-
11 partment of Corrections or the Oregon Youth Authority.

12 (t) Employees at youth correction facilities as defined in ORS 420.005
13 whose primary job description involves the custody, control, treatment, in-
14 vestigation or supervision of juveniles placed in such facilities.

15 (u) Employees of the Oregon Youth Authority who are classified as juve-
16 nile parole and probation officers.

17 (20) "Prior service credit" means credit provided under ORS 238.442 or
18 under ORS 238.225 (2) to (6) (1999 Edition).

19 (21) "Public employer" means the state, one of its agencies, any city,
20 county, or municipal or public corporation, any political subdivision of the
21 state or any instrumentality thereof, or an agency created by one or more
22 such governmental organizations to provide governmental services. For pur-
23 poses of this chapter, such agency created by one or more governmental or-
24 ganizations is a governmental instrumentality and a legal entity with power
25 to enter into contracts, hold property and sue and be sued.

26 (22) "Qualifying position" means one or more jobs with one or more par-
27 ticipating public employers in which an employee performs 600 or more hours
28 of service in a calendar year, excluding any service in a job for which a
29 participating public employer does not provide benefits under this chapter
30 pursuant to an application made under ORS 238.035.

31 (23) "Regular account" means the account established for each active and

1 inactive member under ORS 238.250.

2 (24) "Retired member" means a member who is retired for service or dis-
3 ability.

4 (25) "Retirement credit" means a period of time that is treated as credit-
5 able service for the purposes of this chapter.

6 (26)(a) "Salary" means the remuneration paid an employee in cash out of
7 the funds of a public employer in return for services to the employer, plus
8 the monetary value, as determined by the Public Employees Retirement
9 Board, of whatever living quarters, board, lodging, fuel, laundry and other
10 advantages the employer furnishes the employee in return for services.

11 (b) "Salary" includes but is not limited to:

12 (A) Payments of employee and employer money into a deferred compen-
13 sation plan, which are deemed salary paid in each month of deferral;

14 (B) The amount of participation in a tax-sheltered or deferred annuity,
15 which is deemed salary paid in each month of participation;

16 (C) Retroactive payments described in ORS 238.008; and

17 (D) Wages of a deceased member paid to a surviving spouse or dependent
18 children under ORS 652.190.

19 (c) "Salary" or "other advantages" does not include:

20 (A) Travel or any other expenses incidental to employer's business which
21 is reimbursed by the employer;

22 (B) Payments for insurance coverage by an employer on behalf of em-
23 ployee or employee and dependents, for which the employee has no cash op-
24 tion;

25 (C) Payments made on account of an employee's death;

26 (D) Any lump sum payment for accumulated unused sick leave;

27 (E) Any accelerated payment of an employment contract for a future pe-
28 riod or an advance against future wages;

29 (F) Any retirement incentive, retirement severance pay, retirement bonus
30 or retirement gratuitous payment;

31 (G) Payments for periods of leave of absence after the date the employer

1 and employee have agreed that no future services qualifying pursuant to ORS
2 238.015 (3) will be performed, except for sick leave and vacation;

3 (H) Payments for instructional services rendered to public universities of
4 the Oregon University System or the Oregon Health and Science University
5 when such services are in excess of full-time employment subject to this
6 chapter. A person employed under a contract for less than 12 months is
7 subject to this subparagraph only for the months to which the contract per-
8 tains; or

9 (I) Payments made by an employer for insurance coverage provided to a
10 domestic partner of an employee.

11 (27) "School year" means the period beginning July 1 and ending June 30
12 next following.

13 (28) "System" means the Public Employees Retirement System.

14 (29) "Variable account" means the account established for a member who
15 participates in the Variable Annuity Account under ORS 238.260.

16 (30) "Vested" means being an active member of the system in each of five
17 calendar years.

18 (31) "Volunteer firefighter" means a firefighter whose position normally
19 requires less than 600 hours of service per year.

20 **SECTION 43.** ORS 243.005 is amended to read:

21 243.005. As used in ORS 243.005 to 243.045:

22 (1) "Firefighter" means persons employed by a city, county or district
23 whose duties involve fire fighting and includes a volunteer firefighter whose
24 position normally requires less than 600 hours of service per year.

25 (2) "Police officer" includes police chiefs and police officers of a city who
26 are classified as police officers by the council or other governing body of the
27 city; police officers commissioned by a university under ORS 352.383 **or**
28 **section 2 of this 2013 Act and police officers commissioned by a com-**
29 **munity college district under section 4 of this 2013 Act** who are classi-
30 fied as police officers by the university **or community college district;**
31 sheriffs and those deputy sheriffs whose duties, as classified by the county

1 governing body are the regular duties of police officers; employees of dis-
2 tricts, whose duties, as classified by the governing body of the district are
3 the regular duties of police officers; employees of the Department of State
4 Police who are classified as police officers by the Superintendent of State
5 Police; employees of the Criminal Justice Division of the Department of
6 Justice who are classified by the Attorney General as criminal investigators
7 or criminal financial investigators; employees of the Oregon State Lottery
8 Commission who are classified by the Director of the Oregon State Lottery
9 as enforcement agents; and employees of Department of Corrections insti-
10 tutions as defined in ORS 421.005 whose duties, as assigned by the super-
11 intendent, include the custody of persons committed to the custody of or
12 transferred to the Department of Corrections institution; but “police
13 officer” does not include volunteer or reserve police officers or persons con-
14 sidered by the respective governing bodies to be civil deputies or clerical
15 personnel.

16 (3) “Public employer” means a city, a county or the state, or one of its
17 agencies or political subdivisions that employs police officers or firefighters.

18 **SECTION 44.** ORS 348.270 is amended to read:

19 348.270. (1) In addition to any other scholarships provided by law, the
20 commission shall award scholarships in any public university listed in ORS
21 352.002, in the Oregon Health and Science University, in any community
22 college operated under ORS chapter 341, or in any Oregon-based regionally
23 accredited independent institution, to any student applying for enrollment
24 or who is enrolled therein, who is:

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

30 (b) A current foster child or former foster child who enrolls in an insti-
31 tution of higher education as an undergraduate student not later than three

1 years from the date the student was removed from the care of the Depart-
2 ment of Human Services, the date the student graduated from high school
3 or the date the student received the equivalent of a high school diploma,
4 whichever date is earliest.

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

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

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

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

26 (6) As used in this section:

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

31 (b) "Public safety officer" means:

1 (A) A firefighter or police officer as those terms are defined in ORS
2 237.610.

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

4 (C) A police officer commissioned by a university under ORS 352.383 or
5 **section 2 of this 2013 Act or a police officer commissioned by a com-**
6 **munity college district under section 4 of this 2013 Act.**

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

9 **SECTION 45.** ORS 348.270, as amended by section 51, chapter 644, Oregon
10 Laws 2011, is amended to read:

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

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

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

28 (2) Scholarships awarded under this section to students who are depen-
29 dents of public safety officers or who are current foster children or former
30 foster children shall equal the amount of tuition and all fees levied by the
31 institution against the recipient of the scholarship. However, scholarships

1 awarded to students who attend independent institutions shall not exceed the
2 amount of tuition and all fees levied by the University of Oregon.

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

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

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

18 (6) As used in this section:

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

23 (b) "Public safety officer" means:

24 (A) A firefighter or police officer as those terms are defined in ORS
25 237.610.

