

House Bill 2771

Sponsored by COMMITTEE ON JUDICIARY

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**.

Requires Department of Public Safety Standards and Training to issue final order no later than 30 days after issuance of proposed order or form of order, and to adopt administrative law judge's findings of historical facts, when administrative law judge issues order approving application or certification of instructor or public safety officer.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to orders issued by the Department of Public Safety Standards and Training; creating new
3 provisions; amending ORS 181.661; and declaring an emergency.

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

5 **SECTION 1.** ORS 181.661 is amended to read:

6 181.661. (1) When the Department of Public Safety Standards and Training, the Board on Public
7 Safety Standards and Training or a policy committee of the board established under ORS 181.637
8 believes there is a reasonable basis for denying, suspending or revoking, as applicable, the applica-
9 tion or certification of an instructor or a public safety officer, except a youth correction officer,
10 notice and opportunity for a hearing shall be provided in accordance with rules approved by the
11 board and in accordance with ORS 183.415 and 183.417 prior to denial, suspension or revocation.

12 (2)(a) Pursuant to rules adopted under ORS 181.640 and 181.662, the policy committee in the
13 relevant discipline and the board shall review denials, suspensions and revocations based on dis-
14 cretionary grounds.

15 (b) If a policy committee votes to recommend denial or revocation of the application or certif-
16 ication of an instructor or a public safety officer pursuant to paragraph (a) of this subsection, the
17 notice and opportunity for a hearing required under subsection (1) of this section shall be provided
18 after the committee has voted and before the board considers the committee's recommendation.

19 (c) If the board disapproves the policy committee's recommendation under paragraph (b) of this
20 subsection, the department shall withdraw the notice issued under subsection (1) of this section.

21 (d)(A) For cases originally considered by a policy committee, if the department proposes to
22 amend an administrative law judge's proposed order issued in response to a request for a hearing
23 by an instructor or a public safety officer under subsection (1) of this section, the committee shall
24 consider the proposed amendment before the department may issue a final order pursuant to ORS
25 181.640.

26 (B) The department's final order may not incorporate the proposed amendment unless the policy
27 committee approves the amendment.

28 **(3) If an administrative law judge issues a proposed order under ORS 183.464, or a form**
29 **of order under ORS 183.650, that approves an application or certification of an instructor or**
30 **public safety officer under this section, the department shall issue a final order no later than**

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 30 days after the proposed order or form of order is served on the department.
2 Notwithstanding ORS 183.650, the department may not modify, add to or exclude any of the
3 administrative law judge's findings of historical facts in any final order denying, suspending
4 or revoking an application or certification.

5 SECTION 2. The amendments to ORS 181.661 by section 1 of this 2013 Act apply to
6 hearings for which written notices are served under ORS 183.413 (2) on or after the effective
7 date of this 2013 Act.

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

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