

House Bill 3114

Sponsored by COMMITTEE ON HIGHER EDUCATION AND WORKFORCE DEVELOPMENT

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**.

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

1
2 Relating to higher education safety; creating new provisions; amending ORS 40.275, 44.550, 90.440,
3 124.050, 133.005, 133.525, 133.721, 133.726, 136.595, 146.003, 147.425, 153.005, 161.015, 163.730,
4 165.535, 166.262, 166.370, 180.320, 181.010, 181.610, 181.715, 181.781, 181.860, 236.350, 238.005,
5 243.005, 348.270, 353.050, 414.805, 419B.005, 419B.902, 420.905, 430.735, 441.630, 506.521, 609.652,
6 659A.320, 686.450, 756.160, 801.395, 811.720, 811.745, 811.747, 823.081 and 830.005; and declaring
7 an emergency.

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

9 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS chapter 353.**

10 **SECTION 2. (1) The Oregon Health and Science University Board of Directors, or Oregon**
11 **Health and Science University officials acting under the authority of the board, may establish**
12 **a police department and commission one or more employees as police officers. A police de-**
13 **partment established under this section has all of the authority and immunity of a municipal**
14 **police department of this state.**

15 **(2) Police officers commissioned under this section:**

16 **(a) May enforce criminal laws and any administrative rules and policies adopted by the**
17 **university; and**

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

19 **(3) When the university establishes a police department and commissions one or more**
20 **employees as police officers under this section, the university, in cooperation with the chief**
21 **of the police department, shall establish a process by which the university will receive and**
22 **respond to complaints involving the policies of the police department and the conduct of the**
23 **police officers.**

24 **(4) The university may:**

25 **(a) Enter into an agreement with a municipal corporation or any department, agency or**
26 **political subdivision of this state for the provision of mutual aid by their respective police**
27 **officers; and**

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

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

2 **SECTION 4.** (1) The board of education of a community college district, or officials of the
 3 community college district acting under the authority of the board, may establish a police
 4 department and commission one or more employees as police officers. A police department
 5 established under this section has all the authority and immunity of a municipal police de-
 6 partment of this state.

7 (2) Police officers commissioned under this section:

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

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

11 (3) When a community college district establishes a police department and commissions
 12 one or more employees as police officers under this section, a community college district, in
 13 cooperation with the chief of the police department, shall establish a process by which the
 14 community college district will receive and respond to complaints involving the policies of
 15 the police department and the conduct of the police officers.

16 (4) A community college district may:

17 (a) Enter into an agreement with a municipal corporation or any department, agency or
 18 political subdivision of this state for the provision of mutual aid by their respective officers;
 19 and

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

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

22 40.275. (1) As used in this section, “unit of government” means:

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

24 (b) A university that has commissioned police officers under ORS 352.383 or section 2 of this
 25 2013 Act or a community college district that has commissioned police officers under section
 26 4 of this 2013 Act; or

27 (c) A tribal government as defined in section 1, chapter 644, Oregon Laws 2011, if the informa-
 28 tion relates to or assists in an investigation conducted by an authorized tribal police officer as de-
 29 fined in section 1, chapter 644, Oregon Laws 2011.

30 (2) A unit of government has a privilege to refuse to disclose the identity of a person who has
 31 furnished information relating to or assisting in an investigation of a possible violation of law to a
 32 law enforcement officer or member of a legislative committee or its staff conducting an investi-
 33 gation.

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

36 (4) No privilege exists under this section:

37 (a) If the identity of the informer or the informer’s interest in the subject matter of the com-
 38 munication has been disclosed to those who would have cause to resent the communication by a
 39 holder of the privilege or by the informer’s own action, or if the informer appears as a witness for
 40 the unit of government.

41 (b) If it appears from the evidence in the case or from other showing by a party that an informer
 42 may be able to give testimony necessary to a fair determination of the issue of guilt or innocence
 43 in a criminal case or of a material issue on the merits in a civil case to which the unit of govern-
 44 ment is a party, and the unit of government invokes the privilege, and the judge gives the unit of
 45 government an opportunity to show in camera facts relevant to determining whether the informer

1 can, in fact, supply that testimony. The showing will ordinarily be in the form of affidavits, but the
 2 judge may direct that testimony be taken if the judge finds that the matter cannot be resolved sat-
 3 isfactorily upon affidavit. If the judge finds that there is a reasonable probability that the informer
 4 can give the testimony, and the unit of government elects not to disclose identity of the informer,
 5 the judge on motion of the defendant in a criminal case shall dismiss the charges to which the tes-
 6 timony would relate, and the judge may do so on the judge's own motion. In civil cases, the judge
 7 may make any order that justice requires. Evidence submitted to the judge shall be sealed and pre-
 8 served to be made available to the appellate court in the event of an appeal, and the contents shall
 9 not otherwise be revealed without consent of the unit of government. All counsel and parties shall
 10 be permitted to be present at every stage of proceedings under this paragraph except a showing in
 11 camera, at which no counsel or party shall be permitted to be present.

12 (c) If information from an informer is relied upon to establish the legality of the means by which
 13 evidence was obtained and the judge is not satisfied that the information was received from an in-
 14 former reasonably believed to be reliable or credible. The judge may require the identity of the
 15 informer to be disclosed. The judge shall, on request of the unit of government, direct that the dis-
 16 closure be made in camera. All counsel and parties concerned with the issue of legality shall be
 17 permitted to be present at every stage of proceedings under this paragraph except a disclosure in
 18 camera, at which no counsel or party shall be permitted to be present. If disclosure of the identity
 19 of the informer is made in camera, the record thereof shall be sealed and preserved to be made
 20 available to the appellate court in the event of an appeal, and the contents shall not otherwise be
 21 revealed without consent of the unit of government.

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

24 40.275. (1) As used in this section, "unit of government" means:

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

26 (b) A university that has commissioned police officers under ORS 352.383 **or section 2 of this**
 27 **2013 Act or a community college district that has commissioned police officers under section**
 28 **4 of this 2013 Act.**

29 (2) A unit of government has a privilege to refuse to disclose the identity of a person who has
 30 furnished information relating to or assisting in an investigation of a possible violation of law to a
 31 law enforcement officer or member of a legislative committee or its staff conducting an investi-
 32 gation.

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

35 (4) No privilege exists under this section:

36 (a) If the identity of the informer or the informer's interest in the subject matter of the com-
 37 munication has been disclosed to those who would have cause to resent the communication by a
 38 holder of the privilege or by the informer's own action, or if the informer appears as a witness for
 39 the unit of government.

40 (b) If it appears from the evidence in the case or from other showing by a party that an informer
 41 may be able to give testimony necessary to a fair determination of the issue of guilt or innocence
 42 in a criminal case or of a material issue on the merits in a civil case to which the unit of govern-
 43 ment is a party, and the unit of government invokes the privilege, and the judge gives the unit of
 44 government an opportunity to show in camera facts relevant to determining whether the informer
 45 can, in fact, supply that testimony. The showing will ordinarily be in the form of affidavits, but the

1 judge may direct that testimony be taken if the judge finds that the matter cannot be resolved sat-
 2 isfactorily upon affidavit. If the judge finds that there is a reasonable probability that the informer
 3 can give the testimony, and the unit of government elects not to disclose identity of the informer,
 4 the judge on motion of the defendant in a criminal case shall dismiss the charges to which the tes-
 5 timony would relate, and the judge may do so on the judge's own motion. In civil cases, the judge
 6 may make any order that justice requires. Evidence submitted to the judge shall be sealed and pre-
 7 served to be made available to the appellate court in the event of an appeal, and the contents shall
 8 not otherwise be revealed without consent of the unit of government. All counsel and parties shall
 9 be permitted to be present at every stage of proceedings under this paragraph except a showing in
 10 camera, at which no counsel or party shall be permitted to be present.

11 (c) If information from an informer is relied upon to establish the legality of the means by which
 12 evidence was obtained and the judge is not satisfied that the information was received from an in-
 13 former reasonably believed to be reliable or credible. The judge may require the identity of the
 14 informer to be disclosed. The judge shall, on request of the unit of government, direct that the dis-
 15 closure be made in camera. All counsel and parties concerned with the issue of legality shall be
 16 permitted to be present at every stage of proceedings under this paragraph except a disclosure in
 17 camera, at which no counsel or party shall be permitted to be present. If disclosure of the identity
 18 of the informer is made in camera, the record thereof shall be sealed and preserved to be made
 19 available to the appellate court in the event of an appeal, and the contents shall not otherwise be
 20 revealed without consent of the unit of government.

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

22 44.550. As used in ORS 44.550 to 44.566:

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

24 (2) "Law enforcement unit" means:

25 (a) The police department of a city;

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

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

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

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

34 (4) "Tribunal" means any person or body before which attendance of witnesses may be required
 35 by subpoena, including an arbitrator in arbitration proceedings.

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

37 90.440. (1) As used in this section:

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

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

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

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

43 (c) "Peace officer" means:

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

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

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

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

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

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

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

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

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

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

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

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

20 (d) Explains that if the removal was wrongful or in bad faith the tenant may seek injunctive
21 relief to recover possession under ORS 105.121 and may bring an action to recover monetary dam-
22 ages; and

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

26 (4) A written notice in substantially the following form meets the requirements of subsection (3)
27 of this section:

28 _____

29
30 This notice is to inform you that you must move out of _____ (insert address of group
31 recovery home) by _____ (insert date and time that is not less than 24 hours after delivery
32 of notice).

33 The reason for this notice is _____ (specify use or possession of alcohol or illegal drugs,
34 as applicable, and dates of occurrence).

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

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

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

42 _____

43
44 (5) Within the notice period, a group recovery home shall allow a tenant removed under this
45 section to follow any emergency departure plan that was prepared by the tenant and approved by

1 the group recovery home at the time the tenancy began. If the removed tenant does not have an
 2 emergency departure plan, a representative of the group recovery home shall offer to take the re-
 3 moved tenant to a public shelter, detoxification center or similar location if existing in the commu-
 4 nity.

5 (6) The date and time for moving out specified in a notice under subsection (3) of this section
 6 must be at least 24 hours after the date and time the notice is delivered to the tenant. If the tenant
 7 remains on the group recovery home premises after the date and time for moving out specified in
 8 the notice, the tenant is a person remaining unlawfully in a dwelling as described in ORS 164.255
 9 and not a person described in ORS 105.115. Only a peace officer may forcibly remove a tenant who
 10 remains on the group recovery home premises after the date and time specified for moving out.

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

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

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

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

21 (9) Notwithstanding ORS 12.125, a tenant who seeks to obtain injunctive relief to recover pos-
 22 session under ORS 105.121 must commence the action to seek relief not more than 90 days after the
 23 date specified in the notice for the tenant to move out.

24 (10) In any court action regarding the removal of a tenant under this section, a group recovery
 25 home may present evidence that the tenant used or possessed alcohol or illegal drugs within seven
 26 days preceding the removal, whether or not the evidence was described in the notice required by
 27 subsection (3) of this section.

28 (11) This section does not prevent a group recovery home from terminating a tenancy as pro-
 29 vided by any other provision of this chapter and evicting a tenant as provided in ORS 105.105 to
 30 105.168.

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

33 90.440. (1) As used in this section:

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

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

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

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

39 (c) "Peace officer" means:

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

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

42 (C) A police officer commissioned by a university under ORS 352.383 **or section 2 of this 2013**
 43 **Act or a police officer commissioned by a community college district under section 4 of this**
 44 **2013 Act.**

45 (2) Notwithstanding ORS 90.375 and 90.435, a group recovery home may terminate a tenancy and

1 peaceably remove a tenant without complying with ORS 105.105 to 105.168 if the tenant has used
2 or possessed alcohol or illegal drugs within the preceding seven days. For purposes of this sub-
3 section, the following are sufficient proof that a tenant has used or possessed alcohol or illegal
4 drugs:

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

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

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

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

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

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

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

15 (d) Explains that if the removal was wrongful or in bad faith the tenant may seek injunctive
16 relief to recover possession under ORS 105.121 and may bring an action to recover monetary dam-
17 ages; and

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

21 (4) A written notice in substantially the following form meets the requirements of subsection (3)
22 of this section:

23 _____
24

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

28 The reason for this notice is _____ (specify use or possession of alcohol or illegal drugs,
29 as applicable, and dates of occurrence).

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

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

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

37 _____
38

39 (5) Within the notice period, a group recovery home shall allow a tenant removed under this
40 section to follow any emergency departure plan that was prepared by the tenant and approved by
41 the group recovery home at the time the tenancy began. If the removed tenant does not have an
42 emergency departure plan, a representative of the group recovery home shall offer to take the re-
43 moved tenant to a public shelter, detoxification center or similar location if existing in the commu-
44 nity.

45 (6) The date and time for moving out specified in a notice under subsection (3) of this section

1 must be at least 24 hours after the date and time the notice is delivered to the tenant. If the tenant
 2 remains on the group recovery home premises after the date and time for moving out specified in
 3 the notice, the tenant is a person remaining unlawfully in a dwelling as described in ORS 164.255
 4 and not a person described in ORS 105.115. Only a peace officer may forcibly remove a tenant who
 5 remains on the group recovery home premises after the date and time specified for moving out.

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

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

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

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

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

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

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

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

27 124.050. As used in ORS 124.050 to 124.095:

28 (1) “Abuse” means one or more of the following:

29 (a) Any physical injury to an elderly person caused by other than accidental means, or which
 30 appears to be at variance with the explanation given of the injury.

31 (b) Neglect.

32 (c) Abandonment, including desertion or willful forsaking of an elderly person or the withdrawal
 33 or neglect of duties and obligations owed an elderly person by a caretaker or other person.

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

35 (e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427,
 36 163.465 or 163.467.

37 (f) Verbal abuse.

38 (g) Financial exploitation.

39 (h) Sexual abuse.

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

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

45 (2) “Elderly person” means any person 65 years of age or older who is not subject to the pro-

1 visions of ORS 441.640 to 441.665.

2 (3) "Facility" means:

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

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

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

7 (4) "Financial exploitation" means:

8 (a) Wrongfully taking the assets, funds or property belonging to or intended for the use of an
9 elderly person or a person with a disability.

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

13 (c) Misappropriating, misusing or transferring without authorization any money from any ac-
14 count held jointly or singly by an elderly person or a person with a disability.

15 (d) Failing to use the income or assets of an elderly person or a person with a disability effec-
16 tively for the support and maintenance of the person.

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

18 (6) "Law enforcement agency" means:

19 (a) Any city or municipal police department.

20 (b) Any county sheriff's office.

21 (c) The Oregon State Police.

22 (d) Any district attorney.

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

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

27 (7) "Neglect" means:

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

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

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

34 (a) ORS 410.040 (7); or

35 (b) ORS 410.715.

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

37 (a) Physician, naturopathic physician, osteopathic physician, chiropractor, physician assistant
38 or podiatric physician and surgeon, including any intern or resident.