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

27 (C) A police officer commissioned by a university under ORS 352.383 **or**
28 **section 2 of this 2013 Act or a police officer commissioned by a com-**
29 **munity college district under section 4 of this 2013 Act.**

30 **SECTION 46.** ORS 353.050 is amended to read:

31 353.050. Except as otherwise provided in this chapter, the Oregon Health

1 and Science University Board of Directors, or university officials acting un-
2 der the authority of the board, shall exercise all the powers of the Oregon
3 Health and Science University and shall govern the university. In carrying
4 out its powers, rights and privileges, the university shall be a governmental
5 entity performing governmental functions and exercising governmental pow-
6 ers. The university or the board may either within or outside the state:

7 (1) Determine or approve policies for the organization, administration and
8 development of the university.

9 (2) Appoint and employ any instructional, administrative, professional,
10 trade, occupational and other personnel as are necessary or appropriate to
11 carry out the missions of the university, and prescribe their compensation
12 and terms of office or employment.

13 (3) Make any and all contracts and agreements, enter into any partner-
14 ship, joint venture or other business arrangement, create and participate
15 fully in the operation of any business structure, including but not limited to
16 the development of business structures for health care delivery systems and
17 networks with any public or private government, nonprofit or for-profit per-
18 son or entity that in the judgment of the university or the board is necessary
19 or appropriate to carry out the university's missions and goals.

20 (4) Acquire, purchase, receive, hold, control, convey, sell, manage, oper-
21 ate, lease, license, lend, invest, improve, develop, use, dispose of and hold
22 title to real and personal property of any nature, including intellectual
23 property, in its own name.

24 (5) Sue in its own name and be sued, plead and be impleaded in all
25 actions, suits or proceedings in any forum brought by or against it by any
26 and all private or state, local, federal or other public entities, agencies or
27 persons.

28 (6) Encourage gifts and donations for the benefit of the university, and
29 subject to the terms of the gift, retain, invest and use such gifts as deemed
30 appropriate by the university or the board.

31 (7) Acquire, receive, hold, keep, pledge, control, convey, manage, use, lend,

1 expend and invest all funds, appropriations, gifts, bequests, stock and reve-
2 nue from any source to the university.

3 (8) Borrow money for the needs of the university, in such amounts and
4 for such time and upon such terms as may be determined by the university
5 or the board.

6 (9) Erect, construct, improve, develop, repair, maintain, equip, furnish,
7 lease, lend, convey, sell, manage, operate, use, dispose of and hold title to
8 buildings, structures and lands for the university.

9 (10) Purchase any and all insurance, operate a self-insurance program or
10 otherwise arrange for the equivalent of insurance coverage of any nature and
11 the indemnity and defense of its officers, agents and employees or other
12 persons designated by the university to carry out or further the missions of
13 the university.

14 (11) Create, develop, supervise, control and adopt academic programs, in-
15 cluding standards, qualifications, policies or practices relating to admissions,
16 curriculum, academic advancement, grading policy, student conduct, credits
17 and scholarships and the granting of academic degrees, certificates and other
18 forms of recognition.

19 (12) Authorize, create, eliminate, establish, operate, reorganize, reduce or
20 expand any program, school, institute, health care facility or other unit of
21 operation.

22 (13) Establish, charge, collect and use charges for enrollment into the
23 university, including charges such as tuition for education and general ser-
24 vices, incidental fees and such other charges found by the university to be
25 necessary to carry out its educational programs. Fees realized in excess of
26 amounts allocated and exceeding required reserves shall be considered sur-
27 plus incidental fees and shall be allocated for programs under the control
28 of the board and found to be advantageous to the cultural or physical de-
29 velopment of students of the university upon the recommendation of the re-
30 cognized student government of the university.

31 (14) Establish, charge, collect and use charges and fees for university

1 services and the use of university facilities.

2 (15) Impose charges, fines, fees and such other regulations considered
3 convenient or necessary to control and regulate traffic and parking of vehi-
4 cles to the same extent allowed the State Board of Higher Education. This
5 authority includes the authority to enforce the regulations of the university
6 in a court to the extent allowed the State Board of Higher Education in
7 enforcing the state board's regulations as provided in ORS 352.360 (7).

8 *[(16) Commission special campus security officers to be known as university*
9 *police. University police commissioned under this subsection have all the*
10 *powers and authority given by statute to peace officers and police officers of*
11 *this state. University police shall complete training necessary for certification*
12 *as police officers at an academy operated or authorized by the Department of*
13 *Public Safety Standards and Training at the expense of the Oregon Health*
14 *and Science University Board of Directors. University police are not author-*
15 *ized to carry firearms as police officers and are not police officers for purposes*
16 *of ORS 238.005, 243.005 or 243.736. The university is a criminal justice agency*
17 *for purposes of ORS 181.715 and 181.720 and a law enforcement unit within*
18 *the meaning of ORS 181.610 (12).]*

19 [(17)] (16) Enforce and recover for payment to the university any fines
20 that are authorized by this chapter.

21 [(18)] (17) Adopt, amend or repeal bylaws, administrative rules, regu-
22 lations and orders applicable to the matters that are the subject of this
23 chapter.

24 [(19)] (18) Contract with any state agency for the performance of such
25 duties, functions and powers as is appropriate. A state agency shall not
26 charge the university for such services an amount that is greater than the
27 actual cost of the services.

28 [(20)] (19) Purchase, receive, subscribe for or otherwise acquire, own,
29 hold, vote, use, sell, mortgage, lend, pledge, invest in or otherwise dispose
30 of and deal in or with the shares, stock or other equity or interests in or
31 obligations of any other entity. Separate funds may be established for such

1 investments. The State of Oregon shall have no proprietary or other interest
2 in such investments or such funds.

3 [(21)] **(20)** Make available, by lease or otherwise, or control access to any
4 health care facilities or services or other of its properties and assets to such
5 persons, firms, partnerships, associations or corporations and on such terms
6 as considered appropriate, charge and collect rent or other fees or charges
7 therefor and terminate or deny any such access or any such lease or other
8 agreement for such reasons as considered appropriate and as may be con-
9 sistent with its obligations under any such lease or other agreement.

10 [(22)] **(21)** Contract for the operation of any department, section, equip-
11 ment or holdings of the university and enter into any agreements with any
12 person, firm or corporation for the management by said person, firm or cor-
13 poration on behalf of the university of any of its properties or for the more
14 efficient or economical performance of clerical, accounting, administrative
15 and other functions relating to its health care facilities.

16 [(23)] **(22)** Select and appoint faculty as medical and dental staff members
17 and others licensed to practice the healing arts, delineate and define the
18 privileges granted each such individual, adopt and direct a plan for faculty
19 clinical income and set the terms and conditions of that plan (including such
20 modifications to any such existing plan as considered necessary or appro-
21 priate upon expiration of the term of such plan), and determine the extent
22 to which and the terms upon which each such individual may provide
23 teaching, research, consulting or other services at the university or any
24 other health care facility.

25 [(24)] **(23)** Enter into affiliation, cooperation, territorial, management or
26 other similar agreements with other public or private universities or health
27 care providers for the sharing, division, allocation or furnishing of services
28 on an exclusive or a nonexclusive basis, referral of patients, management of
29 facilities, formation of health care delivery systems and other similar activ-
30 ities.

31 [(25)] **(24)** Perform any other acts that in the judgment of the board or

1 university are requisite, necessary or appropriate in accomplishing the pur-
2 poses described in or carrying out the powers granted by this chapter.

