

**SB 49**  
**State Court Security and Emergency Preparedness**  
Submitted by the Oregon Judicial Department

Senate Bill 49 makes several amendments to ORS 1.177 and 1.178 consistent with HB 4163 adopted by the Legislative Assembly in 2012. Some of these amendments were lost inadvertently with amendments to ORS 1.177 made by SB 1579, also in the 2012 legislative session.

Senate Bill 49 clarifies that state court security purposes and policy include the physical security for judges, staff, and the public doing business in state court facilities. That was one of the specific purposes of HB 4163. Effective standards and plans for the security of state courts are not possible if limited to facilities without including judges, staff, and the public. See Section 1, page 1, lines 12 and 13; Section 2, page 2, line 4; and Section 3, page 2, line 18.

In addition, SB 49 removes the prohibition on the use of funds from the State Court Facilities and Security Account to fund positions in the judicial department scheduled to take effect in the 2013-15 biennium. Historically, funds from this account support the four staff of the Security and Emergency Preparedness Office. This amendment gives the legislature flexibility to use general funds or other funds for these positions and restores OJD flexibility to respond to special circumstances where there is a need to employ limited duration or temporary staff. The issue of expenditure of the money in this account is clearly identified in the OJD budget and will be considered by the Joint Committee on Ways and Means. See Section 3, page 2, lines 18 and 19.

Proposed amendments to the bill, submitted to Legislative Counsel by the OJD, establish a new naming protocol for the chief security office and other security personnel appointed by the Chief Justice. The term “judicial security marshal” was included in, and adopted by HB 4163. The term “judicial security marshal” follows the federal model of US Marshals providing security for federal courts.

The forthcoming amendments make clear that the judicial security marshals are included in the description of “peace officers” established in ORS 133.005(3) to insure they have the legal authority to carry out their duties. These duties would include the authority to detain an individual until the law enforcement agency having general jurisdiction over the area can assume responsibility for the person.

Persons employed by the Judicial Department as a “judicial security marshal” are subject to the personnel policies and rules established by the Chief Justice. The Chief Justice may define the duties of the persons so employed so as to withhold any or all of the powers otherwise conferred upon peace officers.

SB 49 has an emergency clause and should have no fiscal impact on OJD operations.