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

41 (c) Employee of the Department of Human Services or community developmental disabilities
42 program.

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

45 (e) Peace officer.

- 1 (f) Member of the clergy.
- 2 (g) Regulated social worker.
- 3 (h) Physical, speech or occupational therapist.
- 4 (i) Senior center employee.
- 5 (j) Information and referral or outreach worker.
- 6 (k) Licensed professional counselor or licensed marriage and family therapist.
- 7 (L) Any public official who comes in contact with elderly persons in the performance of the
- 8 official's official duties.
- 9 (m) Firefighter or emergency medical services provider.
- 10 (n) Psychologist.
- 11 (o) Provider of adult foster care or an employee of the provider.
- 12 (p) Audiologist.
- 13 (q) Speech-language pathologist.
- 14 (10) "Services" includes but is not limited to the provision of food, clothing, medicine, housing,
- 15 medical services, assistance with bathing or personal hygiene or any other service essential to the
- 16 well-being of an elderly person.
- 17 (11)(a) "Sexual abuse" means:
- 18 (A) Sexual contact with an elderly person who does not consent or is considered incapable of
- 19 consenting to a sexual act under ORS 163.315;
- 20 (B) Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit mate-
- 21 rial or language;
- 22 (C) Any sexual contact between an employee of a facility or paid caregiver and an elderly per-
- 23 son served by the facility or caregiver;
- 24 (D) Any sexual contact between an elderly person and a relative of the elderly person other
- 25 than a spouse; or
- 26 (E) Any sexual contact that is achieved through force, trickery, threat or coercion.
- 27 (b) "Sexual abuse" does not mean consensual sexual contact between an elderly person and a
- 28 paid caregiver who is the spouse of the elderly person.
- 29 (12) "Sexual contact" has the meaning given that term in ORS 163.305.
- 30 (13) "Verbal abuse" means to threaten significant physical or emotional harm to an elderly
- 31 person or a person with a disability through the use of:
- 32 (a) Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; or
- 33 (b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate
- 34 sexual comments.
- 35 **SECTION 11.** ORS 133.005, as amended by section 6, chapter 54, Oregon Laws 2012, and section
- 36 3, chapter 67, Oregon Laws 2012, is amended to read:
- 37 133.005. As used in ORS 133.005 to 133.400 and 133.410 to 133.450, unless the context requires
- 38 otherwise:
- 39 (1) "Arrest" means to place a person under actual or constructive restraint or to take a person
- 40 into custody for the purpose of charging that person with an offense. A "stop" as authorized under
- 41 ORS 131.605 to 131.625 is not an arrest.
- 42 (2) "Federal officer" means a special agent or law enforcement officer employed by a federal
- 43 agency who is empowered to effect an arrest with or without a warrant for violations of the United
- 44 States Code and who is authorized to carry firearms in the performance of duty.
- 45 (3) "Peace officer" means:

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

2 (b) A sheriff, constable, marshal, municipal police officer or reserve officer, [or] a police officer
3 commissioned by a university under ORS 352.383 **or section 2 of this 2013 Act or a police officer**
4 **commissioned by a community college district under section 4 of this 2013 Act;**

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

7 (d) An investigator of the Criminal Justice Division of the Department of Justice of the State
8 of Oregon;

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

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

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

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

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

18 (b) Armed with a firearm; and

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

21 **SECTION 12.** ORS 133.005, as amended by section 39, chapter 644, Oregon Laws 2011, section
22 7, chapter 54, Oregon Laws 2012, and section 4, chapter 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 the context requires
24 otherwise:

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

28 (2) "Federal officer" means a special agent or law enforcement officer employed by a federal
29 agency who is empowered to effect an arrest with or without a warrant for violations of the United
30 States Code and who is authorized to carry firearms in the performance of duty.

31 (3) "Peace officer" means:

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

33 (b) A sheriff, constable, marshal, municipal police officer or reserve officer, [or] a police officer
34 commissioned by a university under ORS 352.383 **or section 2 of this 2013 Act or a police officer**
35 **commissioned by a community college district under section 4 of this 2013 Act;**

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

38 (d) An investigator of the Criminal Justice Division of the Department of Justice of the State
39 of Oregon;

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

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

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

43 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,
44 school district, mass transit district, county, county service district authorized to provide law
45 enforcement services under ORS 451.010, the Criminal Justice Division of the Department of Justice,

1 the Oregon State Lottery Commission or the Governor or a member of the Department of State
2 Police;

3 (b) Armed with a firearm; and

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

6 **SECTION 13.** ORS 133.525, as amended by section 8, chapter 54, Oregon Laws 2012, and section
7 5, chapter 67, Oregon Laws 2012, is amended to read:

8 133.525. As used in ORS 133.525 to 133.703, unless the context requires otherwise:

9 (1) “Judge” means any judge of the circuit court, the Court of Appeals, the Supreme Court, any
10 justice of the peace or municipal judge authorized to exercise the powers and perform the duties
11 of a justice of the peace.

12 (2) “Police officer” means:

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

14 (b) A sheriff or municipal police officer, a police officer commissioned by a university under ORS
15 352.383 **or section 2 of this 2013 Act, a police officer commissioned by a community college**
16 **district under section 4 of this 2013 Act** or an authorized tribal police officer as defined in section
17 1, chapter 644, Oregon Laws 2011;

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

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

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

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

23 **SECTION 14.** ORS 133.525, as amended by section 40, chapter 644, Oregon Laws 2011, section
24 9, chapter 54, Oregon Laws 2012, and section 6, chapter 67, Oregon Laws 2012, is amended to read:

25 133.525. As used in ORS 133.525 to 133.703, unless the context requires otherwise:

26 (1) “Judge” means any judge of the circuit court, the Court of Appeals, the Supreme Court, any
27 justice of the peace or municipal judge authorized to exercise the powers and perform the duties
28 of a justice of the peace.

29 (2) “Police officer” means:

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

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

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

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

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

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

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

41 133.721. As used in ORS 41.910 and 133.721 to 133.739, unless the context requires otherwise:

42 (1) “Aggrieved person” means a person who was a party to any wire, electronic or oral com-
43 munication intercepted under ORS 133.724 or 133.726 or a person against whom the interception was
44 directed and who alleges that the interception was unlawful.

45 (2) “Contents,” when used with respect to any wire, electronic or oral communication, includes

1 any information concerning the identity of the parties to such communication or the existence,
 2 substance, purport or meaning of that communication.

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

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

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

8 (4) "Electronic, mechanical or other device" means any device or apparatus that can be used
 9 to intercept a wire, electronic or oral communication other than:

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

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

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

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

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

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

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

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

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

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

30 (7) "Oral communication" means:

31 (a) Any oral communication, other than a wire or electronic communication, uttered by a person
 32 exhibiting an expectation that such communication is not subject to interception under circum-
 33 stances justifying such expectation; or

34 (b) An utterance by a person who is participating in a wire or electronic communication, if the
 35 utterance is audible to another person who, at the time the wire or electronic communication oc-
 36 curs, is in the immediate presence of the person participating in the communication.

37 (8) "Telecommunications carrier" means:

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

39 (b) A cooperative corporation organized under ORS chapter 62 that provides telecommunications
 40 services.

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

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

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

3 133.721. As used in ORS 41.910 and 133.721 to 133.739, unless the context requires otherwise:

4 (1) “Aggrieved person” means a person who was a party to any wire, electronic or oral com-
 5 munication intercepted under ORS 133.724 or 133.726 or a person against whom the interception was
 6 directed and who alleges that the interception was unlawful.

7 (2) “Contents,” when used with respect to any wire, electronic or oral communication, includes
 8 any information concerning the identity of the parties to such communication or the existence,
 9 substance, purport or meaning of that communication.

10 (3) “Electronic communication” means any transfer of signs, signals, writing, images, sounds,
 11 data or intelligence of any nature transmitted in whole or in part by a radio, electromagnetic,
 12 photoelectronic or photo-optical system, or transmitted in part by wire, but does not include:

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

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

15 (4) “Electronic, mechanical or other device” means any device or apparatus that can be used
 16 to intercept a wire, electronic or oral communication other than:

17 (a) Any telephone or telegraph instrument, equipment or facility, or any component thereof that
 18 is furnished to the subscriber or user by a telecommunications carrier in the ordinary course of its
 19 business and that is being used by the subscriber or user in the ordinary course of its business or
 20 being used by a telecommunications carrier in the ordinary course of its business, or by an investi-
 21 gative or law enforcement officer in the ordinary course of official duties; or

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

24 (5) “Intercept” means the acquisition, by listening or recording, of the contents of any wire,
 25 electronic or oral communication through the use of any electronic, mechanical or other device.

26 (6) “Investigative or law enforcement officer” means:

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

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

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

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

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

35 (7) “Oral communication” means:

36 (a) Any oral communication, other than a wire or electronic communication, uttered by a person
 37 exhibiting an expectation that such communication is not subject to interception under circum-
 38 stances justifying such expectation; or

39 (b) An utterance by a person who is participating in a wire or electronic communication, if the
 40 utterance is audible to another person who, at the time the wire or electronic communication oc-
 41 curs, is in the immediate presence of the person participating in the communication.

42 (8) “Telecommunications carrier” means:

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

44 (b) A cooperative corporation organized under ORS chapter 62 that provides telecommunications
 45 services.

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

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

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

8 133.726. (1) Notwithstanding ORS 133.724, under the circumstances described in this section, a
 9 law enforcement officer is authorized to intercept an oral communication to which the officer or a
 10 person under the direct supervision of the officer is a party, without obtaining an order for the in-
 11 terception of a wire, electronic or oral communication under ORS 133.724.

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

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

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

21 (b) A statement demonstrating that there is probable cause to believe that a person whose oral
 22 communication is to be intercepted is engaged in committing, has committed or is about to commit
 23 a particular felony, or a misdemeanor under ORS 167.007 or 167.008, and that intercepting the oral
 24 communication will yield evidence thereof; and

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

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

29 (5) Upon examination of the application and evidence, the judge may enter an ex parte order,
 30 as requested or as modified, authorizing or approving the interception of an oral communication
 31 within the state if the judge determines on the basis of the facts submitted by the applicant that:

32 (a) There is probable cause to believe that a person is engaged in committing, has committed
 33 or is about to commit a particular felony, or a misdemeanor under ORS 167.007 or 167.008; and

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

36 (6) An order authorizing or approving the interception of an oral communication under this
 37 section must specify:

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

39 (b) A statement identifying the particular crime to which the oral communication is expected
 40 to relate;

41 (c) The agency authorized under the order to intercept the oral communication;

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

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

44 (f) A statement that the order authorizes only the interception of an oral communication to
 45 which a law enforcement officer or a person under the direct supervision of a law enforcement of-

1 ficer is a party.

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

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

8 (b) Any other crime punishable as a felony if the circumstances at the time the oral communi-
 9 cation is intercepted are of such exigency that it would be unreasonable to obtain a court order
 10 under ORS 133.724 or this section.

11 (8) A law enforcement officer who intercepts an oral communication pursuant to this section
 12 may not intentionally fail to record and preserve the oral communication in its entirety. A law
 13 enforcement officer, or a person under the direct supervision of the officer, who is authorized under
 14 this section to intercept an oral communication is not required to exclude from the interception an
 15 oral communication made by a person for whom probable cause does not exist if the officer or the
 16 person under the officer's direct supervision is a party to the oral communication.

17 (9) A law enforcement officer may not divulge the contents of an oral communication intercepted
 18 under this section before a preliminary hearing or trial in which an oral communication is going to
 19 be introduced as evidence against a person except:

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

22 (b) To a magistrate;

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

24 (d) In compliance with a court order.

25 (10) A law enforcement officer may intercept an oral communication under this section only
 26 when acting within the scope of the officer's employment and as a part of assigned duties.

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

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

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

30 (B) A political subdivision, agency, department or bureau of the governments described in sub-
 31 paragraph (A) of this paragraph; or

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

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

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

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

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

41 133.726. (1) Notwithstanding ORS 133.724, under the circumstances described in this section, a
 42 law enforcement officer is authorized to intercept an oral communication to which the officer or a
 43 person under the direct supervision of the officer is a party, without obtaining an order for the in-
 44 terception of a wire, electronic or oral communication under ORS 133.724.

45 (2) For purposes of this section and ORS 133.736, a person is a party to an oral communication

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

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

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

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

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

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

17 (5) Upon examination of the application and evidence, the judge may enter an ex parte order,
 18 as requested or as modified, authorizing or approving the interception of an oral communication
 19 within the state if the judge determines on the basis of the facts submitted by the applicant that:

20 (a) There is probable cause to believe that a person is engaged in committing, has committed
 21 or is about to commit a particular felony, or a misdemeanor under ORS 167.007 or 167.008; and

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

24 (6) An order authorizing or approving the interception of an oral communication under this
 25 section must specify:

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

27 (b) A statement identifying the particular crime to which the oral communication is expected
 28 to relate;

29 (c) The agency authorized under the order to intercept the oral communication;

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

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

32 (f) A statement that the order authorizes only the interception of an oral communication to
 33 which a law enforcement officer or a person under the direct supervision of a law enforcement of-
 34 ficer is a party.

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

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

41 (b) Any other crime punishable as a felony if the circumstances at the time the oral communi-
 42 cation is intercepted are of such exigency that it would be unreasonable to obtain a court order
 43 under ORS 133.724 or this section.

44 (8) A law enforcement officer who intercepts an oral communication pursuant to this section
 45 may not intentionally fail to record and preserve the oral communication in its entirety. A law

1 enforcement officer, or a person under the direct supervision of the officer, who is authorized under
 2 this section to intercept an oral communication is not required to exclude from the interception an
 3 oral communication made by a person for whom probable cause does not exist if the officer or the
 4 person under the officer's direct supervision is a party to the oral communication.

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

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

10 (b) To a magistrate;

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

12 (d) In compliance with a court order.

13 (10) A law enforcement officer may intercept an oral communication under this section only
 14 when acting within the scope of the officer's employment 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 state;

18 (B) A political subdivision, agency, department or bureau of the governments described in sub-
 19 paragraph (A) of this paragraph; or

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

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

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

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

26 136.595. (1) Except as provided in ORS 136.447 and 136.583 and subsection (2) of this section, a
 27 subpoena is served by delivering a copy to the witness personally. If the witness is under 14 years
 28 of age, the subpoena may be served by delivering a copy to the witness or to the witness's parent,
 29 guardian or guardian ad litem. Proof of the service is made in the same manner as in the service
 30 of a summons.

31 (2)(a) Every law enforcement agency shall designate an individual or individuals upon whom
 32 service of subpoena may be made. At least one of the designated individuals shall be available dur-
 33 ing normal business hours. In the absence of the designated individuals, service of subpoena pursu-
 34 ant to paragraph (b) of this subsection may be made upon the officer in charge of the law
 35 enforcement agency.