3 [(26)] (25) Exercise these powers, notwithstanding that as a consequence
4 of the exercise of such powers, the university engages in activities that
5 might otherwise be deemed anticompetitive within the contemplation of state
6 or federal antitrust laws.

7 **SECTION 47.** ORS 414.805 is amended to read:

8 414.805. (1) An individual who receives medical services while in the
9 custody of a law enforcement officer is liable:

10 (a) To the provider of the medical services for the charges and expenses
11 therefor; and

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

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

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

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

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

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

31 (c) If the provider receives payment from the individual or the insurer or

1 health care service contractor after receiving payment from the authority,
2 the provider shall repay the authority the amount received from the public
3 agency less any difference between payment received from the individual,
4 insurer or contractor and the amount of the billing.

5 (4) As used in this section:

6 (a) "Law enforcement officer" means:

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

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

12 (b) "Public agency" means the state, a city, university that has estab-
13 lished a police department under ORS 352.383 **or section 2 of this 2013 Act,**
14 **community college district that has established a police department**
15 **under section 4 of this 2013 Act,** port, school district, mass transit district
16 or county.

17 **SECTION 48.** ORS 414.805, as amended by section 52, chapter 644, Oregon
18 Laws 2011, 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 an officer who is commissioned and
18 employed by a public agency as a peace officer to enforce the criminal laws
19 of this state or laws or ordinances of a public agency.

20 (b) "Public agency" means the state, a city, university that has estab-
21 lished a police department under ORS 352.383 **or section 2 of this 2013 Act,**
22 **community college district that has established a police department**
23 **under section 4 of this 2013 Act,** port, school district, mass transit district
24 or county.

25 **SECTION 49.** ORS 419B.005, as amended by section 60, chapter 37,
26 Oregon Laws 2012, and section 1, chapter 92, Oregon Laws 2012, is amended
27 to read:

28 419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-
29 quires otherwise:

30 (1)(a) "Abuse" means:

31 (A) Any assault, as defined in ORS chapter 163, of a child and any phys-

1 ical injury to a child which has been caused by other than accidental means,
2 including any injury which appears to be at variance with the explanation
3 given of the injury.

4 (B) Any mental injury to a child, which shall include only observable and
5 substantial impairment of the child's mental or psychological ability to
6 function caused by cruelty to the child, with due regard to the culture of the
7 child.

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

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

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

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

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

24 (F) Negligent treatment or maltreatment of a child, including but not
25 limited to the failure to provide adequate food, clothing, shelter or medical
26 care that is likely to endanger the health or welfare of the child.

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

29 (H) Buying or selling a person under 18 years of age as described in ORS
30 163.537.

31 (I) Permitting a person under 18 years of age to enter or remain in or

1 upon premises where methamphetamines are being manufactured.

2 (J) Unlawful exposure to a controlled substance, as defined in ORS
3 475.005, that subjects a child to a substantial risk of harm to the child's
4 health or safety.

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

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

8 (3) "Higher education institution" means:

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

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

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

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

13 (4) "Law enforcement agency" means:

14 (a) A city or municipal police department.

15 (b) A county sheriff's office.

16 (c) The Oregon State Police.

17 (d) A police department established by a university under ORS 352.383
18 **or section 2 of this 2013 Act or a police department established by a**
19 **community college district under section 4 of this 2013 Act.**

20 (e) A county juvenile department.

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

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

24 (b) Dentist.

25 (c) School employee, including an employee of a higher education insti-
26 tution.

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

29 (e) Employee of the Department of Human Services, Oregon Health Au-
30 thority, Early Learning Council, Youth Development Council, Child Care
31 Division of the Employment Department, the Oregon Youth Authority, a

1 county health department, a community mental health program, a community
2 developmental disabilities program, a county juvenile department, a licensed
3 child-caring agency or an alcohol and drug treatment program.

4 (f) Peace officer.

5 (g) Psychologist.

6 (h) Member of the clergy.

7 (i) Regulated social worker.

8 (j) Optometrist.

9 (k) Chiropractor.

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

11 (m) Attorney.

12 (n) Licensed professional counselor.

13 (o) Licensed marriage and family therapist.

14 (p) Firefighter or emergency medical services provider.

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

16 (r) A child care provider registered or certified under ORS 657A.030 and
17 657A.250 to 657A.450.

18 (s) Member of the Legislative Assembly.

19 (t) Physical, speech or occupational therapist.

20 (u) Audiologist.

21 (v) Speech-language pathologist.

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

24 (x) Pharmacist.

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

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

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

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

1 (A) Including but not limited to youth groups or centers, scout groups or
2 camps, summer or day camps, survival camps or groups, centers or camps
3 that are operated under the guidance, supervision or auspices of religious,
4 public or private educational systems or community service organizations;
5 and

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

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

11 **SECTION 50.** ORS 419B.902 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, a police department established by a university under ORS 352.383
13 **or section 2 of this 2013 Act, a police department established by a**
14 **community college district under section 4 of this 2013 Act**, or, if the
15 witness whose attendance at trial is required is an authorized tribal police
16 officer as defined in section 1, chapter 644, Oregon Laws 2011, a tribal gov-
17 ernment as defined in section 1, chapter 644, Oregon Laws 2011.

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

20 (a) The attorney mailing the subpoena certifies in connection with or
21 upon the return of service that the attorney, or the attorney’s agent, has had
22 personal or telephone contact with the witness and the witness indicated a
23 willingness to appear at trial if subpoenaed; or

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

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

1 (5) Proof of service of a subpoena is made in the same manner as proof
2 of service of a summons except that the server is not required to certify that
3 the server is not a party in the action or an attorney for a party in the
4 action.

5 **SECTION 51.** ORS 419B.902, as amended by section 75, chapter 644,
6 Oregon Laws 2011, is amended to read:

7 419B.902. (1) A subpoena may be served by the party or any other person
8 18 years of age or older. Except as provided in subsections (2), (3) and (4)
9 of this section, the service must be made by delivering a copy to the witness
10 personally. The service must be made so as to allow the witness a reasonable
11 time for preparation and travel to the place of attendance. If the subpoena
12 is not accompanied by a command to appear at trial, hearing or deposition
13 under ORS 419B.884, whether the subpoena is served personally or by mail,
14 copies of a subpoena commanding production and inspection of books, papers,
15 documents or other tangible things before trial must be served on each party
16 at least seven days before the subpoena is served on the person required to
17 produce and permit inspection, unless the court orders a shorter period.

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

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

30 (c) When a subpoena has been served as provided in paragraph (b) of this
31 subsection, the law enforcement agency shall make a good faith effort to give

1 actual notice to the officer whose attendance is sought of the date, time and
2 location of the court appearance. If the officer cannot be notified, the law
3 enforcement agency shall promptly notify the court and a postponement or
4 continuance may be granted to allow the officer to be personally served.

5 (d) As used in this subsection, “law enforcement agency” means the
6 Oregon State Police, a county sheriff’s department, a municipal police de-
7 partment, [or] a police department established by a university under ORS
8 352.383 **or section 2 of this 2013 Act or a police department established**
9 **by a community college district under section 4 of this 2013 Act.**

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

12 (a) The attorney mailing the subpoena certifies in connection with or
13 upon the return of service that the attorney, or the attorney’s agent, has had
14 personal or telephone contact with the witness and the witness indicated a
15 willingness to appear at trial if subpoenaed; or

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

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

24 (5) Proof of service of a subpoena is made in the same manner as proof
25 of service of a summons except that the server is not required to certify that
26 the server is not a party in the action or an attorney for a party in the
27 action.

