

# House Bill 2707

Sponsored by Representatives OLSON, BARKER, KRIEGER

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Includes in definition of "parole and probation officer" full-time employee of State Board of Parole and Post-Prison Supervision who has been certified and employed full-time as parole and probation officer by Department of Corrections, county or court.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to the definition of "parole and probation officer"; amending ORS 181.610; and declaring  
3 an emergency.

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

5 **SECTION 1.** ORS 181.610, as amended by section 22, chapter 54, Oregon Laws 2012, section 13,  
6 chapter 67, Oregon Laws 2012, and section 4, chapter 88, Oregon Laws 2012, is amended to read:

7 181.610. In ORS 181.610 to 181.712, unless the context requires otherwise:

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

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

11 (3) "Certified reserve officer" means a reserve officer who has been designated by a local law  
12 enforcement unit, has received training necessary for certification and has met the minimum stan-  
13 dards and training requirements established under ORS 181.640.

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

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

19 (a) Is charged with and primarily performs the duty of custody, control or supervision of indi-  
20 viduals convicted of or arrested for a criminal offense and confined in a place of incarceration or  
21 detention other than a place used exclusively for incarceration or detention of juveniles; or

22 (b) Has been certified as a corrections officer described in paragraph (a) of this subsection and  
23 has supervisory or management authority for corrections officers described in paragraph (a) of this  
24 subsection.

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

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

27 (8) "Domestic violence" means abuse between family or household members.

28 (9) "Emergency medical dispatcher" means a person who has responsibility to process requests  
29 for medical assistance from the public or to dispatch medical care providers.

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

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 (11) "Fire service professional" means a paid or volunteer firefighter, an officer or a member  
 2 of a public or private fire protection agency that is engaged primarily in fire investigation, fire  
 3 prevention, fire safety, fire control or fire suppression or providing emergency medical services, light  
 4 and heavy rescue services, search and rescue services or hazardous materials incident response.  
 5 "Fire service professional" does not mean forest fire protection agency personnel.

6 (12) "Law enforcement unit" means:

7 (a) A police force or organization of the state, a city, university that has established a police  
 8 department under ORS 352.383, port, school district, mass transit district, county, county service  
 9 district authorized to provide law enforcement services under ORS 451.010, tribal government as  
 10 defined in section 1, chapter 644, Oregon Laws 2011, that employs authorized tribal police officers  
 11 as defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the De-  
 12 partment of Justice, the Department of Corrections, the Oregon State Lottery Commission, the Se-  
 13 curity and Emergency Preparedness Office of the Judicial Department or common carrier railroad  
 14 the primary duty of which, as prescribed by law, ordinance or directive, is one or more of the fol-  
 15 lowing:

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

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

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

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

26 (c) A district attorney's office;

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

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

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

30 (14) "Parole and probation officer" means **an officer who**:

31 (a)(A) [*An officer who*] Is employed full-time by the Department of Corrections, a county or a  
 32 court;

33 **(B) Is certified and has been employed as a full-time parole and probation officer for**  
 34 **more than one year and is employed part-time by the Department of Corrections, a county**  
 35 **or a court; or**

36 **(C) Has been certified and employed full-time as a parole and probation officer by the**  
 37 **Department of Corrections, a county or a court and is a full-time employee of the State**  
 38 **Board of Parole and Post-Prison Supervision; and**

39 **(b) [*who*]** Is charged with and performs the duty of:

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

43 (B) Investigating adult offenders on parole or probation or being considered for parole or  
 44 probation[; or].