36 (b) If a peace officer's attendance at trial is required as a result of employment as a peace of-
 37 ficer, a subpoena may be served on such officer by delivering a copy personally to the officer or to
 38 one of the individuals designated by the agency that employs the officer. A subpoena may be served
 39 by delivery to one of the individuals designated by the agency that employs the officer only if the
 40 subpoena is delivered at least 10 days before the date the officer's attendance is required, the officer
 41 is currently employed as a peace officer by the agency, and the officer is present within the state
 42 at the time of service.

43 (c) When a subpoena has been served as provided in paragraph (b) of this subsection, the law
 44 enforcement agency shall make a good faith effort to actually notify the officer whose attendance
 45 is sought of the date, time and location of the court appearance. If the officer cannot be notified,

1 the law enforcement agency shall contact the court and a continuance may be granted to allow the
 2 officer to be personally served.

3 (d) As used in this subsection, “law enforcement agency” means the Oregon State Police, a
 4 county sheriff’s department, a municipal police department, a police department established by a
 5 university under ORS 352.383 **or section 2 of this 2013 Act, a police department established by**
 6 **a community college district under section 4 of this 2013 Act** or, if the witness whose attend-
 7 ance at trial is required is an authorized tribal police officer as defined in section 1, chapter 644,
 8 Oregon Laws 2011, a tribal government as defined in section 1, chapter 644, Oregon Laws 2011.

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

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

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

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

17 (B) Express mail.

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

20 136.595. (1) Except as provided in ORS 136.447 and 136.583 and subsection (2) of this section, a
 21 subpoena is served by delivering a copy to the witness personally. If the witness is under 14 years
 22 of age, the subpoena may be served by delivering a copy to the witness or to the witness’s parent,
 23 guardian or guardian ad litem. Proof of the service is made in the same manner as in the service
 24 of a summons.

25 (2)(a) Every law enforcement agency shall designate an individual or individuals upon whom
 26 service of subpoena may be made. At least one of the designated individuals shall be available dur-
 27 ing normal business hours. In the absence of the designated individuals, service of subpoena pursu-
 28 ant to paragraph (b) of this subsection may be made upon the officer in charge of the law
 29 enforcement agency.

30 (b) If a peace officer’s attendance at trial is required as a result of employment as a peace of-
 31 ficer, a subpoena may be served on such officer by delivering a copy personally to the officer or to
 32 one of the individuals designated by the agency that employs the officer. A subpoena may be served
 33 by delivery to one of the individuals designated by the agency that employs the officer only if the
 34 subpoena is delivered at least 10 days before the date the officer’s attendance is required, the officer
 35 is currently employed as a peace officer by the agency, and the officer is present within the state
 36 at the time of service.

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

42 (d) As used in this subsection, “law enforcement agency” means the Oregon State Police, a
 43 county sheriff’s department, a municipal police department, [or] a police department established by
 44 a university under ORS 352.383 **or section 2 of this 2013 Act or a police department established**
 45 **by a community college district under section 4 of this 2013 Act.**

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

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

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

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

9 (B) Express mail.

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

11 146.003. As used in ORS 146.003 to 146.189 and 146.710 to 146.992, unless the context requires
12 otherwise:

13 (1) "Approved laboratory" means a laboratory approved by the State Medical Examiner as
14 competent to perform the blood sample analysis required by ORS 146.113 (2).

15 (2) "Assistant district medical examiner" means a physician appointed by the district medical
16 examiner to investigate and certify deaths within a county or district.

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

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

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

22 (6) "District medical examiner" means a physician appointed by the State Medical Examiner to
23 investigate and certify deaths within a county or district, including a Deputy State Medical Exam-
24 iner.

25 (7) "Law enforcement agency" means a county sheriff's office, municipal police department, po-
26 lice department established by a university under ORS 352.383 **or section 2 of this 2013 Act, a**
27 **police department established by a community college district under section 4 of this 2013**
28 **Act** and the Oregon State Police.

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

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

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

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

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

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

42 147.425. (1) As used in this section:

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

44 (b) "Law enforcement agency" means:

45 (A) A city or municipal police department.

1 (B) A county sheriff's office.

2 (C) The Oregon State Police.

3 (D) A district attorney.

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

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

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

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

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

13 (e) "Protective service worker" means an employee or contractor of a local or state agency
14 whose role it is to protect children or vulnerable adults from abuse or neglect.

15 (2) A victim of a person crime, who is at least 15 years of age at the time the crime is com-
16 mitted, may select a person who is at least 18 years of age as the victim's personal representative
17 for purposes of this section. The victim may not select a person who is a suspect in, or a party or
18 witness to, the crime as a personal representative.

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

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

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

31 (6) The fact that a personal representative was allowed or was not allowed to accompany a
32 victim may not be used as a basis for excluding otherwise admissible evidence.

33 (7) The fact that a victim has or has not selected a personal representative under this section
34 may not be used as evidence in the criminal case.

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

37 147.425. (1) As used in this section:

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

39 (b) "Law enforcement agency" means:

40 (A) A city or municipal police department.

41 (B) A county sheriff's office.

42 (C) The Oregon State Police.

43 (D) A district attorney.

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

1 **this 2013 Act.**

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

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

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

7 (e) “Protective service worker” means an employee or contractor of a local or state agency
8 whose role it is to protect children or vulnerable adults from abuse or neglect.

9 (2) A victim of a person crime, who is at least 15 years of age at the time the crime is com-
10 mitted, may select a person who is at least 18 years of age as the victim’s personal representative
11 for purposes of this section. The victim may not select a person who is a suspect in, or a party or
12 witness to, the crime as a personal representative.

13 (3) Except for grand jury proceedings and child abuse assessments occurring at a child advocacy
14 center recognized by the Department of Justice, a personal representative may accompany the vic-
15 tim to those phases of the investigation, including medical examinations, and prosecution of the
16 crime at which the victim is entitled or required to be present.

17 (4) A health care provider, law enforcement agency, protective service worker or court may not
18 prohibit a personal representative from accompanying a victim as authorized by subsection (3) of
19 this section unless the health care provider, law enforcement agency, protective service worker or
20 court believes that the personal representative would compromise the process.

21 (5) A health care provider, law enforcement agency, protective service worker or court is im-
22 mune from any liability, civil or criminal, that might otherwise be incurred or imposed with respect
23 to a decision under subsection (4) of this section to prohibit a personal representative from accom-
24 panying a victim.

25 (6) The fact that a personal representative was allowed or was not allowed to accompany a
26 victim may not be used as a basis for excluding otherwise admissible evidence.

27 (7) The fact that a victim has or has not selected a personal representative under this section
28 may not be used as evidence in the criminal case.

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

31 153.005. As used in this chapter:

32 (1) “Enforcement officer” means:

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

34 (b) A sheriff or deputy sheriff.

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

36 (d) A police officer commissioned by a university under ORS 352.383 **or section 2 of this 2013**
37 **Act or a police officer commissioned by a community college district under section 4 of this**
38 **2013 Act.**

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

41 (f) An investigator of the Criminal Justice Division of the Department of Justice of the State
42 of Oregon.

43 (g) A Port of Portland peace officer.

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

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

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

2 (k) Any other person specifically authorized by law to issue citations for the commission of vi-
3 olations.

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

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

6 (4) "Violation proceeding" means a judicial proceeding initiated by issuance of a citation that
7 charges a person with commission of a violation.

8 **SECTION 25.** ORS 153.005, as amended by section 45, chapter 644, Oregon Laws 2011, section
9 15, chapter 54, Oregon Laws 2012, and section 8, chapter 67, Oregon Laws 2012, is amended to read:
10 153.005. As used in this chapter:

11 (1) "Enforcement officer" means:

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

13 (b) A sheriff or deputy sheriff.

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

15 (d) A police officer commissioned by a university under ORS 352.383 **or section 2 of this 2013**
16 **Act or a police officer commissioned by a community college district under section 4 of this**
17 **2013 Act.**

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

20 (f) An investigator of the Criminal Justice Division of the Department of Justice of the State
21 of Oregon.

22 (g) A Port of Portland peace officer.

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

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

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

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 issuance of a citation that
30 charges a person with commission of a violation.

31 **SECTION 26.** ORS 161.015, as amended by section 16, chapter 54, Oregon Laws 2012, and sec-
32 tion 9, chapter 67, Oregon Laws 2012, is amended to read:

33 161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635, unless the context requires
34 otherwise:

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

38 (2) "Deadly weapon" means any instrument, article or substance specifically designed for and
39 presently capable of causing death or serious physical injury.

40 (3) "Deadly physical force" means physical force that under the circumstances in which it is
41 used is readily capable of causing death or serious physical injury.

42 (4) "Peace officer" means:

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

44 (b) A sheriff, constable, marshal, municipal police officer or reserve officer as defined in ORS
45 133.005, [or] a police officer commissioned by a university under ORS 352.383 **or section 2 of this**

1 **2013 Act or a police officer commissioned by a community college district under section 4**
2 **of this 2013 Act;**

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

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

6 (e) A liquor enforcement inspector exercising authority described in ORS 471.775 (2);

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

9 (g) Any other person designated by law as a peace officer.

10 (5) "Person" means a human being and, where appropriate, a public or private corporation, an
11 unincorporated association, a partnership, a government or a governmental instrumentality.

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

14 (7) "Physical injury" means impairment of physical condition or substantial pain.

15 (8) "Serious physical injury" means physical injury which creates a substantial risk of death or
16 which causes serious and protracted disfigurement, protracted impairment of health or protracted
17 loss or impairment of the function of any bodily organ.

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

20 (10) "Public place" means a place to which the general public has access and includes, but is
21 not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting
22 rooms or apartments designed for actual residence, and highways, streets, schools, places of
23 amusement, parks, playgrounds and premises used in connection with public passenger transporta-
24 tion.

25 **SECTION 27.** ORS 161.015, as amended by section 46, chapter 644, Oregon Laws 2011, section
26 17, chapter 54, Oregon Laws 2012, and section 10, chapter 67, Oregon Laws 2012, is amended to
27 read:

28 161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635, unless the context requires
29 otherwise:

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

33 (2) "Deadly weapon" means any instrument, article or substance specifically designed for and
34 presently capable of causing death or serious physical injury.

35 (3) "Deadly physical force" means physical force that under the circumstances in which it is
36 used is readily capable of causing death or serious physical injury.

37 (4) "Peace officer" means:

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

39 (b) A sheriff, constable, marshal, municipal police officer or reserve officer as defined in ORS
40 133.005, [or] a police officer commissioned by a university under ORS 352.383 **or section 2 of this**
41 **2013 Act or a police officer commissioned by a community college district under section 4**
42 **of this 2013 Act;**

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

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

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

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

3 (5) "Person" means a human being and, where appropriate, a public or private corporation, an
4 unincorporated association, a partnership, a government or a governmental instrumentality.

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

7 (7) "Physical injury" means impairment of physical condition or substantial pain.

8 (8) "Serious physical injury" means physical injury which creates a substantial risk of death or
9 which causes serious and protracted disfigurement, protracted impairment of health or protracted
10 loss or impairment of the function of any bodily organ.

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

13 (10) "Public place" means a place to which the general public has access and includes, but is
14 not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting
15 rooms or apartments designed for actual residence, and highways, streets, schools, places of
16 amusement, parks, playgrounds and premises used in connection with public passenger transporta-
17 tion.

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

19 163.730. As used in ORS 30.866 and 163.730 to 163.750, unless the context requires otherwise:

20 (1) "Alarm" means to cause apprehension or fear resulting from the perception 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 other person or of a
26 member of that person's family or household;

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

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

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

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

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

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

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

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

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

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

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

43 (6) "Law enforcement officer" means:

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

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

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

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

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

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

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

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

10 163.730. As used in ORS 30.866 and 163.730 to 163.750, unless the context requires otherwise:

11 (1) "Alarm" means to cause apprehension or fear resulting from the perception of danger.

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

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

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

15 (b) Following the other person;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (c) A municipal or state police agency.

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

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

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

43 165.535. As used in ORS 41.910, 133.723, 133.724, 165.540 and 165.545:

44 (1) "Conversation" means the transmission between two or more persons of an oral communi-
45 cation which is not a telecommunication or a radio communication.

(2) "Person" has the meaning given that term in ORS 174.100 and includes:

(a) Public officials and law enforcement officers of:

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

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

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

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

(3) "Radio communication" means the transmission by radio or other wireless methods of writing, signs, signals, pictures and sounds of all kinds, including all instrumentalities, facilities, equipment and services (including, among other things, the receipt, forwarding and delivering of communications) incidental to such transmission.

(4) "Telecommunication" means the transmission of writing, signs, signals, pictures and sounds of all kinds by aid of wire, cable or other similar connection between the points of origin and reception of such transmission, including all instrumentalities, facilities, equipment and services (including, among other things, the receipt, forwarding and delivering of communications) incidental to such transmission.

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

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

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

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

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

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

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

(3) "Radio communication" means the transmission by radio or other wireless methods of writing, signs, signals, pictures and sounds of all kinds, including all instrumentalities, facilities, equipment and services (including, among other things, the receipt, forwarding and delivering of communications) incidental to such transmission.

(4) "Telecommunication" means the transmission of writing, signs, signals, pictures and sounds of all kinds by aid of wire, cable or other similar connection between the points of origin and reception of such transmission, including all instrumentalities, facilities, equipment and services (including, among other things, the receipt, forwarding and delivering of communications) incidental to such transmission.

SECTION 32. ORS 180.320 is amended to read:

180.320. (1) All state agencies, district attorneys, *[and all]* police officers of the state, county or any municipality, *[university]* or court thereof, **and police officers of any university or community college**, shall cooperate with the Division of Child Support of the Department of Justice in furnishing and making available information, records and documents necessary to assist in estab-

1 lishing or enforcing support obligations or paternity, in performing the duties set out in ORS 25.080
 2 and in determining the location of any absent parent or child for the purpose of enforcing any state
 3 or federal law regarding the unlawful taking or restraint of a child or for the purpose of making or
 4 enforcing a child custody determination. Notwithstanding the provisions of ORS 109.225, 416.430,
 5 432.121, 432.230 and 432.430, records pertaining to the paternity of a child shall be made available
 6 upon written request of an authorized representative of the Division of Child Support. Any infor-
 7 mation obtained pursuant to this subsection is confidential, and shall be used only for the purposes
 8 set out in this subsection.

9 (2) Information furnished to the Division of Child Support by the Department of Revenue and
 10 made confidential by ORS 314.835 shall be used by the division and its employees solely for the
 11 purpose of enforcing the provisions of ORS 180.320 to 180.365 and shall not be disclosed or made
 12 known for any other purpose. Any person who violates the prohibition against disclosure contained
 13 in this subsection, upon conviction, is punishable as provided in ORS 314.991 (2).