28 **SECTION 52.** ORS 420.905 is amended to read:

29 420.905. As used in ORS 420.905 to 420.915, “peace officer” means:

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

31 (2) A member of the state police;

1 (3) A member of the police force of a city, [or] a university that has es-
2 tablished a police department under ORS 352.383 **or section 2 of this 2013**
3 **Act or a community college district that has established a police de-**
4 **partment under section 4 of this 2013 Act;** or

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

7 **SECTION 53.** ORS 420.905, as amended by section 54, chapter 644, Oregon
8 Laws 2011, is amended to read:

9 420.905. As used in ORS 420.905 to 420.915, “peace officer” means:

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

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

12 (3) A member of the police force of a city, [or] a university that has es-
13 tablished a police department under ORS 352.383 **or section 2 of this 2013**
14 **Act or a community college district that has established a police de-**
15 **partment under section 4 of this 2013 Act.**

16 **SECTION 54.** ORS 430.735 is amended to read:

17 430.735. As used in ORS 430.735 to 430.765:

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

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

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

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

27 (d) Sexual abuse of an adult.

28 (e) Neglect.

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

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

31 (h) Involuntary seclusion of a person with a developmental disability for

1 the convenience of the caregiver or to discipline the person.

2 (i) A wrongful use of a physical or chemical restraint upon a person with
3 a developmental disability, excluding an act of restraint prescribed by a li-
4 censed physician and any treatment activities that are consistent with an
5 approved treatment plan or in connection with a court order.

6 (j) An act that constitutes a crime under ORS 163.375, 163.405, 163.411,
7 163.415, 163.425, 163.427, 163.465 or 163.467.

8 (k) Any death of an adult caused by other than accidental or natural
9 means.

10 (2) "Adult" means a person 18 years of age or older with:

11 (a) A developmental disability who is currently receiving services from a
12 community program or facility or was previously determined eligible for
13 services as an adult by a community program or facility; or

14 (b) A mental illness who is receiving services from a community program
15 or facility.

16 (3) "Adult protective services" means the necessary actions taken to pre-
17 vent abuse or exploitation of an adult, to prevent self-destructive acts and
18 to safeguard an adult's person, property and funds, including petitioning for
19 a protective order as defined in ORS 125.005. Any actions taken to protect
20 an adult shall be undertaken in a manner that is least intrusive to the adult
21 and provides for the greatest degree of independence.

22 (4) "Caregiver" means an individual, whether paid or unpaid, or a facility
23 that has assumed responsibility for all or a portion of the care of an adult
24 as a result of a contract or agreement.

25 (5) "Community program" means a community mental health program or
26 a community developmental disabilities program as established in ORS
27 430.610 to 430.695.

28 (6) "Facility" means a residential treatment home or facility, residential
29 care facility, adult foster home, residential training home or facility or crisis
30 respite facility.

31 (7) "Financial exploitation" means:

1 (a) Wrongfully taking the assets, funds or property belonging to or in-
2 tended for the use of a person with a developmental disability.

3 (b) Alarming a person with a developmental disability by conveying a
4 threat to wrongfully take or appropriate money or property of the person if
5 the person would reasonably believe that the threat conveyed would be car-
6 ried out.

7 (c) Misappropriating, misusing or transferring without authorization any
8 money from any account held jointly or singly by a person with a develop-
9 mental disability.

10 (d) Failing to use the income or assets of a person with a developmental
11 disability effectively for the support and maintenance of the person.

12 (8) "Intimidation" means compelling or deterring conduct by threat.

13 (9) "Law enforcement agency" means:

14 (a) Any city or municipal police department;

15 (b) A police department established by a university under ORS 352.383
16 **or section 2 of this 2013 Act or a police department established by a**
17 **community college district under section 4 of this 2013 Act;**

18 (c) Any county sheriff's office;

19 (d) The Oregon State Police; or

20 (e) Any district attorney.

21 (10) "Neglect" means:

22 (a) Failure to provide the care, supervision or services necessary to
23 maintain the physical and mental health of a person with a developmental
24 disability that may result in physical harm or significant emotional harm to
25 the person;

26 (b) The failure of a caregiver to make a reasonable effort to protect a
27 person with a developmental disability from abuse; or

28 (c) Withholding of services necessary to maintain the health and well-
29 being of an adult which leads to physical harm of an adult.

30 (11) "Person with a developmental disability" means a person described
31 in subsection (2)(a) of this section.

1 (12) "Public or private official" means:

2 (a) Physician, naturopathic physician, osteopathic physician, psychologist,
3 chiropractor or podiatric physician and surgeon, including any intern or
4 resident;

5 (b) Licensed practical nurse, registered nurse, nurse's aide, home health
6 aide or employee of an in-home health service;

7 (c) Employee of the Department of Human Services or Oregon Health
8 Authority, county health department, community mental health program or
9 community developmental disabilities program or private agency contracting
10 with a public body to provide any community mental health service;

11 (d) Peace officer;

12 (e) Member of the clergy;

13 (f) Regulated social worker;

14 (g) Physical, speech or occupational therapist;

15 (h) Information and referral, outreach or crisis worker;

16 (i) Attorney;

17 (j) Licensed professional counselor or licensed marriage and family ther-
18 apist;

19 (k) Any public official who comes in contact with adults in the perform-
20 ance of the official's duties; or

21 (L) Firefighter or emergency medical services provider.

22 (13) "Services" includes but is not limited to the provision of food,
23 clothing, medicine, housing, medical services, assistance with bathing or
24 personal hygiene or any other service essential to the well-being of an adult.

25 (14)(a) "Sexual abuse" means:

26 (A) Sexual contact with a nonconsenting adult or with an adult consid-
27 ered incapable of consenting to a sexual act under ORS 163.315;

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

30 (C) Any sexual contact between an employee of a facility or paid
31 caregiver and an adult served by the facility or caregiver;

1 (D) Any sexual contact between a person with a developmental disability
2 and a relative of the person with a developmental disability other than a
3 spouse; or

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

6 (b) "Sexual abuse" does not mean consensual sexual contact between an
7 adult and a paid caregiver who is the spouse of the adult.

8 (15) "Sexual contact" has the meaning given that term in ORS 163.305.

9 (16) "Verbal abuse" means to threaten significant physical or emotional
10 harm to a person with a developmental disability through the use of:

11 (a) Derogatory or inappropriate names, insults, verbal assaults, profanity
12 or ridicule; or

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

15 **SECTION 55.** ORS 441.630 is amended to read:

16 441.630. As used in ORS 441.630 to 441.680 and 441.995:

17 (1) "Abuse" means:

18 (a) Any physical injury to a resident of a long term care facility which
19 has been caused by other than accidental means.

20 (b) Failure to provide basic care or services, which failure results in
21 physical harm or unreasonable discomfort or serious loss of human dignity.

22 (c) Sexual contact with a resident caused by an employee, agent or other
23 resident of a long term care facility by force, threat, duress or coercion.

24 (d) Illegal or improper use of a resident's resources for the personal profit
25 or gain of another person.

26 (e) Verbal or mental abuse as prohibited by federal law.

27 (f) Corporal punishment.

28 (g) Involuntary seclusion for convenience or discipline.

29 (2) "Abuse complaint" means any oral or written communication to the
30 department, one of its agents or a law enforcement agency alleging abuse.