45 [*(b) An officer who:*]

1       [(A) *Is certified and has been employed as a full-time parole and probation officer for more than*  
2 *one year;*]

3       [(B) *Is employed part-time by the Department of Corrections, a county or a court; and*]

4       [(C) *Is charged with and performs the duty of:*]

5       [(i) *Community protection by controlling, investigating, supervising and providing or making re-*  
6 *ferrals to reformative services for adult parolees or probationers or offenders on post-prison super-*  
7 *vision; or*]

8       [(ii) *Investigating adult offenders on parole or probation or being considered for parole or pro-*  
9 *bation.*]

10       (15) "Police officer" means:

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

13       (A) Commissioned by a city, port, school district, mass transit district, county, county service  
14 district authorized to provide law enforcement services under ORS 451.010, tribal government as  
15 defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the Depart-  
16 ment of Justice, the Oregon State Lottery Commission, a university that has established a police  
17 department under ORS 352.383, the Governor or the Department of State Police; and

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

20       (b) An investigator of a district attorney's office if the investigator is or has been certified as  
21 a peace officer in this or another state, an authorized tribal police officer as defined in section 1,  
22 chapter 644, Oregon Laws 2011, or a humane special agent commissioned under section 1, chapter  
23 67, Oregon Laws 2012; or

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

26       (16) "Public or private safety agency" means a unit of state or local government, a special pur-  
27 pose district or a private firm that provides, or has authority to provide, fire fighting, police, am-  
28 bulance or emergency medical services.

29       (17) "Public safety personnel" and "public safety officer" include corrections officers, youth  
30 correction officers, emergency medical dispatchers, parole and probation officers, police officers,  
31 certified reserve officers, telecommunicators, liquor enforcement inspectors and fire service profes-  
32 sionals.

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

34       (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,  
35 school district, mass transit district, county, county service district authorized to provide law  
36 enforcement services under ORS 451.010, tribal government as defined in section 1, chapter 644,  
37 Oregon Laws 2011, the Criminal Justice Division of the Department of Justice, the Oregon State  
38 Lottery Commission, a university that has established a police department under ORS 352.383, the  
39 Governor or the Department of State Police;

40       (b) Armed with a firearm; and

41       (c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordi-  
42 nances relating to airport security.

43       (19) "Telecommunicator" means a person employed as an emergency telephone worker as de-  
44 fined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing  
45 and transmitting public safety information received through a 9-1-1 emergency reporting system as

1 defined in ORS 403.105.

2 (20) "Youth correction officer" means an employee of the Oregon Youth Authority who is  
 3 charged with and primarily performs the duty of custody, control or supervision of youth offenders  
 4 confined in a youth correction facility.

5 **SECTION 2.** ORS 181.610, as amended by section 50, chapter 644, Oregon Laws 2011, section  
 6 23, chapter 54, Oregon Laws 2012, section 14, chapter 67, Oregon Laws 2012, and section 5, chapter  
 7 88, Oregon Laws 2012, is amended to read:

8 181.610. In ORS 181.610 to 181.712, unless the context requires otherwise:

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

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

12 (3) "Certified reserve officer" means a reserve officer who has been designated by a local law  
 13 enforcement unit, has received training necessary for certification and has met the minimum stan-  
 14 dards and training requirements established under ORS 181.640.

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

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

20 (a) Is charged with and primarily performs the duty of custody, control or supervision of indi-  
 21 viduals convicted of or arrested for a criminal offense and confined in a place of incarceration or  
 22 detention other than a place used exclusively for incarceration or detention of juveniles; or

23 (b) Has been certified as a corrections officer described in paragraph (a) of this subsection and  
 24 has supervisory or management authority for corrections officers described in paragraph (a) of this  
 25 subsection.

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

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

28 (8) "Domestic violence" means abuse between family or household members.

29 (9) "Emergency medical dispatcher" means a person who has responsibility to process requests  
 30 for medical assistance from the public or to dispatch medical care providers.

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

32 (11) "Fire service professional" means a paid or volunteer firefighter, an officer or a member  
 33 of a public or private fire protection agency that is engaged primarily in fire investigation, fire  
 34 prevention, fire safety, fire control or fire suppression or providing emergency medical services, light  
 35 and heavy rescue services, search and rescue services or hazardous materials incident response.  
 36 "Fire service professional" does not mean forest fire protection agency personnel.