14 **SECTION 33.** ORS 181.010, as amended by section 18, chapter 54, Oregon Laws 2012, and sec-
 15 tion 11, chapter 67, Oregon Laws 2012, is amended to read:

16 181.010. As used in ORS 181.010 to 181.560 and 181.715 to 181.730, unless the context requires
 17 otherwise:

18 (1) "Criminal justice agency" means:

19 (a) The Governor;

20 (b) Courts of criminal jurisdiction;

21 (c) The Attorney General;

22 (d) District attorneys, city attorneys with criminal prosecutorial functions, attorney employees
 23 of the office of public defense services and nonprofit public defender organizations established under
 24 contract with the Public Defense Services Commission;

25 (e) Law enforcement agencies;

26 (f) The Department of Corrections;

27 (g) The Oregon Youth Authority;

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

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

30 (j) The Oregon Liquor Control Commission;

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

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

34 (2) "Criminal offender information" includes records and related data as to physical description
 35 and vital statistics, fingerprints received and compiled for purposes of identifying criminal offenders
 36 and alleged offenders, records of arrests and the nature and disposition of criminal charges, includ-
 37 ing sentencing, confinement, parole and release.

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

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

41 (5) "Designated agency" means any state, county or municipal government agency where Oregon
 42 criminal offender information is required to implement a federal or state statute, executive order
 43 or administrative rule that expressly refers to criminal conduct and contains requirements or ex-
 44 clusions expressly based on such conduct or for agency employment purposes, licensing purposes or
 45 other demonstrated and legitimate needs when designated by order of the Governor.

1 (6) “Disposition report” means a form or process prescribed or furnished by the department,
 2 containing a description of the ultimate action taken subsequent to an arrest.

3 (7) “Law enforcement agency” means:

4 (a) County sheriffs, municipal police departments, police departments established by a university
 5 under ORS 352.383 **or section 2 of this 2013 Act, police departments established by a commu-**
 6 **nity college district under section 4 of this 2013 Act** and State Police;

7 (b) Other police officers of this state or another state, including humane special agents as de-
 8 fined in section 2, chapter 67, Oregon Laws 2012;

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

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

12 (8) “State police” means the sworn members of the state police force appointed under ORS
 13 181.250.

14 (9) “Superintendent” means the Superintendent of State Police appointed under ORS 181.200.

15 **SECTION 34.** ORS 181.010, as amended by section 49, chapter 644, Oregon Laws 2011, section
 16 19, chapter 54, Oregon Laws 2012, and section 12, chapter 67, Oregon Laws 2012, is amended to
 17 read:

18 181.010. As used in ORS 181.010 to 181.560 and 181.715 to 181.730, unless the context requires
 19 otherwise:

20 (1) “Criminal justice agency” means:

21 (a) The Governor;

22 (b) Courts of criminal jurisdiction;

23 (c) The Attorney General;

24 (d) District attorneys, city attorneys with criminal prosecutorial functions, attorney employees
 25 of the office of public defense services and nonprofit public defender organizations established under
 26 contract with the Public Defense Services Commission;

27 (e) Law enforcement agencies;

28 (f) The Department of Corrections;

29 (g) The Oregon Youth Authority;

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

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

32 (j) The Oregon Liquor Control Commission;

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

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

36 (2) “Criminal offender information” includes records and related data as to physical description
 37 and vital statistics, fingerprints received and compiled for purposes of identifying criminal offenders
 38 and alleged offenders, records of arrests and the nature and disposition of criminal charges, includ-
 39 ing sentencing, confinement, parole and release.

40 (3) “Department” means the Department of State Police established under ORS 181.020.

41 (4) “Deputy superintendent” means the Deputy Superintendent of State Police appointed under
 42 ORS 181.220.

43 (5) “Designated agency” means any state, county or municipal government agency where Oregon
 44 criminal offender information is required to implement a federal or state statute, executive order
 45 or administrative rule that expressly refers to criminal conduct and contains requirements or ex-

1 clusions expressly based on such conduct or for agency employment purposes, licensing purposes or
 2 other demonstrated and legitimate needs when designated by order of the Governor.

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

5 (7) "Law enforcement agency" means:

6 (a) County sheriffs, municipal police departments, police departments established by a university
 7 under ORS 352.383 **or section 2 of this 2013 Act, police departments established by a commu-**
 8 **nity college district under section 4 of this 2013 Act** and State Police;

9 (b) Other police officers of this state or another state, including humane special agents as de-
 10 fined in section 2, chapter 67, Oregon Laws 2012; and

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

12 (8) "State police" means the sworn members of the state police force appointed under ORS
 13 181.250.

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

15 **SECTION 35.** ORS 181.610, as amended by section 22, chapter 54, Oregon Laws 2012, section
 16 13, chapter 67, Oregon Laws 2012, and section 4, chapter 88, Oregon Laws 2012, is amended to read:
 17 181.610. In ORS 181.610 to 181.712, unless the context requires otherwise:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (12) “Law enforcement unit” means:

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

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

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

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

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

22 (c) A district attorney’s office;

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

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

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

26 (14) “Parole and probation officer” means:

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

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

32 (B) Investigating adult offenders on parole or probation or being considered for parole or pro-
 33 bation; or

34 (b) An officer who:

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

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

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

39 (i) Community protection by controlling, investigating, supervising and providing or making re-
 40 ferrals to reformative services for adult parolees or probationers or offenders on post-prison super-
 41 vision; or

42 (ii) Investigating adult offenders on parole or probation or being considered for parole or pro-
 43 bation.

44 (15) “Police officer” means:

45 (a) An officer, member or employee of a law enforcement unit employed full-time as a peace of-

1 ficer who is:

2 (A) Commissioned by a city, port, school district, mass transit district, county, county service
 3 district authorized to provide law enforcement services under ORS 451.010, tribal government as
 4 defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the Depart-
 5 ment of Justice, the Oregon State Lottery Commission, a university that has established a police
 6 department under ORS 352.383 **or section 2 of this 2013 Act, a community college district that**
 7 **has established a police department under section 4 of this 2013 Act,** the Governor or the De-
 8 partment of State Police; and

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

11 (b) An investigator of a district attorney’s office if the investigator is or has been certified as
 12 a peace officer in this or another state, an authorized tribal police officer as defined in section 1,
 13 chapter 644, Oregon Laws 2011, or a humane special agent commissioned under section 1, chapter
 14 67, Oregon Laws 2012; or

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

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

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

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

25 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,
 26 school district, mass transit district, county, county service district authorized to provide law
 27 enforcement services under ORS 451.010, tribal government as defined in section 1, chapter 644,
 28 Oregon Laws 2011, the Criminal Justice Division of the Department of Justice, the Oregon State
 29 Lottery Commission, a university that has established a police department under ORS 352.383 **or**
 30 **section 2 of this 2013 Act, a community college district that has established a police depart-**
 31 **ment under section 4 of this 2013 Act,** the Governor or the Department of State Police;

32 (b) Armed with a firearm; and

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

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

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

42 **SECTION 36.** ORS 181.610, as amended by section 50, chapter 644, Oregon Laws 2011, section
 43 23, chapter 54, Oregon Laws 2012, section 14, chapter 67, Oregon Laws 2012, and section 5, chapter
 44 88, Oregon Laws 2012, is amended to read:

45 181.610. In ORS 181.610 to 181.712, unless the context requires otherwise:

- 1 (1) "Abuse" has the meaning given the term in ORS 107.705.
- 2 (2) "Board" means the Board on Public Safety Standards and Training appointed pursuant to
3 ORS 181.620.
- 4 (3) "Certified reserve officer" means a reserve officer who has been designated by a local law
5 enforcement unit, has received training necessary for certification and has met the minimum stan-
6 dards and training requirements established under ORS 181.640.
- 7 (4) "Commissioned" means being authorized to perform various acts or duties of a police officer
8 or certified reserve officer and acting under the supervision and responsibility of a county sheriff
9 or as otherwise provided by law.
- 10 (5) "Corrections officer" means an officer or member employed full-time by a law enforcement
11 unit who:
- 12 (a) Is charged with and primarily performs the duty of custody, control or supervision of indi-
13 viduals convicted of or arrested for a criminal offense and confined in a place of incarceration or
14 detention other than a place used exclusively for incarceration or detention of juveniles; or
- 15 (b) Has been certified as a corrections officer described in paragraph (a) of this subsection and
16 has supervisory or management authority for corrections officers described in paragraph (a) of this
17 subsection.
- 18 (6) "Department" means the Department of Public Safety Standards and Training.
- 19 (7) "Director" means the Director of the Department of Public Safety Standards and Training.
- 20 (8) "Domestic violence" means abuse between family or household members.
- 21 (9) "Emergency medical dispatcher" means a person who has responsibility to process requests
22 for medical assistance from the public or to dispatch medical care providers.
- 23 (10) "Family or household members" has the meaning given that term in ORS 107.705.
- 24 (11) "Fire service professional" means a paid or volunteer firefighter, an officer or a member
25 of a public or private fire protection agency that is engaged primarily in fire investigation, fire
26 prevention, fire safety, fire control or fire suppression or providing emergency medical services, light
27 and heavy rescue services, search and rescue services or hazardous materials incident response.
28 "Fire service professional" does not mean forest fire protection agency personnel.
- 29 (12) "Law enforcement unit" means:
- 30 (a) A police force or organization of the state, a city, university that has established a police
31 department under ORS 352.383 **or section 2 of this 2013 Act, community college district that**
32 **has established a police department under section 4 of this 2013 Act**, port, school district, mass
33 transit district, county, county service district authorized to provide law enforcement services under
34 ORS 451.010, tribal government, the Criminal Justice Division of the Department of Justice, the
35 Department of Corrections, the Oregon State Lottery Commission, the Security and Emergency
36 Preparedness Office of the Judicial Department or common carrier railroad the primary duty of
37 which, as prescribed by law, ordinance or directive, is one or more of the following:
- 38 (A) Detecting crime and enforcing the criminal laws of this state or laws or ordinances relating
39 to airport security;
- 40 (B) The custody, control or supervision of individuals convicted of or arrested for a criminal
41 offense and confined to a place of incarceration or detention other than a place used exclusively for
42 incarceration or detention of juveniles; or
- 43 (C) The control, supervision and reformation of adult offenders placed on parole or sentenced
44 to probation and investigation of adult offenders on parole or probation or being considered for
45 parole or probation;

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

3 (c) A district attorney's office;

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

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

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

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

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

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

13 (B) Investigating adult offenders on parole or probation or being considered for parole or pro-
14 bation; or

15 (b) An officer who:

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

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

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

20 (i) Community protection by controlling, investigating, supervising and providing or making re-
21 ferrals to reformatory services for adult parolees or probationers or offenders on post-prison super-
22 vision; or

23 (ii) Investigating adult offenders on parole or probation or being considered for parole or pro-
24 bation.

25 (15) "Police officer" means:

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

28 (A) Commissioned by a city, port, school district, mass transit district, county, county service
29 district authorized to provide law enforcement services under ORS 451.010, tribal government, the
30 Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a
31 university that has established a police department under ORS 352.383 **or section 2 of this 2013**
32 **Act, a community college district that has established a police department under section 4**
33 **of this 2013 Act**, the Governor or the Department of State Police; and

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

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

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

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

44 (17) "Public safety personnel" and "public safety officer" include corrections officers, youth
45 correction officers, emergency medical dispatchers, parole and probation officers, police officers,

1 certified reserve officers, telecommunicators, liquor enforcement inspectors and fire service profes-
 2 sionals.

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

4 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,
 5 school district, mass transit district, county, county service district authorized to provide law
 6 enforcement services under ORS 451.010, tribal government, the Criminal Justice Division of the
 7 Department of Justice, the Oregon State Lottery Commission, a university that has established a
 8 police department under ORS 352.383 **or section 2 of this 2013 Act, a community college district**
 9 **that has established a police department under section 4 of this 2013 Act**, the Governor or the
 10 Department of State Police;

11 (b) Armed with a firearm; and

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

14 (19) "Telecommunicator" means a person employed as an emergency telephone worker as de-
 15 fined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing
 16 and transmitting public safety information received through a 9-1-1 emergency reporting system as
 17 defined in ORS 403.105.

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

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

23 181.715. (1) The Department of State Police or another criminal justice agency designated by the
 24 Director of the Oregon Department of Administrative Services shall operate a Criminal Justice In-
 25 formation Standards program that coordinates information among state criminal justice agencies.
 26 The program shall:

27 (a) Ensure that in developing new information systems, data can be retrieved to support evalu-
 28 ation of criminal justice planning and programs, including, but not limited to, the ability of the
 29 programs to reduce future criminal conduct;

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

31 (c) Establish methods and standards for data interchange and information access between crim-
 32 inal justice information systems, in compliance with the technology standards and policies of the
 33 Oregon Department of Administrative Services;

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

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

36 (2) The program shall develop a plan to accelerate data sharing and information integration
 37 among criminal justice agencies. The plan shall include, but is not limited to, priorities, timelines,
 38 development costs, resources needed, the projected ongoing cost of support, critical success factors
 39 and any known barriers to accomplishing the plan. Representatives of criminal justice agencies and
 40 public safety agencies, including but not limited to local law enforcement agencies, courts of crimi-
 41 nal jurisdiction, district attorneys, city attorneys with criminal prosecutive functions, public
 42 defender organizations established under ORS chapter 151, community corrections directors, jail
 43 managers and county juvenile departments, shall be invited to participate in the planning process.
 44 The program shall present the plan to the Director of the Oregon Department of Administrative
 45 Services no later than May 30 of each even-numbered year for development of the Governor's budget

1 report. The program shall submit the plan to the Joint Legislative Committee on Information Man-
 2 agement and Technology no later than December 31 of each even-numbered year.

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

- 5 (a) The Judicial Department;
- 6 (b) The Attorney General;
- 7 (c) The Department of Corrections;
- 8 (d) The Department of State Police;
- 9 (e) Any other state agency with law enforcement authority designated by order of the Governor;
- 10 (f) The Department of Transportation;
- 11 (g) The State Board of Parole and Post-Prison Supervision;
- 12 (h) The Department of Public Safety Standards and Training;
- 13 (i) The State Department of Fish and Wildlife;
- 14 (j) The Oregon Liquor Control Commission;
- 15 (k) The Oregon Youth Authority;
- 16 (L) The Youth Development Council; *[and]*

17 (m) A university that has established a police department under ORS 352.383 **or section 2 of**
 18 **this 2013 Act; and**

19 **(n) A community college district that has established a police department under section**
 20 **4 of this 2013 Act.**

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

22 181.781. As used in ORS 181.781 to 181.796:

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

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

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

- 31 (a) A police officer or reserve officer as defined in ORS 181.610; and
- 32 (b) Employed by a law enforcement agency to enforce the criminal laws of this state.