31 (3) "Department" means the Department of Human Services or a designee

1 of the department.

2 (4) "Facility" means a long term care facility, as defined in ORS 442.015.

3 (5) "Law enforcement agency" means:

4 (a) Any city or municipal police department.

5 (b) A police department established by a university under ORS 352.383
6 **or section 2 of this 2013 Act or a police department established by a**
7 **community college district under section 4 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 56.** 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 2 of this 2013 Act and police officers**
31 **commissioned by a community college district under section 4 of this**

1 **2013 Act**, shall enforce the commercial fishing laws within their respective
2 jurisdictions. In the performance of these duties such officers are subject to
3 the direction and control of the commission or director.

4 **SECTION 57.** ORS 609.652, as amended by section 66, chapter 37, Oregon
5 Laws 2012, and section 15, chapter 67, Oregon Laws 2012, is amended to read:

6 609.652. As used in ORS 609.654:

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

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

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

11 (B) Any exemption listed in ORS 167.335.

12 (2) "Law enforcement agency" means:

13 (a) Any city or municipal police department.

14 (b) A police department established by a university under ORS 352.383
15 **or section 2 of this 2013 Act or a police department established by a**
16 **community college district under section 4 of this 2013 Act.**

17 (c) Any county sheriff's office.

18 (d) The Oregon State Police.

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

21 (f) A humane investigation agency as defined in section 1, chapter 67,
22 Oregon Laws 2012, that employs humane special agents commissioned under
23 section 1, chapter 67, Oregon Laws 2012.

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

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

26 (b) A dentist.

27 (c) A school employee.

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

29 (e) An employee of the Department of Human Services, Oregon Health
30 Authority, Early Learning Council, Youth Development Council, Child Care
31 Division of the Employment Department, the Oregon Youth Authority, a

1 county health department, a community mental health program, a community
2 developmental disabilities program, a county juvenile department, a licensed
3 child-caring agency or an alcohol and drug treatment program.

4 (f) A peace officer.

5 (g) A psychologist.

6 (h) A member of the clergy.

7 (i) A regulated social worker.

8 (j) An optometrist.

9 (k) A chiropractor.

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

11 (m) An attorney.

12 (n) A naturopathic physician.

13 (o) A licensed professional counselor.

14 (p) A licensed marriage and family therapist.

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

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

17 (s) A child care provider registered or certified under ORS 657A.030 and
18 657A.250 to 657A.450.

19 (t) A member of the Legislative Assembly.

20 **SECTION 58.** ORS 659A.320, as amended by section 25, chapter 54,
21 Oregon Laws 2012, and section 16, chapter 67, Oregon Laws 2012, is amended
22 to read:

23 659A.320. (1) Except as provided in subsection (2) of this section, it is an
24 unlawful employment practice for an employer to obtain or use for employ-
25 ment purposes information contained in the credit history of an applicant for
26 employment or an employee, or to refuse to hire, discharge, demote, suspend,
27 retaliate or otherwise discriminate against an applicant or an employee with
28 regard to promotion, compensation or the terms, conditions or privileges of
29 employment based on information in the credit history of the applicant or
30 employee.

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

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

2 (b) Employers that are required by state or federal law to use individual
3 credit history for employment purposes;

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

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

7 (B) Employed as a peace officer commissioned by a city, port, school dis-
8 trict, mass transit district, county, university under ORS 352.383 **or section**
9 **2 of this 2013 Act, community college district under section 4 of this**
10 **2013 Act**, Indian reservation, the Superintendent of State Police under sec-
11 tion 1, chapter 67, Oregon Laws 2012, the Criminal Justice Division of the
12 Department of Justice, the Oregon State Lottery Commission or the Gover-
13 nor or employed as a liquor enforcement inspector by the Oregon Liquor
14 Control Commission; and

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

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

21 (3) An employee or an applicant for employment may file a complaint
22 under ORS 659A.820 for violations of this section and may bring a civil
23 action under ORS 659A.885 and recover the relief as provided by ORS
24 659A.885 (1) and (2).

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

28 **SECTION 59.** ORS 686.450, as amended by section 17, chapter 67, Oregon
29 Laws 2012, is amended to read:

30 686.450. As used in ORS 686.450 to 686.465 and 686.990 (3):

31 (1)(a) "Aggravated animal abuse" means any animal abuse as described

1 in ORS 167.322.

2 (b) “Aggravated animal abuse” does not include:

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

4 (B) Any exemption listed in ORS 167.335.

5 (2) “Law enforcement agency” means:

6 (a) Any city or municipal police department.

7 (b) A police department established by a university under ORS 352.383
8 **or section 2 of this 2013 Act or a police department established by a**
9 **community college district under section 4 of this 2013 Act.**

10 (c) Any county sheriff’s office.

11 (d) The Oregon State Police.

12 (e) A law enforcement division of a humane society in Oregon that em-
13 ploys special agents authorized under ORS 131.805 or humane special agents
14 commissioned under section 1, chapter 67, Oregon Laws 2012.

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

17 (3) “Veterinarian” means a person licensed to practice veterinary medi-
18 cine under ORS chapter 686.

19 **SECTION 60.** ORS 756.160 is amended to read:

20 756.160. (1) The Public Utility Commission shall inquire into any neglect
21 or violation of any law of this state or any law or ordinance of any
22 municipality thereof relating to public utilities and telecommunications
23 utilities by any public utility or telecommunications utility doing business
24 therein, its officers, agents or employees and shall enforce all laws of this
25 state relating to public utilities and telecommunications utilities and may
26 enforce all such laws and ordinances of a municipality. The commission shall
27 report all violations of any such laws or ordinances to the 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 2 of this 2013 Act and police officers**
31 **commissioned by a community college district under section 4 of this**

1 **2013 Act** shall assist the commission in the administration and enforcement
2 of all laws administered by the commission, and they, as well as assistants
3 and employees of the commission, shall inform against and diligently prose-
4 cute all persons whom they have reasonable cause to believe guilty of vio-
5 lation of any such laws or of the rules, regulations, orders, decisions or
6 requirements of the commission made pursuant thereto.

7 (3) Upon the request of the commission, the Attorney General or the dis-
8 trict attorney of the proper county shall aid in any investigation, hearing
9 or trial, and shall institute and prosecute all necessary suits, actions or
10 proceedings for the enforcement of those laws and ordinances referred to in
11 subsection (1) of this section.

12 (4) Any forfeiture or penalty provided for in any law administered by the
13 commission shall be recovered by an action brought thereon in the name of
14 the State of Oregon in any court of appropriate jurisdiction.

15 **SECTION 61.** ORS 801.395 is amended to read:

16 801.395. "Police officer" includes a member of the Oregon State Police, a
17 sheriff, a deputy sheriff, a city police officer, an authorized tribal police of-
18 ficer as defined in section 1, chapter 644, Oregon Laws 2011, a police officer
19 commissioned by a university under ORS 352.383 **or section 2 of this 2013**
20 **Act, a police officer commissioned by a community college district**
21 **under section 4 of this 2013 Act**, a Port of Portland peace officer, a reserve
22 officer as defined in ORS 133.005 or a law enforcement officer employed by
23 a service district established under ORS 451.410 to 451.610 for the purpose
24 of law enforcement services.