37 (12) "Law enforcement unit" means:

38 (a) A police force or organization of the state, a city, university that has established a police  
 39 department under ORS 352.383, port, school district, mass transit district, county, county service  
 40 district authorized to provide law enforcement services under ORS 451.010, tribal government, the  
 41 Criminal Justice Division of the Department of Justice, the Department of Corrections, the Oregon  
 42 State Lottery Commission, the Security and Emergency Preparedness Office of the Judicial Depart-  
 43 ment or common carrier railroad the primary duty of which, as prescribed by law, ordinance or di-  
 44 rective, is one or more of the following:

45 (A) Detecting crime and enforcing the criminal laws of this state or laws or ordinances relating

1 to airport security;

2 (B) The custody, control or supervision of individuals convicted of or arrested for a criminal  
3 offense and confined to a place of incarceration or detention other than a place used exclusively for  
4 incarceration or detention of juveniles; or

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

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

10 (c) A district attorney's office;

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

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

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

14 (14) "Parole and probation officer" means **an officer who**:

15 (a)(A) [*An officer who*] Is employed full-time by the Department of Corrections, a county or a  
16 court;

17 **(B) Is certified and has been employed as a full-time parole and probation officer for**  
18 **more than one year and is employed part-time by the Department of Corrections, a county**  
19 **or a court; or**

20 **(C) Has been certified and employed full-time as a parole and probation officer by the**  
21 **Department of Corrections, a county or a court and is a full-time employee of the State**  
22 **Board of Parole and Post-Prison Supervision; and**

23 **(b)** [*who*] Is charged with and performs the duty of:

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

27 (B) Investigating adult offenders on parole or probation or being considered for parole or  
28 probation[; or].

29 [*(b) An officer who:*]

30 [*(A) Is certified and has been employed as a full-time parole and probation officer for more than*  
31 *one year;*]

32 [*(B) Is employed part-time by the Department of Corrections, a county or a court; and*]

33 [*(C) Is charged with and performs the duty of:*]

34 [*(i) Community protection by controlling, investigating, supervising and providing or making re-*  
35 *ferrals to reformatory services for adult parolees or probationers or offenders on post-prison super-*  
36 *vision; or*]

37 [*(ii) Investigating adult offenders on parole or probation or being considered for parole or pro-*  
38 *bation.*]

39 (15) "Police officer" means:

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

42 (A) Commissioned by a city, port, school district, mass transit district, county, county service  
43 district authorized to provide law enforcement services under ORS 451.010, tribal government, the  
44 Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a  
45 university that has established a police department under ORS 352.383, the Governor or the De-

1 partment of State Police; and

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

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

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

9 (16) “Public or private safety agency” means a unit of state or local government, a special pur-  
10 pose district or a private firm that provides, or has authority to provide, fire fighting, police, am-  
11 bulance or emergency medical services.

12 (17) “Public safety personnel” and “public safety officer” include corrections officers, youth  
13 correction officers, emergency medical dispatchers, parole and probation officers, police officers,  
14 certified reserve officers, telecommunicators, liquor enforcement inspectors and fire service profes-  
15 sionals.

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

17 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,  
18 school district, mass transit district, county, county service district authorized to provide law  
19 enforcement services under ORS 451.010, tribal government, the Criminal Justice Division of the  
20 Department of Justice, the Oregon State Lottery Commission, a university that has established a  
21 police department under ORS 352.383, the Governor or the Department of State Police;

22 (b) Armed with a firearm; and

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

25 (19) “Telecommunicator” means a person employed as an emergency telephone worker as de-  
26 fined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing  
27 and transmitting public safety information received through a 9-1-1 emergency reporting system as  
28 defined in ORS 403.105.

29 (20) “Youth correction officer” means an employee of the Oregon Youth Authority who is  
30 charged with and primarily performs the duty of custody, control or supervision of youth offenders  
31 confined in a youth correction facility.

32 **SECTION 3. This 2013 Act being necessary for the immediate preservation of the public**  
33 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
34 **on its passage.**