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

35 (a) With land that is contiguous to the county in which the deadly physical force planning au-
 36 thority is created; and

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

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

41 181.781. As used in ORS 181.781 to 181.796:

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

45 (2) “Law enforcement agency” means the Department of State Police, the Department of Justice,

1 a district attorney, a political subdivision of the State of Oregon, a municipal corporation of the
 2 State of Oregon, [and] a university **and a community college district**[,] that maintains a law
 3 enforcement unit as defined in ORS 181.610 (12)(a)(A).

4 (3) "Police officer" means a person who is:

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

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

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

8 181.860. (1) For the purposes of this section:

9 (a) "Emergency services provider" means any public employer that employs persons to provide
 10 firefighting services.

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

13 (c) "Employee assistance program" means a program established by a law enforcement agency
 14 or emergency services provider to provide counseling or support services to employees of the law
 15 enforcement agency or emergency services provider.

16 (d) "Law enforcement agency" means any county sheriff, municipal police department, police
 17 department established by a university under ORS 352.383 **or section 2 of this 2013 Act, police**
 18 **department established by a community college district under section 4 of this 2013 Act**, the
 19 Oregon State Police and any state or local public body that employs public safety personnel.

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

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

30 (3) Any communication relating to a peer support counseling session made confidential under
 31 subsection (2) of this section that is made between counselors, between counselors and the supervi-
 32 sors or staff of an employee assistance program, or between the supervisors or staff of an employee
 33 assistance program, is confidential and may not be disclosed.

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

36 (a) Has been designated by a law enforcement agency or emergency services provider, or by an
 37 employee assistance program, to act as a counselor; and

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

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

44 (6) Any communication made by a participant or counselor in a peer support counseling session
 45 subject to this section, and any oral or written information conveyed in a peer support counseling

1 session subject to this section, is not admissible in any judicial proceeding, administrative proceed-
 2 ing, arbitration proceeding or other adjudicatory proceeding. Communications and information made
 3 confidential under this section may not be disclosed by the participants in any judicial proceeding,
 4 administrative proceeding, arbitration proceeding or other adjudicatory proceeding. The limitations
 5 on disclosure imposed by this subsection include disclosure during any discovery conducted as part
 6 of an adjudicatory proceeding.

7 (7) Nothing in this section limits the discovery or introduction in evidence of knowledge ac-
 8 quired by any public safety personnel or emergency services personnel from observation made dur-
 9 ing the course of employment, or material or information acquired during the course of employment,
 10 that is otherwise subject to discovery or introduction in evidence.

11 (8) This section does not apply to:

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

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

17 (c) Any admission of criminal conduct.

18 (9) This section does not prohibit any communications between counselors who conduct peer
 19 support counseling sessions, or any communications between counselors and the supervisors or staff
 20 of an employee assistance program.

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

22 236.350. As used in ORS 236.350 to 236.370:

23 (1) “Disciplinary action” means action taken against a public safety officer by an employer to
 24 punish the officer, including dismissal, demotion, suspension without pay, reduction in salary, writ-
 25 ten reprimand and transfer.

26 (2) “Just cause” means a cause reasonably related to the public safety officer’s ability to per-
 27 form required work. The term includes a willful violation of reasonable work rules, regulations or
 28 written policies.

29 (3) “Public safety officer” means:

30 (a) A member of a law enforcement unit who is employed full-time as a peace officer commis-
 31 sioned by a city, university that has established a police department under ORS 352.383 **or section**
 32 **2 of this 2013 Act, community college district that has established a police department under**
 33 **section 4 of this 2013 Act**, port, school district, mass transit district, county, Indian reservation,
 34 the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission
 35 or the Governor and who is responsible for enforcing the criminal laws of this state or laws or or-
 36 dinances relating to airport security.

37 (b) A corrections officer, a parole and probation officer or a youth correction officer as those
 38 terms are defined in ORS 181.610.

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

41 238.005. For purposes of this chapter:

42 (1) “Active member” means a member who is presently employed by a participating public em-
 43 ployer in a qualifying position and who has completed the six-month period of service required by
 44 ORS 238.015.

45 (2) “Annuity” means payments for life derived from contributions made by a member as provided

1 in this chapter.

2 (3) "Board" means the Public Employees Retirement Board.

3 (4) "Calendar year" means 12 calendar months commencing on January 1 and ending on De-
4 cember 31 following.

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

7 (a) An employee who had returned to the service of the employer as of January 1, 1945, and
8 who remained in that employment until having established membership in the Public Employees
9 Retirement System.

10 (b) An employee who was in the armed services on January 1, 1945, and returned to the service
11 of the employer within one year of the date of being otherwise than dishonorably discharged and
12 remained in that employment until having established membership in the Public Employees Retire-
13 ment System.

14 (6) "Creditable service" means any period of time during which an active member is being paid
15 a salary by a participating public employer and for which benefits under this chapter are funded by
16 employer contributions and earnings on the fund. For purposes of computing years of "creditable
17 service," full months and major fractions of a month shall be considered to be one-twelfth of a year
18 and shall be added to all full years. "Creditable service" includes all retirement credit received by
19 a member.

20 (7) "Earliest service retirement age" means the age attained by a member when the member
21 could first make application for retirement under the provisions of ORS 238.280.

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

23 (a) Persons engaged as independent contractors.

24 (b) Seasonal, emergency or casual workers whose periods of employment with any public em-
25 ployer or public employers do not total 600 hours in any calendar year.

26 (c) Persons, other than workers in the Oregon Industries for the Blind under ORS 346.190, pro-
27 vided sheltered employment or made-work by a public employer in an employment or industries
28 program maintained for the benefit of such persons.

29 (d) Persons employed and paid from federal funds received under a federal program intended
30 primarily to alleviate unemployment. However, any such person shall be considered an "employee"
31 if not otherwise excluded by paragraphs (a) to (c) of this subsection and the public employer elects
32 to have the person so considered by an irrevocable written notice to the board.

33 (e) Persons who are employees of a railroad, as defined in ORS 824.020, and who, as such em-
34 ployees, are included in a retirement plan under federal railroad retirement statutes. This paragraph
35 shall be deemed to have been in effect since the inception of the system.

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

37 (a) The average salary per calendar year paid by one or more participating public employers to
38 an employee who is an active member of the system in three of the calendar years of membership
39 before the effective date of retirement of the employee, in which three years the employee was paid
40 the highest salary. The three calendar years in which the employee was paid the largest total salary
41 may include calendar years in which the employee was employed for less than a full calendar year.
42 If the number of calendar years of active membership before the effective date of retirement of the
43 employee is three or fewer, the final average salary for the employee is the average salary per cal-
44 endar year paid by one or more participating public employers to the employee in all of those years,
45 without regard to whether the employee was employed for the full calendar year.

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

4 (10) "Firefighter" does not include a volunteer firefighter, but does include:

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

6 (b) An employee of the State Forestry Department who is certified by the State Forester as a
 7 professional wildland firefighter and whose primary duties include the abatement of uncontrolled
 8 fires as described in ORS 477.064.

9 (11) "Fiscal year" means 12 calendar months commencing on July 1 and ending on June 30 fol-
 10 lowing.

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

12 (13) "Inactive member" means a member who is not employed in a qualifying position, whose
 13 membership has not been terminated in the manner described by ORS 238.095 and who is not retired
 14 for service or disability.

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

17 (15) "Member" means a person who has established membership in the system and whose mem-
 18 bership has not been terminated as described in ORS 238.095. "Member" includes active, inactive
 19 and retired members.

20 (16) "Member account" means the regular account and the variable account.

21 (17) "Normal retirement age" means:

22 (a) For a person who establishes membership in the system before January 1, 1996, as described
 23 in ORS 238.430, 55 years of age if the employee retires at that age as a police officer or firefighter
 24 or 58 years of age if the employee retires at that age as other than a police officer or firefighter.

25 (b) For a person who establishes membership in the system on or after January 1, 1996, as de-
 26 scribed in ORS 238.430, 55 years of age if the employee retires at that age as a police officer or
 27 firefighter or 60 years of age if the employee retires at that age as other than a police officer or
 28 firefighter.

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

31 (19) "Police officer" includes:

32 (a) Employees of institutions defined in ORS 421.005 as Department of Corrections institutions
 33 whose duties, as assigned by the Director of the Department of Corrections, include the custody of
 34 persons committed to the custody of or transferred to the Department of Corrections and employees
 35 of the Department of Corrections who were classified as police officers on or before July 27, 1989,
 36 whether or not such classification was authorized by law.

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

39 (c) Employees of the Oregon Liquor Control Commission who are classified as liquor enforce-
 40 ment inspectors by the administrator of the commission.

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

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

45 (f) Police officers who are commissioned by a university under ORS 352.383 **or section 2 of this**

1 **2013 Act, or police officers who are commissioned by a community college district under**
 2 **section 4 of this 2013 Act,** and who are classified as police officers by the university **or the**
 3 **community college district.**

4 (g) Parole and probation officers employed by the Department of Corrections, parole and pro-
 5 bation officers who are transferred to county employment under ORS 423.549 and adult parole and
 6 probation officers, as defined in ORS 181.610, who are classified as police officers for the purposes
 7 of this chapter by the county governing body. If a county classifies adult parole and probation offi-
 8 cers as police officers for the purposes of this chapter, and the employees so classified are repres-
 9 ented by a labor organization, any proposal by the county to change that classification or to cease
 10 to classify adult parole and probation officers as police officers for the purposes of this chapter is
 11 a mandatory subject of bargaining.

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

13 (i) Employees of the Port of Portland who are classified as airport police by the Board of Com-
 14 missioners of the Port of Portland.

15 (j) Employees of the State Department of Agriculture who are classified as livestock police of-
 16 ficers by the Director of Agriculture.

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

19 (L) Investigators of the Criminal Justice Division of the Department of Justice.

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

21 (n) Employees of the Oregon State Lottery Commission who are classified by the Director of the
 22 Oregon State Lottery as enforcement agents pursuant 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 a police officer as de-
 25 fined by this section, and who is employed or transferred by the Department of Corrections to fill
 26 a position designated by the Director of the Department of Corrections as being eligible for police
 27 officer status.

28 (q) An employee of the Department of Corrections classified as a police officer on or prior to
 29 July 27, 1989, whether or not that classification was authorized by law, as long as the employee
 30 remains in the position held on July 27, 1989. The initial classification of an employee under a sys-
 31 tem implemented pursuant to ORS 240.190 does not affect police officer status.

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

35 (s) Employees at youth correction facilities and juvenile detention facilities under ORS 419A.050,
 36 419A.052 and 420.005 to 420.915 who are required to hold valid Oregon teaching licenses and who
 37 have supervisory, control or teaching responsibilities over juveniles committed to the custody of the
 38 Department of Corrections or the Oregon Youth Authority.

39 (t) Employees at youth correction facilities as defined in ORS 420.005 whose primary job de-
 40 scription involves the custody, control, treatment, investigation or supervision of juveniles placed
 41 in such facilities.

42 (u) Employees of the Oregon Youth Authority who are classified as juvenile parole and pro-
 43 bation officers.

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

1 (21) "Public employer" means the state, one of its agencies, any city, county, or municipal or
 2 public corporation, any political subdivision of the state or any instrumentality thereof, or an agency
 3 created by one or more such governmental organizations to provide governmental services. For
 4 purposes of this chapter, such agency created by one or more governmental organizations is a gov-
 5 ernmental instrumentality and a legal entity with power to enter into contracts, hold property and
 6 sue and be sued.

7 (22) "Qualifying position" means one or more jobs with one or more participating public em-
 8 ployers in which an employee performs 600 or more hours of service in a calendar year, excluding
 9 any service in a job for which a participating public employer does not provide benefits under this
 10 chapter pursuant to an application made under ORS 238.035.

11 (23) "Regular account" means the account established for each active and inactive member un-
 12 der ORS 238.250.

13 (24) "Retired member" means a member who is retired for service or disability.

14 (25) "Retirement credit" means a period of time that is treated as creditable service for the
 15 purposes of this chapter.

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

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

21 (A) Payments of employee and employer money into a deferred compensation plan, which are
 22 deemed salary paid in each month of deferral;

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

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

26 (D) Wages of a deceased member paid to a surviving spouse or dependent children under ORS
 27 652.190.

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

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

31 (B) Payments for insurance coverage by an employer on behalf of employee or employee and
 32 dependents, for which the employee has no cash option;

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

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

35 (E) Any accelerated payment of an employment contract for a future period or an advance
 36 against future wages;

37 (F) Any retirement incentive, retirement severance pay, retirement bonus or retirement
 38 gratuitous payment;

39 (G) Payments for periods of leave of absence after the date the employer and employee have
 40 agreed that no future services qualifying pursuant to ORS 238.015 (3) will be performed, except for
 41 sick leave and vacation;

42 (H) Payments for instructional services rendered to public universities of the Oregon University
 43 System or the Oregon Health and Science University when such services are in excess of full-time
 44 employment subject to this chapter. A person employed under a contract for less than 12 months is
 45 subject to this subparagraph only for the months to which the contract pertains; or

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

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

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

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

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

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

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

11 243.005. As used in ORS 243.005 to 243.045:

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

15 (2) "Police officer" includes police chiefs and police officers of a city who are classified as police
 16 officers by the council or other governing body of the city; police officers commissioned by a uni-
 17 versity under ORS 352.383 **or section 2 of this 2013 Act and police officers commissioned by a**
 18 **community college district under section 4 of this 2013 Act** who are classified as police officers
 19 by the university **or community college district**; sheriffs and those deputy sheriffs whose duties,
 20 as classified by the county governing body are the regular duties of police officers; employees of
 21 districts, whose duties, as classified by the governing body of the district are the regular duties of
 22 police officers; employees of the Department of State Police who are classified as police officers by
 23 the Superintendent of State Police; employees of the Criminal Justice Division of the Department
 24 of Justice who are classified by the Attorney General as criminal investigators or criminal financial
 25 investigators; employees of the Oregon State Lottery Commission who are classified by the Director
 26 of the Oregon State Lottery as enforcement agents; and employees of Department of Corrections
 27 institutions as defined in ORS 421.005 whose duties, as assigned by the superintendent, include the
 28 custody of persons committed to the custody of or transferred to the Department of Corrections in-
 29 stitution; but "police officer" does not include volunteer or reserve police officers or persons con-
 30 sidered by the respective governing bodies to be civil deputies or clerical personnel.

31 (3) "Public employer" means a city, a county or the state, or one of its agencies or political
 32 subdivisions that employs police officers or firefighters.