25 **SECTION 62.** ORS 801.395, as amended by section 55, chapter 644, Oregon
26 Laws 2011, is amended to read:

27 801.395. "Police officer" includes a member of the Oregon State Police, a
28 sheriff, a deputy sheriff, a city police officer, a police officer commissioned
29 by a university under ORS 352.383 **or section 2 of this 2013 Act, a police**
30 **officer commissioned by a community college district under section 4**
31 **of this 2013 Act**, a Port of Portland peace officer, a reserve officer as defined

1 in ORS 133.005 or a law enforcement officer employed by a service district
2 established under ORS 451.410 to 451.610 for the purpose of law enforcement
3 services.

4 **SECTION 63.** ORS 811.720 is amended to read:

5 811.720. (1) Except as provided in subsection (4) of this section, any acci-
6 dent occurring on a highway or upon premises open to the public resulting
7 in injury or death to any person is subject to the reporting requirements
8 under the following sections:

9 (a) The reporting requirements for drivers under ORS 811.725.

10 (b) The reporting requirements for occupants of vehicles in accidents un-
11 der ORS 811.735.

12 (c) The reporting requirements for owners of vehicles under ORS 811.730.

13 (2) Except as provided in subsection (4) of this section, an accident oc-
14 ccurring on a highway or upon premises open to the public resulting in
15 damage to the property of any person in excess of \$1,500 is subject to the
16 following reporting requirements:

17 (a) The driver of a vehicle that has more than \$1,500 damage must report
18 the accident in the manner specified under ORS 811.725.

19 (b) The owner of a vehicle that has more than \$1,500 damage must report
20 the accident in the manner specified in ORS 811.730 and under the circum-
21 stances specified in ORS 811.730.

22 (c) If the property damage is to property other than a vehicle involved in
23 the accident, each driver involved in the accident must report the accident
24 in the manner specified under ORS 811.725 and each owner of a vehicle in-
25 volved in the accident must report the accident in the manner specified in
26 ORS 811.730 and under the circumstances specified in ORS 811.730.

27 (d) If a vehicle involved in the accident is damaged to the extent that the
28 vehicle must be towed from the scene of the accident, each driver involved
29 in the accident must report the accident in the manner specified under ORS
30 811.725 and each owner of a vehicle involved in the accident must report the
31 accident in the manner specified in ORS 811.730 and under the circumstances

1 specified in ORS 811.730.

2 (3) The dollar amount specified in subsection (2) of this section may be
3 increased every five years by the Department of Transportation based upon
4 any increase in the Portland-Salem Consumer Price Index for All Urban
5 Consumers for All Items as prepared by the Bureau of Labor Statistics of the
6 United States Department of Labor or its successor during the preceding
7 12-month period. The amount determined under this subsection shall be
8 rounded to the nearest \$100.

9 (4) The following are exempt from the reporting requirements of this
10 section:

11 (a) Operators of snowmobiles, Class I all-terrain vehicles or Class III
12 all-terrain vehicles.

13 (b) A law enforcement official acting in the course of official duty if the
14 accident involved a law enforcement official performing a lawful intervention
15 technique or a law enforcement official and a person acting during the
16 commission of a criminal offense. As used in this paragraph:

17 (A) "Law enforcement official" means a person who is responsible for
18 enforcing the criminal laws of this state or a political subdivision of this
19 state and who is employed or volunteers:

20 (i) As a peace officer commissioned by a city, university that has estab-
21 lished a police department under ORS 352.383 **or section 2 of this 2013 Act,**
22 **community college district that has established a police department**
23 **under section 4 of this 2013 Act,** port, school district, mass transit district,
24 county or county service district authorized to provide law enforcement ser-
25 vices under ORS 451.010;

26 (ii) With the Department of State Police or the Criminal Justice Division
27 of the Department of Justice;

28 (iii) As an investigator of a district attorney's office, if the investigator
29 is certified as a peace officer in this state; or

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

1 (B) “Lawful intervention technique” means a method by which one motor
2 vehicle causes, or attempts to cause, another motor vehicle to stop.

3 **SECTION 64.** ORS 811.720, as amended by section 56, chapter 644, Oregon
4 Laws 2011, is amended to read:

5 811.720. (1) Except as provided in subsection (4) of this section, any acci-
6 dent occurring on a highway or upon premises open to the public resulting
7 in injury or death to any person is subject to the reporting requirements
8 under the following sections:

9 (a) The reporting requirements for drivers under ORS 811.725.

10 (b) The reporting requirements for occupants of vehicles in accidents un-
11 der ORS 811.735.

12 (c) The reporting requirements for owners of vehicles under ORS 811.730.

13 (2) Except as provided in subsection (4) of this section, an accident oc-
14 ccurring on a highway or upon premises open to the public resulting in
15 damage to the property of any person in excess of \$1,500 is subject to the
16 following reporting requirements:

17 (a) The driver of a vehicle that has more than \$1,500 damage must report
18 the accident in the manner specified under ORS 811.725.

19 (b) The owner of a vehicle that has more than \$1,500 damage must report
20 the accident in the manner specified in ORS 811.730 and under the circum-
21 stances specified in ORS 811.730.

22 (c) If the property damage is to property other than a vehicle involved in
23 the accident, each driver involved in the accident must report the accident
24 in the manner specified under ORS 811.725 and each owner of a vehicle in-
25 volved in the accident must report the accident in the manner specified in
26 ORS 811.730 and under the circumstances specified in ORS 811.730.

27 (d) If a vehicle involved in the accident is damaged to the extent that the
28 vehicle must be towed from the scene of the accident, each driver involved
29 in the accident must report the accident in the manner specified under ORS
30 811.725 and each owner of a vehicle involved in the accident must report the
31 accident in the manner specified in ORS 811.730 and under the circumstances

1 specified in ORS 811.730.

2 (3) The dollar amount specified in subsection (2) of this section may be
3 increased every five years by the Department of Transportation based upon
4 any increase in the Portland-Salem Consumer Price Index for All Urban
5 Consumers for All Items as prepared by the Bureau of Labor Statistics of the
6 United States Department of Labor or its successor during the preceding
7 12-month period. The amount determined under this subsection shall be
8 rounded to the nearest \$100.

9 (4) The following are exempt from the reporting requirements of this
10 section:

11 (a) Operators of snowmobiles, Class I all-terrain vehicles or Class III
12 all-terrain vehicles.

13 (b) A law enforcement official acting in the course of official duty if the
14 accident involved a law enforcement official performing a lawful intervention
15 technique or a law enforcement official and a person acting during the
16 commission of a criminal offense. As used in this paragraph:

17 (A) "Law enforcement official" means a person who is responsible for
18 enforcing the criminal laws of this state or a political subdivision of this
19 state and who is employed or volunteers:

20 (i) As a peace officer commissioned by a city, university that has estab-
21 lished a police department under ORS 352.383 **or section 2 of this 2013 Act,**
22 **community college district that has established a police department**
23 **under section 4 of this 2013 Act,** port, school district, mass transit district,
24 county or county service district authorized to provide law enforcement ser-
25 vices under ORS 451.010;

26 (ii) With the Department of State Police or the Criminal Justice Division
27 of the Department of Justice; or

28 (iii) As an investigator of a district attorney's office, if the investigator
29 is certified as a peace officer in this state.

30 (B) "Lawful intervention technique" means a method by which one motor
31 vehicle causes, or attempts to cause, another motor vehicle to stop.

1 **SECTION 65.** ORS 811.745 is amended to read:

2 811.745. (1) Except as provided in subsection (4) of this section, any acci-
3 dent occurring on a highway or upon premises open to the public resulting
4 in injury or death to any person is subject to the reporting requirements
5 under the following sections:

6 (a) The reporting requirements for drivers under ORS 811.748.

7 (b) The reporting requirements for occupants of vehicles in accidents un-
8 der ORS 811.750.

9 (2) Except as provided in subsection (4) of this section, an accident oc-
10 ccurring on a highway or upon premises open to the public resulting in
11 damage to the property of any person in excess of \$1,500 is subject to the
12 following reporting requirements:

13 (a) The driver of a vehicle that has more than \$1,500 damage must report
14 the accident in the manner specified under ORS 811.748.

15 (b) If the property damage is to property other than a vehicle involved in
16 the accident, each driver involved in the accident must report the accident
17 in the manner specified under ORS 811.748.

18 (c) If a vehicle involved in the accident is damaged to the extent that the
19 vehicle must be towed from the scene of the accident, each driver involved
20 in the accident must report the accident in the manner specified under ORS
21 811.748.

22 (3) The dollar amount specified in subsection (2) of this section may be
23 increased every five years by the Department of Transportation based upon
24 any increase in the Portland-Salem Consumer Price Index for All Urban
25 Consumers for All Items as prepared by the Bureau of Labor Statistics of the
26 United States Department of Labor or its successor during the preceding
27 12-month period. The amount determined under this subsection shall be
28 rounded to the nearest \$100.

29 (4) The following are exempt from the reporting requirements of this
30 section:

31 (a) Operators of snowmobiles and Class I, Class III and Class IV all-

1 terrain vehicles.

2 (b) A law enforcement official acting in the course of official duty if the
3 accident involved a law enforcement official performing a lawful intervention
4 technique or involved a law enforcement official and a person acting during
5 the commission of a criminal offense. As used in this paragraph:

6 (A) "Law enforcement official" means a person who is responsible for
7 enforcing the criminal laws of this state or a political subdivision of this
8 state and who is employed or volunteers:

9 (i) As a peace officer commissioned by a city, port, university that has
10 established a police department under ORS 352.383 **or section 2 of this 2013**
11 **Act, community college district that has established a police depart-**
12 **ment under section 4 of this 2013 Act**, school district, mass transit dis-
13 trict, county or service district authorized to provide law enforcement
14 services under ORS 451.010;

15 (ii) With the Department of State Police or the Criminal Justice Division
16 of the Department of Justice; or

17 (iii) As an investigator of a district attorney's office, if the investigator
18 is certified as a peace officer in this state.

19 (B) "Lawful intervention technique" means a method by which one motor
20 vehicle causes, or attempts to cause, another motor vehicle to stop.

21 (5) The reporting requirements under this section are in addition to, and
22 not in lieu of, the reporting requirements under ORS 811.720.

23 **SECTION 66.** ORS 811.747 is amended to read:

24 811.747. As used in ORS 811.748 and 811.750:

25 (1) "9-1-1 emergency reporting system" has the meaning given that term
26 in ORS 403.105.

27 (2) "Law enforcement agency" means any agency that employs members
28 of the Oregon State Police, a sheriff, a deputy sheriff, a city police officer,
29 a police officer commissioned by a university under ORS 352.383 **or section**
30 **2 of this 2013 Act, a police officer commissioned by a community col-**
31 **lege district under section 4 of this 2013 Act** or a law enforcement officer

1 employed by a service district established under ORS 451.410 to 451.610 for
2 the purpose of law enforcement services.

3 **SECTION 67.** ORS 823.081 is amended to read:

4 823.081. (1) The Department of Transportation shall inquire into any
5 neglect or violation of any law of this state, or any law or ordinance of any
6 municipality thereof, relating to motor carriers or railroads by any motor
7 carrier or railroad doing business therein, its officers, agents or employees
8 and shall enforce all laws of this state relating to motor carriers and rail-
9 roads and may enforce all such laws and ordinances of a municipality. The
10 department shall report all violations of any such laws or ordinances to the
11 Attorney General.

12 (2) The Attorney General, district attorney of each county, all state,
13 county and city police officers, [*and*] police officers commissioned by a uni-
14 versity under ORS 352.383 **or section 2 of this 2013 Act and police officers**
15 **commissioned by a community college district under section 4 of this**
16 **2013 Act** shall assist the department in the administration and enforcement
17 of all laws related to motor carriers and railroads administered by the de-
18 partment, and they, as well as assistants and employees of the department,
19 shall inform against and diligently prosecute all persons whom they have
20 reasonable cause to believe guilty of the violation of any such laws or of the
21 rules, regulations, orders, decisions or requirements of the department made
22 pursuant thereto.

23 (3) Upon the request of the department, the Attorney General or the dis-
24 trict attorney of the proper county shall aid in any investigation, hearing
25 or trial, and shall institute and prosecute all necessary suits, actions or
26 proceedings for the enforcement of those laws and ordinances referred to in
27 subsection (1) of this section.

28 (4) Any forfeiture or penalty provided for in any law regarding motor
29 carriers or railroads administered by the department shall be recovered by
30 an action brought thereon in the name of the State of Oregon in any court
31 of appropriate jurisdiction or as provided in ORS 183.745.

1 **SECTION 68.** ORS 830.005 is amended to read:

2 830.005. As used in this chapter, unless the context requires otherwise:

3 (1) “Board” means the State Marine Board.

4 (2) “Boat” means every description of watercraft, including a seaplane on
5 the water and not in flight, used or capable of being used as a means of
6 transportation on the water, but does not include boathouses, floating homes,
7 air mattresses, beach and water toys or single inner tubes.

8 (3) “Boating offense” means violation of any provision of law that is made
9 a crime or violation under the provisions of this chapter.

10 (4) “In flight” means from the moment a seaplane starts its takeoff run
11 until the end of a normal power-off landing run.

12 (5) “Length” means the length of a boat measured from end to end over
13 the deck excluding sheer.

14 (6) “Motorboat” means any boat propelled in whole or in part by ma-
15 chinery, including boats temporarily equipped with detachable motors.

16 (7) “Navigable waters of the United States” means those waters of the
17 United States, including the territorial seas adjacent thereto, the general
18 character of which is navigable, and that, either by themselves or by uniting
19 with other waters, form a continuous waterway on which boats or vessels
20 may navigate or travel between two or more states, or to and from foreign
21 nations.

22 (8) “Operate” means to navigate or otherwise use a boat.

23 (9) “Operator of a boat livery” means any person who is engaged wholly
24 or in part in the business of chartering or renting boats to other persons.

25 (10) “Passenger” means every person on board a boat who is not the
26 master, operator, crew member or other person engaged in any capacity in
27 the business of the boat.

28 (11) “Peace officer” includes a member of the Oregon State Police, a
29 sheriff or deputy sheriff, a city police officer, an authorized tribal police of-
30 ficer as defined in section 1, chapter 644, Oregon Laws 2011, [and] a police
31 officer commissioned by a university under ORS 352.383 **or section 2 of this**

1 **2013 Act and a police officer commissioned by a community college**
2 **district under section 4 of this 2013 Act.**

3 (12) "State waters" means those waters entirely within the confines of
4 this state that have not been declared navigable waters of the United States.

5 (13) "Waters of this state" means all waters within the territorial limits
6 of this state, the marginal sea adjacent to this state and the high seas when
7 navigated as part of a journey or ride to or from the shore of this state.