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

34 348.270. (1) In addition to any other scholarships provided by law, the commission shall award
 35 scholarships in any public university listed in ORS 352.002, in the Oregon Health and Science Uni-
 36 versity, in any community college operated under ORS chapter 341, or in any Oregon-based re-
 37 gionally accredited independent institution, to any student applying for enrollment or who is
 38 enrolled therein, who is:

39 (a) The natural child, adopted child or stepchild of any public safety officer who, in the line of
 40 duty, was killed or so disabled, as determined by the commission, that the income of the public
 41 safety officer is less than that earned by public safety officers performing duties comparable to those
 42 performed at the highest rank or grade attained by the public safety officer; or

43 (b) A current foster child or former foster child who enrolls in an institution of higher education
 44 as an undergraduate student not later than three years from the date the student was removed from
 45 the care of the Department of Human Services, the date the student graduated from high school or

1 the date the student received the equivalent of a high school diploma, whichever date is earliest.

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

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

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

17 (5) The commission may require proof of the student’s relationship to a public safety officer de-
 18 scribed in subsection (1) of this section or proof that the student is a current foster child or former
 19 foster child.

20 (6) As used in this section:

21 (a) “Former foster child” means an individual who, for a total of 12 or more months while be-
 22 tween the ages of 16 and 21, was a ward of the court pursuant to ORS 419B.100 (1)(b) to (e) and in
 23 the legal custody of the Department of Human Services for out-of-home placement.

24 (b) “Public safety officer” means:

25 (A) A firefighter or police officer as those terms are defined in ORS 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 section 2 of this 2013**
 28 **Act or a police officer commissioned by a community college district under section 4 of this**
 29 **2013 Act.**

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

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

33 348.270. (1) In addition to any other scholarships provided by law, the commission shall award
 34 scholarships in any public university listed in ORS 352.002, in the Oregon Health and Science Uni-
 35 versity, in any community college operated under ORS chapter 341, or in any Oregon-based re-
 36 gionally accredited independent institution, to any student applying for enrollment or who is
 37 enrolled therein, who is:

38 (a) The natural child, adopted child or stepchild of any public safety officer who, in the line of
 39 duty, was killed or so disabled, as determined by the commission, that the income of the public
 40 safety officer is less than that earned by public safety officers performing duties comparable to those
 41 performed at the highest rank or grade attained by the public safety officer; or

42 (b) A current foster child or former foster child who enrolls in an institution of higher education
 43 as an undergraduate student not later than three years from the date the student was removed from
 44 the care of the Department of Human Services, the date the student graduated from high school or
 45 the date the student received the equivalent of a high school diploma, whichever date is earliest.

1 (2) Scholarships awarded under this section to students who are dependents of public safety of-
 2 ficers or who are current foster children or former foster children shall equal the amount of tuition
 3 and all fees levied by the institution against the recipient of the scholarship. However, scholarships
 4 awarded to students who attend independent institutions shall not exceed the amount of tuition and
 5 all fees levied by the University of Oregon.

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

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

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

19 (6) As used in this section:

20 (a) "Former foster child" means an individual who, for a total of 12 or more months while be-
 21 tween the ages of 16 and 21, was a ward of the court pursuant to ORS 419B.100 (1)(b) to (e) and in
 22 the legal custody of the Department 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 237.610.

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

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

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

30 353.050. Except as otherwise provided in this chapter, the Oregon Health and Science University
 31 Board of Directors, or university officials acting under the authority of the board, shall exercise all
 32 the powers of the Oregon Health and Science University and shall govern the university. In carrying
 33 out its powers, rights and privileges, the university shall be a governmental entity performing gov-
 34 ernmental functions and exercising governmental powers. The university or the board may either
 35 within or outside the state:

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

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

41 (3) Make any and all contracts and agreements, enter into any partnership, joint venture or
 42 other business arrangement, create and participate fully in the operation of any business structure,
 43 including but not limited to the development of business structures for health care delivery systems
 44 and networks with any public or private government, nonprofit or for-profit person or entity that in
 45 the judgment of the university or the board is necessary or appropriate to carry out the university's

1 missions and goals.

2 (4) Acquire, purchase, receive, hold, control, convey, sell, manage, operate, lease, license, lend,
3 invest, improve, develop, use, dispose of and hold title to real and personal property of any nature,
4 including intellectual property, in its own name.

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

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

10 (7) Acquire, receive, hold, keep, pledge, control, convey, manage, use, lend, expend and invest
11 all funds, appropriations, gifts, bequests, stock and revenue from any source to the university.

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

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

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

20 (11) Create, develop, supervise, control and adopt academic programs, including standards,
21 qualifications, policies or practices relating to admissions, curriculum, academic advancement,
22 grading policy, student conduct, credits and scholarships and the granting of academic degrees,
23 certificates and other forms of recognition.

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

26 (13) Establish, charge, collect and use charges for enrollment into the university, including
27 charges such as tuition for education and general services, incidental fees and such other charges
28 found by the university to be necessary to carry out its educational programs. Fees realized in ex-
29 cess of amounts allocated and exceeding required reserves shall be considered surplus incidental
30 fees and shall be allocated for programs under the control of the board and found to be advanta-
31 geous to the cultural or physical development of students of the university upon the recommendation
32 of the recognized student government of the university.

33 (14) Establish, charge, collect and use charges and fees for university services and the use of
34 university facilities.

35 (15) Impose charges, fines, fees and such other regulations considered convenient or necessary
36 to control and regulate traffic and parking of vehicles to the same extent allowed the State Board
37 of Higher Education. This authority includes the authority to enforce the regulations of the uni-
38 versity in a court to the extent allowed the State Board of Higher Education in enforcing the state
39 board's regulations as provided in ORS 352.360 (7).

40 *[(16) Commission special campus security officers to be known as university police. University po-*
41 *lice commissioned under this subsection have all the powers and authority given by statute to peace*
42 *officers and police officers of this state. University police shall complete training necessary for certif-*
43 *ication as police officers at an academy operated or authorized by the Department of Public Safety*
44 *Standards and Training at the expense of the Oregon Health and Science University Board of Direc-*
45 *tors. University police are not authorized to carry firearms as police officers and are not police officers*

1 *for purposes of ORS 238.005, 243.005 or 243.736. The university is a criminal justice agency for pur-*
 2 *poses of ORS 181.715 and 181.720 and a law enforcement unit within the meaning of ORS 181.610*
 3 *(12).]*

4 [(17)] (16) Enforce and recover for payment to the university any fines that are authorized by
 5 this chapter.

6 [(18)] (17) Adopt, amend or repeal bylaws, administrative rules, regulations and orders applicable
 7 to the matters that are the subject of this chapter.

8 [(19)] (18) Contract with any state agency for the performance of such duties, functions and
 9 powers as is appropriate. A state agency shall not charge the university for such services an amount
 10 that is greater than the actual cost of the services.

11 [(20)] (19) Purchase, receive, subscribe for or otherwise acquire, own, hold, vote, use, sell,
 12 mortgage, lend, pledge, invest in or otherwise dispose of and deal in or with the shares, stock or
 13 other equity or interests in or obligations of any other entity. Separate funds may be established for
 14 such investments. The State of Oregon shall have no proprietary or other interest in such invest-
 15 ments or such funds.

16 [(21)] (20) Make available, by lease or otherwise, or control access to any health care facilities
 17 or services or other of its properties and assets to such persons, firms, partnerships, associations
 18 or corporations and on such terms as considered appropriate, charge and collect rent or other fees
 19 or charges therefor and terminate or deny any such access or any such lease or other agreement
 20 for such reasons as considered appropriate and as may be consistent with its obligations under any
 21 such lease or other agreement.

22 [(22)] (21) Contract for the operation of any department, section, equipment or holdings of the
 23 university and enter into any agreements with any person, firm or corporation for the management
 24 by said person, firm or corporation on behalf of the university of any of its properties or for the
 25 more efficient or economical performance of clerical, accounting, administrative and other functions
 26 relating to its health care facilities.

27 [(23)] (22) Select and appoint faculty as medical and dental staff members and others licensed
 28 to practice the healing arts, delineate and define the privileges granted each such individual, adopt
 29 and direct a plan for faculty clinical income and set the terms and conditions of that plan (including
 30 such modifications to any such existing plan as considered necessary or appropriate upon expiration
 31 of the term of such plan), and determine the extent to which and the terms upon which each such
 32 individual may provide teaching, research, consulting or other services at the university or any
 33 other health care facility.

34 [(24)] (23) Enter into affiliation, cooperation, territorial, management or other similar agree-
 35 ments with other public or private universities or health care providers for the sharing, division,
 36 allocation or furnishing of services on an exclusive or a nonexclusive basis, referral of patients,
 37 management of facilities, formation of health care delivery systems and other similar activities.

38 [(25)] (24) Perform any other acts that in the judgment of the board or university are requisite,
 39 necessary or appropriate in accomplishing the purposes described in or carrying out the powers
 40 granted by this chapter.

41 [(26)] (25) Exercise these powers, notwithstanding that as a consequence of the exercise of such
 42 powers, the university engages in activities that might otherwise be deemed anticompetitive within
 43 the contemplation of state or federal antitrust laws.

44 **SECTION 47.** ORS 414.805 is amended to read:

45 414.805. (1) An individual who receives medical services while in the custody of a law enforce-

1 ment officer is liable:

2 (a) To the provider of the medical services for the charges and expenses therefor; and

3 (b) To the Oregon Health Authority for any charges or expenses paid by the authority out of
4 the Law Enforcement Medical Liability Account for the medical services.

5 (2) A person providing medical services to an individual described in subsection (1) of this sec-
6 tion shall first make reasonable efforts to collect the charges and expenses thereof from the indi-
7 vidual before seeking to collect them from the authority out of the Law Enforcement Medical
8 Liability Account.

9 (3)(a) If the provider has not been paid within 45 days of the date of the billing, the provider
10 may bill the authority who shall pay the account out of the Law Enforcement Medical Liability
11 Account.

12 (b) A bill submitted to the authority under this subsection must be accompanied by evidence
13 documenting that:

14 (A) The provider has billed the individual or the individual's insurer or health care service
15 contractor for the charges or expenses owed to the provider; and

16 (B) The provider has made a reasonable effort to collect from the individual or the individual's
17 insurer or health care service contractor the charges and expenses owed to the provider.

18 (c) If the provider receives payment from the individual or the insurer or health care service
19 contractor after receiving payment from the authority, the provider shall repay the authority the
20 amount received from the public agency less any difference between payment received from the in-
21 dividual, insurer or contractor and the amount of the billing.

22 (4) As used in this section:

23 (a) "Law enforcement officer" means:

24 (A) An officer who is commissioned and employed by a public agency as a peace officer to en-
25 force the criminal laws of this state or laws or ordinances of a public agency; or

26 (B) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011.

27 (b) "Public agency" means the state, a city, university that has established a police department
28 under ORS 352.383 or **section 2 of this 2013 Act, community college district that has estab-**
29 **lished a police department under section 4 of this 2013 Act**, port, school district, mass transit
30 district or county.

31 **SECTION 48.** ORS 414.805, as amended by section 52, chapter 644, Oregon Laws 2011, is
32 amended to read:

33 414.805. (1) An individual who receives medical services while in the custody of a law enforce-
34 ment officer is liable:

35 (a) To the provider of the medical services for the charges and expenses therefor; and

36 (b) To the Oregon Health Authority for any charges or expenses paid by the authority out of
37 the Law Enforcement Medical Liability Account for the medical services.

38 (2) A person providing medical services to an individual described in subsection (1) of this sec-
39 tion shall first make reasonable efforts to collect the charges and expenses thereof from the indi-
40 vidual before seeking to collect them from the authority out of the Law Enforcement Medical
41 Liability Account.

42 (3)(a) If the provider has not been paid within 45 days of the date of the billing, the provider
43 may bill the authority who shall pay the account out of the Law Enforcement Medical Liability
44 Account.

45 (b) A bill submitted to the authority under this subsection must be accompanied by evidence

1 documenting that:

2 (A) The provider has billed the individual or the individual’s insurer or health care service
3 contractor for the charges or expenses owed to the provider; and

4 (B) The provider has made a reasonable effort to collect from the individual or the individual’s
5 insurer or health care service contractor the charges and expenses owed to the provider.

6 (c) If the provider receives payment from the individual or the insurer or health care service
7 contractor after receiving payment from the authority, the provider shall repay the authority the
8 amount received from the public agency less any difference between payment received from the in-
9 dividual, insurer or contractor and the amount of the billing.

10 (4) As used in this section:

11 (a) “Law enforcement officer” means an officer who is commissioned and employed by a public
12 agency as a peace officer to enforce the criminal laws of this state or laws or ordinances of a public
13 agency.

14 (b) “Public agency” means the state, a city, university that has established a police department
15 under ORS 352.383 **or section 2 of this 2013 Act, community college district that has estab-**
16 **lished a police department under section 4 of this 2013 Act**, port, school district, mass transit
17 district or county.

18 **SECTION 49.** ORS 419B.005, as amended by section 60, chapter 37, Oregon Laws 2012, and
19 section 1, chapter 92, Oregon Laws 2012, is amended to read:

20 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

21 (1)(a) “Abuse” means:

22 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child
23 which has been caused by other than accidental means, including any injury which appears to be
24 at variance with the explanation given of the injury.

25 (B) Any mental injury to a child, which shall include only observable and substantial impairment
26 of the child’s mental or psychological ability to function caused by cruelty to the child, with due
27 regard to the culture of the child.

28 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-
29 tration and incest, as those acts are described in ORS chapter 163.

30 (D) Sexual abuse, as described in ORS chapter 163.

31 (E) Sexual exploitation, including but not limited to:

32 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any
33 other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage
34 in the performing for people to observe or the photographing, filming, tape recording or other ex-
35 hibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or
36 described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not in-
37 cluding any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or
38 which is designed to serve educational or other legitimate purposes; and

39 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution or to patronize
40 a prostitute, as defined in ORS chapter 167.

41 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to
42 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or
43 welfare of the child.

44 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm
45 to the child’s health or welfare.

- 1 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.
- 2 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where
- 3 methamphetamines are being manufactured.
- 4 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, that subjects a child
- 5 to a substantial risk of harm to the child's health or safety.
- 6 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the
- 7 conditions described in paragraph (a) of this subsection.
- 8 (2) "Child" means an unmarried person who is under 18 years of age.
- 9 (3) "Higher education institution" means:
- 10 (a) A community college as defined in ORS 341.005;
- 11 (b) A public university listed in ORS 352.002;
- 12 (c) The Oregon Health and Science University; and
- 13 (d) A private institution of higher education located in Oregon.
- 14 (4) "Law enforcement agency" means:
- 15 (a) A city or municipal police department.
- 16 (b) A county sheriff's office.
- 17 (c) The Oregon State Police.
- 18 (d) A police department established by a university under ORS 352.383 **or section 2 of this 2013**
- 19 **Act or a police department established by a community college district under section 4 of**
- 20 **this 2013 Act.**
- 21 (e) A county juvenile department.
- 22 (5) "Public or private official" means:
- 23 (a) Physician, osteopathic physician, physician assistant, naturopathic physician, podiatric phy-
- 24 sician and surgeon, including any intern or resident.
- 25 (b) Dentist.
- 26 (c) School employee, including an employee of a higher education institution.
- 27 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
- 28 or employee of an in-home health service.
- 29 (e) Employee of the Department of Human Services, Oregon Health Authority, Early Learning
- 30 Council, Youth Development Council, Child Care Division of the Employment Department, the
- 31 Oregon Youth Authority, a county health department, a community mental health program, a com-
- 32 munity developmental disabilities program, a county juvenile department, a licensed child-caring
- 33 agency or an alcohol and drug treatment program.
- 34 (f) Peace officer.
- 35 (g) Psychologist.
- 36 (h) Member of the clergy.
- 37 (i) Regulated social worker.
- 38 (j) Optometrist.
- 39 (k) Chiropractor.
- 40 (L) Certified provider of foster care, or an employee thereof.
- 41 (m) Attorney.
- 42 (n) Licensed professional counselor.
- 43 (o) Licensed marriage and family therapist.
- 44 (p) Firefighter or emergency medical services provider.
- 45 (q) A court appointed special advocate, as defined in ORS 419A.004.