8 **SECTION 69.** ORS 830.005, as amended by section 57, chapter 644, Oregon
9 Laws 2011, is amended to read:

10 830.005. As used in this chapter, unless the context requires otherwise:

11 (1) "Board" means the State Marine Board.

12 (2) "Boat" means every description of watercraft, including a seaplane on
13 the water and not in flight, used or capable of being used as a means of
14 transportation on the water, but does not include boathouses, floating homes,
15 air mattresses, beach and water toys or single inner tubes.

16 (3) "Boating offense" means violation of any provision of law that is made
17 a crime or violation under the provisions of this chapter.

18 (4) "In flight" means from the moment a seaplane starts its takeoff run
19 until the end of a normal power-off landing run.

20 (5) "Length" means the length of a boat measured from end to end over
21 the deck excluding sheer.

22 (6) "Motorboat" means any boat propelled in whole or in part by ma-
23 chinery, including boats temporarily equipped with detachable motors.

24 (7) "Navigable waters of the United States" means those waters of the
25 United States, including the territorial seas adjacent thereto, the general
26 character of which is navigable, and that, either by themselves or by uniting
27 with other waters, form a continuous waterway on which boats or vessels
28 may navigate or travel between two or more states, or to and from foreign
29 nations.

30 (8) "Operate" means to navigate or otherwise use a boat.

31 (9) "Operator of a boat livery" means any person who is engaged wholly

1 or in part in the business of chartering or renting boats to other persons.

2 (10) "Passenger" means every person on board a boat who is not the
3 master, operator, crew member or other person engaged in any capacity in
4 the business of the boat.

5 (11) "Peace officer" includes a member of the Oregon State Police, a
6 sheriff or deputy sheriff, a city police officer, [*and*] a police officer commis-
7 sioned by a university under ORS 352.383 **or section 2 of this 2013 Act and**
8 **a police officer commissioned by a community college district under**
9 **section 4 of this 2013 Act.**

10 (12) "State waters" means those waters entirely within the confines of
11 this state that have not been declared navigable waters of the United States.

12 (13) "Waters of this state" means all waters within the territorial limits
13 of this state, the marginal sea adjacent to this state and the high seas when
14 navigated as part of a journey or ride to or from the shore of this state.

15 **SECTION 70. (1) Sections 2 and 4 of this 2013 Act and the amend-**
16 **ments to statutes by sections 5 to 69 of this 2013 Act become operative**
17 **on January 1, 2014.**

18 **(2) The Oregon Health and Science University may adopt rules or**
19 **take any other action necessary to enable the university to exercise,**
20 **on and after the operative date specified in subsection (1) of this sec-**
21 **tion, all the duties, functions and powers conferred on the university**
22 **by this 2013 Act.**

23 **(3) A community college district may adopt rules or take any other**
24 **action necessary to enable the district to exercise, on or after the op-**
25 **erative date specified in subsection (1) of this section, all the duties,**
26 **functions and powers conferred on the district by this 2013 Act.**

27 **SECTION 71. (1) A public university listed in ORS 352.002, the**
28 **Oregon Health and Science University or a community college district**
29 **as defined in ORS 341.005 may adopt a policy to regulate, restrict or**
30 **prohibit the possession of firearms within and on the buildings and**
31 **property the university or district owns or occupies.**

1 **(2) A policy adopted under subsection (1) of this section may include**
2 **a prohibition on possessing firearms by a person who is licensed under**
3 **ORS 166.291 and 166.292 to carry a concealed handgun.**

4 **SECTION 72.** ORS 166.370 is amended to read:

5 166.370. (1) Any person who intentionally possesses a loaded or unloaded
6 firearm or any other instrument used as a dangerous weapon, while in or on
7 a public building, shall upon conviction be guilty of a Class C felony.

8 (2)(a) Except as otherwise provided in paragraph (b) of this subsection, a
9 person who intentionally possesses:

10 (A) A firearm in a court facility is guilty, upon conviction, of a Class C
11 felony. A person who intentionally possesses a firearm in a court facility
12 shall surrender the firearm to a law enforcement officer.

13 (B) A weapon, other than a firearm, in a court facility may be required
14 to surrender the weapon to a law enforcement officer or to immediately re-
15 move it from the court facility. A person who fails to comply with this sub-
16 paragraph is guilty, upon conviction, of a Class C felony.

17 (b) The presiding judge of a judicial district may enter an order permit-
18 ting the possession of specified weapons in a court facility.

19 (3) Subsection (1) of this section does not apply to:

20 (a) A sheriff, police officer, other duly appointed peace officers or a cor-
21 rections officer while acting within the scope of employment.

22 (b) A person summoned by a peace officer to assist in making an arrest
23 or preserving the peace, while the summoned person is engaged in assisting
24 the officer.

25 (c) An active or reserve member of the military forces of this state or the
26 United States, when engaged in the performance of duty.

27 (d) A person who is licensed under ORS 166.291 and 166.292 to carry a
28 concealed handgun, **unless the person possesses the firearm on the**
29 **property of a university or community college district that has adopted**
30 **a policy prohibiting such possession under section 71 of this 2013 Act.**

31 (e) A person who is authorized by the officer or agency that controls the

1 public building to possess a firearm or dangerous weapon in that public
2 building.

3 (f) An employee of the United States Department of Agriculture, acting
4 within the scope of employment, who possesses a firearm in the course of the
5 lawful taking of wildlife.

6 (g) Possession of a firearm on school property if the firearm:

7 (A) Is possessed by a person who is not otherwise prohibited from pos-
8 sessing the firearm; and

9 (B) Is unloaded and locked in a motor vehicle.

10 (4) The exceptions listed in subsection (3)(b) to (g) of this section consti-
11 tute affirmative defenses to a charge of violating subsection (1) of this sec-
12 tion.

13 (5)(a) Any person who knowingly, or with reckless disregard for the safety
14 of another, discharges or attempts to discharge a firearm at a place that the
15 person knows is a school shall upon conviction be guilty of a Class C felony.

16 (b) Paragraph (a) of this subsection does not apply to the discharge of a
17 firearm:

18 (A) As part of a program approved by a school in the school by an indi-
19 vidual who is participating in the program;

20 (B) By a law enforcement officer acting in the officer's official capacity;
21 or

22 (C) By an employee of the United States Department of Agriculture, act-
23 ing within the scope of employment, in the course of the lawful taking of
24 wildlife.

25 (6) Any weapon carried in violation of this section is subject to the
26 forfeiture provisions of ORS 166.279.

27 (7) Notwithstanding the fact that a person's conduct in a single criminal
28 episode constitutes a violation of both subsections (1) and (5) of this section,
29 the district attorney may charge the person with only one of the offenses.

30 (8) As used in this section, "dangerous weapon" means a dangerous
31 weapon as that term is defined in ORS 161.015.

1 **SECTION 73.** ORS 166.262 is amended to read:

2 166.262. A peace officer may not arrest or charge a person for violating
3 ORS 166.250 (1)(a) or (b) or 166.370 (1) if the person has in the person's im-
4 mediate possession a valid license to carry a firearm as provided in ORS
5 166.291 and 166.292, **unless the person possesses the firearm on the**
6 **property of a university or a community college district that has**
7 **adopted a policy prohibiting such possession under section 71 of this**
8 **2013 Act.**

9 **SECTION 74.** **This 2013 Act being necessary for the immediate**
10 **preservation of the public peace, health and safety, an emergency is**
11 **declared to exist, and this 2013 Act takes effect on its passage.**

12