- 1 (r) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.
- 2 (s) Member of the Legislative Assembly.
- 3 (t) Physical, speech or occupational therapist.
- 4 (u) Audiologist.
- 5 (v) Speech-language pathologist.
- 6 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
- 7 gations or discipline by the commission.
- 8 (x) Pharmacist.
- 9 (y) An operator of a preschool recorded program under ORS 657A.255.
- 10 (z) An operator of a school-age recorded program under ORS 657A.257.
- 11 (aa) Employee of a private agency or organization facilitating the provision of respite services,
- 12 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
- 13 109.056.
- 14 (bb) Employee of a public or private organization providing child-related services or activities:
- 15 (A) Including but not limited to youth groups or centers, scout groups or camps, summer or day
- 16 camps, survival camps or groups, centers or camps that are operated under the guidance, super-
- 17 vision or auspices of religious, public or private educational systems or community service organ-
- 18 izations; and
- 19 (B) Excluding community-based, nonprofit organizations whose primary purpose is to provide
- 20 confidential, direct services to victims of domestic violence, sexual assault, stalking or human traf-
- 21 ficking.
- 22 (cc) A coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,
- 23 if compensated and if the athlete is a child.
- 24 **SECTION 50.** ORS 419B.902 is amended to read:
- 25 419B.902. (1) A subpoena may be served by the party or any other person 18 years of age or
- 26 older. Except as provided in subsections (2), (3) and (4) of this section, the service must be made by
- 27 delivering a copy to the witness personally. The service must be made so as to allow the witness a
- 28 reasonable time for preparation and travel to the place of attendance. If the subpoena is not ac-
- 29 companied by a command to appear at trial, hearing or deposition under ORS 419B.884, whether the
- 30 subpoena is served personally or by mail, copies of a subpoena commanding production and in-
- 31 spection of books, papers, documents or other tangible things before trial must be served on each
- 32 party at least seven days before the subpoena is served on the person required to produce and per-
- 33 mit inspection, unless the court orders a shorter period.
- 34 (2)(a) A law enforcement agency shall designate an individual upon whom service of a subpoena
- 35 may be made. A designated individual must be available during normal business hours. In the ab-
- 36 sence of a designated individual, service of a subpoena under paragraph (b) of this subsection may
- 37 be made upon the officer in charge of the law enforcement agency.
- 38 (b) If a peace officer's attendance at trial is required as a result of employment as a peace of-
- 39 ficer, a subpoena may be served on the officer by delivering a copy personally to the officer or to
- 40 an individual designated by the agency that employs the officer no later than 10 days prior to the
- 41 date attendance is sought. A subpoena may be served in this manner only if the officer is currently
- 42 employed as a peace officer and is present within the state at the time of service.
- 43 (c) When a subpoena has been served as provided in paragraph (b) of this subsection, the law
- 44 enforcement agency shall make a good faith effort to give actual notice to the officer whose at-
- 45 tendance is sought of the date, time and location of the court appearance. If the officer cannot be

1 notified, the law enforcement agency shall promptly notify the court and a postponement or contin-
 2 uance may be granted to allow the officer to be personally served.

3 (d) As used in this subsection, “law enforcement agency” means the Oregon State Police, a
 4 county sheriff’s department, a municipal police department, a police department established by a
 5 university under ORS 352.383 **or section 2 of this 2013 Act, a police department established by**
 6 **a community college district under section 4 of this 2013 Act**, or, if the witness whose attend-
 7 ance at trial is required is an authorized tribal police officer as defined in section 1, chapter 644,
 8 Oregon Laws 2011, a tribal government as defined in section 1, chapter 644, Oregon Laws 2011.

9 (3) Under the following circumstances, service of a subpoena to a witness by mail has the same
 10 legal force and effect as personal service:

11 (a) The attorney mailing the subpoena certifies in connection with or upon the return of service
 12 that the attorney, or the attorney’s agent, has had personal or telephone contact with the witness
 13 and the witness indicated a willingness to appear at trial if subpoenaed; or

14 (b) The subpoena was mailed to the witness more than five days before trial by certified mail
 15 or some other designation of mail that provides a receipt for the mail signed by the recipient and
 16 the attorney received a return receipt signed by the witness prior to trial.

17 (4) Service of subpoena by mail may be used for a subpoena commanding production of books,
 18 papers, documents or other tangible things that is not accompanied by a command to appear at trial
 19 or hearing or at a deposition under ORS 419B.884.

20 (5) Proof of service of a subpoena is made in the same manner as proof of service of a summons
 21 except that the server is not required to certify that the server is not a party in the action or an
 22 attorney for a party in the action.

23 **SECTION 51.** ORS 419B.902, as amended by section 75, chapter 644, Oregon Laws 2011, is
 24 amended to read:

25 419B.902. (1) A subpoena may be served by the party or any other person 18 years of age or
 26 older. Except as provided in subsections (2), (3) and (4) of this section, the service must be made by
 27 delivering a copy to the witness personally. The service must be made so as to allow the witness a
 28 reasonable time for preparation and travel to the place of attendance. If the subpoena is not ac-
 29 companied by a command to appear at trial, hearing or deposition under ORS 419B.884, whether the
 30 subpoena is served personally or by mail, copies of a subpoena commanding production and in-
 31 spection of books, papers, documents or other tangible things before trial must be served on each
 32 party at least seven days before the subpoena is served on the person required to produce and per-
 33 mit inspection, unless the court orders a shorter period.

34 (2)(a) A law enforcement agency shall designate an individual upon whom service of a subpoena
 35 may be made. A designated individual must be available during normal business hours. In the ab-
 36 sence of a designated individual, service of a subpoena under paragraph (b) of this subsection may
 37 be made upon the officer in charge of the law enforcement agency.

38 (b) If a peace officer’s attendance at trial is required as a result of employment as a peace of-
 39 ficer, a subpoena may be served on the officer by delivering a copy personally to the officer or to
 40 an individual designated by the agency that employs the officer no later than 10 days prior to the
 41 date attendance is sought. A subpoena may be served in this manner only if the officer is currently
 42 employed as a peace officer and is present within the state at the time of service.

43 (c) When a subpoena has been served as provided in paragraph (b) of this subsection, the law
 44 enforcement agency shall make a good faith effort to give actual notice to the officer whose at-
 45 tendance is sought of the date, time and location of the court appearance. If the officer cannot be

1 notified, the law enforcement agency shall promptly notify the court and a postponement or contin-
 2 uance may be granted to allow the officer to be personally served.

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

7 (3) Under the following circumstances, service of a subpoena to a witness by mail has the same
 8 legal force and effect as personal service:

9 (a) The attorney mailing the subpoena certifies in connection with or upon the return of service
 10 that the attorney, or the attorney’s agent, has had personal or telephone contact with the witness
 11 and the witness indicated a willingness to appear at trial if subpoenaed; or

12 (b) The subpoena was mailed to the witness more than five days before trial by certified mail
 13 or some other designation of mail that provides a receipt for the mail signed by the recipient and
 14 the attorney received a return receipt signed by the witness prior to trial.

15 (4) Service of subpoena by mail may be used for a subpoena commanding production of books,
 16 papers, documents or other tangible things that is not accompanied by a command to appear at trial
 17 or hearing or at a deposition under ORS 419B.884.

18 (5) Proof of service of a subpoena is made in the same manner as proof of service of a summons
 19 except that the server is not required to certify that the server is not a party in the action or an
 20 attorney for a party in the action.

21 **SECTION 52.** ORS 420.905 is amended to read:

22 420.905. As used in ORS 420.905 to 420.915, “peace officer” means:

- 23 (1) A sheriff, constable or marshal, or the deputy of any such officer;
- 24 (2) A member of the state police;

25 (3) A member of the police force of a city, [or] a university that has established a police de-
 26 partment under ORS 352.383 **or section 2 of this 2013 Act or a community college district that**
 27 **has established a police department under section 4 of this 2013 Act;** or

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

29 **SECTION 53.** ORS 420.905, as amended by section 54, chapter 644, Oregon Laws 2011, is
 30 amended to read:

31 420.905. As used in ORS 420.905 to 420.915, “peace officer” means:

- 32 (1) A sheriff, constable or marshal, or the deputy of any such officer;
- 33 (2) A member of the state police; or

34 (3) A member of the police force of a city, [or] a university that has established a police de-
 35 partment under ORS 352.383 **or section 2 of this 2013 Act or a community college district that**
 36 **has established a police department under section 4 of this 2013 Act.**

37 **SECTION 54.** ORS 430.735 is amended to read:

38 430.735. As used in ORS 430.735 to 430.765:

39 (1) “Abuse” means one or more of the following:

40 (a) Abandonment, including desertion or willful forsaking of a person with a developmental dis-
 41 ability or the withdrawal or neglect of duties and obligations owed a person with a developmental
 42 disability by a caregiver or other person.

43 (b) Any physical injury to an adult caused by other than accidental means, or that appears to
 44 be at variance with the explanation given of the injury.

45 (c) Willful infliction of physical pain or injury upon an adult.

- 1 (d) Sexual abuse of an adult.
- 2 (e) Neglect.
- 3 (f) Verbal abuse of a person with a developmental disability.
- 4 (g) Financial exploitation of a person with a developmental disability.
- 5 (h) Involuntary seclusion of a person with a developmental disability for the convenience of the
- 6 caregiver or to discipline the person.
- 7 (i) A wrongful use of a physical or chemical restraint upon a person with a developmental dis-
- 8 ability, excluding an act of restraint prescribed by a licensed physician and any treatment activities
- 9 that are consistent with an approved treatment plan or in connection with a court order.
- 10 (j) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427,
- 11 163.465 or 163.467.
- 12 (k) Any death of an adult caused by other than accidental or natural means.
- 13 (2) "Adult" means a person 18 years of age or older with:
- 14 (a) A developmental disability who is currently receiving services from a community program
- 15 or facility or was previously determined eligible for services as an adult by a community program
- 16 or facility; or
- 17 (b) A mental illness who is receiving services from a community program or facility.
- 18 (3) "Adult protective services" means the necessary actions taken to prevent abuse or exploi-
- 19 tation of an adult, to prevent self-destructive acts and to safeguard an adult's person, property and
- 20 funds, including petitioning for a protective order as defined in ORS 125.005. Any actions taken to
- 21 protect an adult shall be undertaken in a manner that is least intrusive to the adult and provides
- 22 for the greatest degree of independence.
- 23 (4) "Caregiver" means an individual, whether paid or unpaid, or a facility that has assumed re-
- 24 sponsibility for all or a portion of the care of an adult as a result of a contract or agreement.
- 25 (5) "Community program" means a community mental health program or a community develop-
- 26 mental disabilities program as established in ORS 430.610 to 430.695.
- 27 (6) "Facility" means a residential treatment home or facility, residential care facility, adult fos-
- 28 ter home, residential training home or facility or crisis respite facility.
- 29 (7) "Financial exploitation" means:
- 30 (a) Wrongfully taking the assets, funds or property belonging to or intended for the use of a
- 31 person with a developmental disability.
- 32 (b) Alarming a person with a developmental disability by conveying a threat to wrongfully take
- 33 or appropriate money or property of the person if the person would reasonably believe that the
- 34 threat conveyed would be carried out.
- 35 (c) Misappropriating, misusing or transferring without authorization any money from any ac-
- 36 count held jointly or singly by a person with a developmental disability.
- 37 (d) Failing to use the income or assets of a person with a developmental disability effectively
- 38 for the support and maintenance of the person.
- 39 (8) "Intimidation" means compelling or deterring conduct by threat.
- 40 (9) "Law enforcement agency" means:
- 41 (a) Any city or municipal police department;
- 42 (b) A police department established by a university under ORS 352.383 **or section 2 of this 2013**
- 43 **Act or a police department established by a community college district under section 4 of**
- 44 **this 2013 Act;**
- 45 (c) Any county sheriff's office;

1 (d) The Oregon State Police; or

2 (e) Any district attorney.

3 (10) "Neglect" means:

4 (a) Failure to provide the care, supervision or services necessary to maintain the physical and
5 mental health of a person with a developmental disability that may result in physical harm or sig-
6 nificant emotional harm to the person;

7 (b) The failure of a caregiver to make a reasonable effort to protect a person with a develop-
8 mental disability from abuse; or

9 (c) Withholding of services necessary to maintain the health and well-being of an adult which
10 leads to physical harm of an adult.

11 (11) "Person with a developmental disability" means a person described in subsection (2)(a) of
12 this section.

13 (12) "Public or private official" means:

14 (a) Physician, naturopathic physician, osteopathic physician, psychologist, chiropractor or
15 podiatric physician and surgeon, including any intern or resident;

16 (b) Licensed practical nurse, registered nurse, nurse's aide, home health aide or employee of an
17 in-home health service;

18 (c) Employee of the Department of Human Services or Oregon Health Authority, county health
19 department, community mental health program or community developmental disabilities program or
20 private agency contracting with a public body to provide any community mental health service;

21 (d) Peace officer;

22 (e) Member of the clergy;

23 (f) Regulated social worker;

24 (g) Physical, speech or occupational therapist;

25 (h) Information and referral, outreach or crisis worker;

26 (i) Attorney;

27 (j) Licensed professional counselor or licensed marriage and family therapist;

28 (k) Any public official who comes in contact with adults in the performance of the official's du-
29 ties; or

30 (L) Firefighter or emergency medical services provider.

31 (13) "Services" includes but is not limited to the provision of food, clothing, medicine, housing,
32 medical services, assistance with bathing or personal hygiene or any other service essential to the
33 well-being of an adult.

34 (14)(a) "Sexual abuse" means:

35 (A) Sexual contact with a nonconsenting adult or with an adult considered incapable of con-
36 senting to a sexual act under ORS 163.315;

37 (B) Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit mate-
38 rial or language;

39 (C) Any sexual contact between an employee of a facility or paid caregiver and an adult served
40 by the facility or caregiver;

41 (D) Any sexual contact between a person with a developmental disability and a relative of the
42 person with a developmental disability other than a spouse; or

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

44 (b) "Sexual abuse" does not mean consensual sexual contact between an adult and a paid
45 caregiver who is the spouse of the adult.

1 (15) "Sexual contact" has the meaning given that term in ORS 163.305.

2 (16) "Verbal abuse" means to threaten significant physical or emotional harm to a person with
3 a developmental disability through the use of:

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

5 (b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate
6 sexual comments.

7 **SECTION 55.** ORS 441.630 is amended to read:

8 441.630. As used in ORS 441.630 to 441.680 and 441.995:

9 (1) "Abuse" means:

10 (a) Any physical injury to a resident of a long term care facility which has been caused by other
11 than accidental means.

12 (b) Failure to provide basic care or services, which failure results in physical harm or unrea-
13 sonable discomfort or serious loss of human dignity.

14 (c) Sexual contact with a resident caused by an employee, agent or other resident of a long term
15 care facility by force, threat, duress or coercion.

16 (d) Illegal or improper use of a resident's resources for the personal profit or gain of another
17 person.

18 (e) Verbal or mental abuse as prohibited by federal law.

19 (f) Corporal punishment.

20 (g) Involuntary seclusion for convenience or discipline.

21 (2) "Abuse complaint" means any oral or written communication to the department, one of its
22 agents or a law enforcement agency alleging abuse.

23 (3) "Department" means the Department of Human Services or a designee of the department.

24 (4) "Facility" means a long term care facility, as defined in ORS 442.015.

25 (5) "Law enforcement agency" means:

26 (a) Any city or municipal police department.

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

30 (c) Any county sheriff's office.

31 (d) The Oregon State Police.

32 (e) Any district attorney.

33 (6) "Public or private official" means:

34 (a) Physician, including any intern or resident.

35 (b) Licensed practical nurse or registered nurse.

36 (c) Employee of the Department of Human Services, a community developmental disabilities
37 program or a long term care facility or person who contracts to provide services to a long term care
38 facility.

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

41 (e) Peace officer.

42 (f) Member of the clergy.

43 (g) Regulated social worker.

44 (h) Physical, speech and occupational therapists.

45 (i) Legal counsel for a resident or guardian or family member of the resident.

SECTION 56. ORS 506.521 is amended to read:

506.521. Each member of the State Fish and Wildlife Commission, the State Fish and Wildlife Director and every inspector, deputy fish warden, special deputy fish warden, and all peace officers of this state or any political subdivision therein, including police officers commissioned by a university under ORS 352.383 **or section 2 of this 2013 Act and police officers commissioned by a community college district under section 4 of this 2013 Act**, shall enforce the commercial fishing laws within their respective jurisdictions. In the performance of these duties such officers are subject to the direction and control of the commission or director.

SECTION 57. ORS 609.652, as amended by section 66, chapter 37, Oregon Laws 2012, and section 15, chapter 67, Oregon Laws 2012, is amended to read:

609.652. As used in ORS 609.654:

(1)(a) "Aggravated animal abuse" means any animal abuse as described in ORS 167.322.

(b) "Aggravated animal abuse" does not include:

(A) Good animal husbandry, as defined in ORS 167.310; or

(B) Any exemption listed in ORS 167.335.

(2) "Law enforcement agency" means:

(a) Any city or municipal police department.

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

(c) Any county sheriff's office.

(d) The Oregon State Police.

(e) A law enforcement division of a county or municipal animal control agency that employs sworn officers.

(f) A humane investigation agency as defined in section 1, chapter 67, Oregon Laws 2012, that employs humane special agents commissioned under section 1, chapter 67, Oregon Laws 2012.

(3) "Public or private official" means:

(a) A physician, including any intern or resident.

(b) A dentist.

(c) A school employee.

(d) A licensed practical nurse or registered nurse.

(e) An employee of the Department of Human Services, Oregon Health Authority, Early Learning Council, Youth Development Council, Child Care Division of the Employment Department, the Oregon Youth Authority, a county health department, a community mental health program, a community developmental disabilities program, a county juvenile department, a licensed child-caring agency or an alcohol and drug treatment program.

(f) A peace officer.

(g) A psychologist.

(h) A member of the clergy.

(i) A regulated social worker.

(j) An optometrist.

(k) A chiropractor.

(L) A certified provider of foster care, or an employee thereof.

(m) An attorney.

(n) A naturopathic physician.

1 (o) A licensed professional counselor.

2 (p) A licensed marriage and family therapist.

3 (q) A firefighter or emergency medical services provider.

4 (r) A court appointed special advocate, as defined in ORS 419A.004.

5 (s) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.

6 (t) A member of the Legislative Assembly.

7 **SECTION 58.** ORS 659A.320, as amended by section 25, chapter 54, Oregon Laws 2012, and
8 section 16, chapter 67, Oregon Laws 2012, is amended to read:

9 659A.320. (1) Except as provided in subsection (2) of this section, it is an unlawful employment
10 practice for an employer to obtain or use for employment purposes information contained in the
11 credit history of an applicant for employment or an employee, or to refuse to hire, discharge, de-
12 mote, suspend, retaliate or otherwise discriminate against an applicant or an employee with regard
13 to promotion, compensation or the terms, conditions or privileges of employment based on informa-
14 tion in the credit history of the applicant or employee.

15 (2) Subsection (1) of this section does not apply to:

16 (a) Employers that are federally insured banks or credit unions;

17 (b) Employers that are required by state or federal law to use individual credit history for em-
18 ployment purposes;

19 (c) The application for employment or the employment of a public safety officer who will be or
20 who is:

21 (A) A member of a law enforcement unit;

22 (B) Employed as a peace officer commissioned by a city, port, school district, mass transit dis-
23 trict, county, university under ORS 352.383 **or section 2 of this 2013 Act, community college**
24 **district under section 4 of this 2013 Act**, Indian reservation, the Superintendent of State Police
25 under section 1, chapter 67, Oregon Laws 2012, the Criminal Justice Division of the Department of
26 Justice, the Oregon State Lottery Commission or the Governor or employed as a liquor enforcement
27 inspector by the Oregon Liquor Control Commission; and

28 (C) Responsible for enforcing the criminal laws of this state or laws or ordinances related to
29 airport security; or

30 (d) The obtainment or use by an employer of information in the credit history of an applicant
31 or employee because the information is substantially job-related and the employer's reasons for the
32 use of such information are disclosed to the employee or prospective employee in writing.

33 (3) An employee or an applicant for employment may file a complaint under ORS 659A.820 for
34 violations of this section and may bring a civil action under ORS 659A.885 and recover the relief
35 as provided by ORS 659A.885 (1) and (2).

36 (4) As used in this section, "credit history" means any written or other communication of any
37 information by a consumer reporting agency that bears on a consumer's creditworthiness, credit
38 standing or credit capacity.

39 **SECTION 59.** ORS 686.450, as amended by section 17, chapter 67, Oregon Laws 2012, is
40 amended to read:

41 686.450. As used in ORS 686.450 to 686.465 and 686.990 (3):

42 (1)(a) "Aggravated animal abuse" means any animal abuse as described in ORS 167.322.

43 (b) "Aggravated animal abuse" does not include:

44 (A) Good animal husbandry, as defined in ORS 167.310; or

45 (B) Any exemption listed in ORS 167.335.

1 (2) "Law enforcement agency" means:

2 (a) Any city or municipal police department.

3 (b) A police department established by a university under ORS 352.383 **or section 2 of this 2013**
4 **Act or a police department established by a community college district under section 4 of**
5 **this 2013 Act.**

6 (c) Any county sheriff's office.

7 (d) The Oregon State Police.

8 (e) A law enforcement division of a humane society in Oregon that employs special agents au-
9 thorized under ORS 131.805 or humane special agents commissioned under section 1, chapter 67,
10 Oregon Laws 2012.

11 (f) A law enforcement division of a county or municipal animal control agency that employs
12 sworn officers.

13 (3) "Veterinarian" means a person licensed to practice veterinary medicine under ORS chapter
14 686.

15 **SECTION 60.** ORS 756.160 is amended to read:

16 756.160. (1) The Public Utility Commission shall inquire into any neglect or violation of any law
17 of this state or any law or ordinance of any municipality thereof relating to public utilities and
18 telecommunications utilities by any public utility or telecommunications utility doing business
19 therein, its officers, agents or employees and shall enforce all laws of this state relating to public
20 utilities and telecommunications utilities and may enforce all such laws and ordinances of a
21 municipality. The commission shall report all violations of any such laws or ordinances to the At-
22 torney General.

23 (2) The Attorney General, district attorney of each county, all state, county and city police of-
24 ficers, [and] police officers commissioned by a university under ORS 352.383 **or section 2 of this**
25 **2013 Act and police officers commissioned by a community college district under section 4**
26 **of this 2013 Act** shall assist the commission in the administration and enforcement of all laws ad-
27 ministered by the commission, and they, as well as assistants and employees of the commission, shall
28 inform against and diligently prosecute all persons whom they have reasonable cause to believe
29 guilty of violation of any such laws or of the rules, regulations, orders, decisions or requirements
30 of the commission made pursuant thereto.

31 (3) Upon the request of the commission, the Attorney General or the district attorney of the
32 proper county shall aid in any investigation, hearing or trial, and shall institute and prosecute all
33 necessary suits, actions or proceedings for the enforcement of those laws and ordinances referred
34 to in subsection (1) of this section.

35 (4) Any forfeiture or penalty provided for in any law administered by the commission shall be
36 recovered by an action brought thereon in the name of the State of Oregon in any court of appro-
37 priate jurisdiction.

38 **SECTION 61.** ORS 801.395 is amended to read:

39 801.395. "Police officer" includes a member of the Oregon State Police, a sheriff, a deputy
40 sheriff, a city police officer, an authorized tribal police officer as defined in section 1, chapter 644,
41 Oregon Laws 2011, a police officer commissioned by a university under ORS 352.383 **or section 2**
42 **of this 2013 Act, a police officer commissioned by a community college district under section**
43 **4 of this 2013 Act, a Port of Portland peace officer, a reserve officer as defined in ORS 133.005 or**
44 **a law enforcement officer employed by a service district established under ORS 451.410 to 451.610**
45 **for the purpose of law enforcement services.**

1 **SECTION 62.** ORS 801.395, as amended by section 55, chapter 644, Oregon Laws 2011, is
 2 amended to read:

3 801.395. “Police officer” includes a member of the Oregon State Police, a sheriff, a deputy
 4 sheriff, a city police officer, a police officer commissioned by a university under ORS 352.383 **or**
 5 **section 2 of this 2013 Act, a police officer commissioned by a community college district un-**
 6 **der section 4 of this 2013 Act,** a Port of Portland peace officer, a reserve officer as defined in ORS
 7 133.005 or a law enforcement officer employed by a service district established under ORS 451.410
 8 to 451.610 for the purpose of law enforcement services.

9 **SECTION 63.** ORS 811.720 is amended to read:

10 811.720. (1) Except as provided in subsection (4) of this section, any accident occurring on a
 11 highway or upon premises open to the public resulting in injury or death to any person is subject
 12 to the reporting requirements under the following sections:

- 13 (a) The reporting requirements for drivers under ORS 811.725.
- 14 (b) The reporting requirements for occupants of vehicles in accidents under ORS 811.735.
- 15 (c) The reporting requirements for owners of vehicles under ORS 811.730.

16 (2) Except as provided in subsection (4) of this section, an accident occurring on a highway or
 17 upon premises open to the public resulting in damage to the property of any person in excess of
 18 \$1,500 is subject to the following reporting requirements:

- 19 (a) The driver of a vehicle that has more than \$1,500 damage must report the accident in the
 20 manner specified under ORS 811.725.
- 21 (b) The owner of a vehicle that has more than \$1,500 damage must report the accident in the
 22 manner specified in ORS 811.730 and under the circumstances specified in ORS 811.730.
- 23 (c) If the property damage is to property other than a vehicle involved in the accident, each
 24 driver involved in the accident must report the accident in the manner specified under ORS 811.725
 25 and each owner of a vehicle involved in the accident must report the accident in the manner spec-
 26 ified in 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 vehicle must be towed
 28 from the scene of the accident, each driver involved in the accident must report the accident in the
 29 manner specified under ORS 811.725 and each owner of a vehicle involved in the accident must re-
 30 port the accident in the manner specified in ORS 811.730 and under the circumstances specified in
 31 ORS 811.730.

32 (3) The dollar amount specified in subsection (2) of this section may be increased every five
 33 years by the Department of Transportation based upon any increase in the Portland-Salem Consumer
 34 Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics
 35 of the United States Department of Labor or its successor during the preceding 12-month period.
 36 The amount determined under this subsection shall be rounded to the nearest \$100.

37 (4) The following are exempt from the reporting requirements of this section:

- 38 (a) Operators of snowmobiles, Class I all-terrain vehicles or Class III all-terrain vehicles.
- 39 (b) A law enforcement official acting in the course of official duty if the accident involved a law
 40 enforcement official performing a lawful intervention technique or a law enforcement official and a
 41 person acting during the commission of a criminal offense. As used in this paragraph:

42 (A) “Law enforcement official” means a person who is responsible for enforcing the criminal
 43 laws of this state or a political subdivision of this state and who is employed or volunteers:

- 44 (i) As a peace officer commissioned by a city, university that has established a police department
 45 under ORS 352.383 **or section 2 of this 2013 Act, community college district that has estab-**

1 **lished a police department under section 4 of this 2013 Act**, port, school district, mass transit
 2 district, county or county service district authorized to provide law enforcement services under ORS
 3 451.010;

4 (ii) With the Department of State Police or the Criminal Justice Division of the Department of
 5 Justice;

6 (iii) As an investigator of a district attorney’s office, if the investigator is certified as a peace
 7 officer in this state; or

8 (iv) As an authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011.

9 (B) “Lawful intervention technique” means a method by which one motor vehicle causes, or at-
 10 tempts to cause, another motor vehicle to stop.

11 **SECTION 64.** ORS 811.720, as amended by section 56, chapter 644, Oregon Laws 2011, is
 12 amended to read:

13 811.720. (1) Except as provided in subsection (4) of this section, any accident occurring on a
 14 highway or upon premises open to the public resulting in injury or death to any person is subject
 15 to the reporting requirements under the following sections:

16 (a) The reporting requirements for drivers under ORS 811.725.

17 (b) The reporting requirements for occupants of vehicles in accidents under ORS 811.735.

18 (c) The reporting requirements for owners of vehicles under ORS 811.730.

19 (2) Except as provided in subsection (4) of this section, an accident occurring on a highway or
 20 upon premises open to the public resulting in damage to the property of any person in excess of
 21 \$1,500 is subject to the following reporting requirements:

22 (a) The driver of a vehicle that has more than \$1,500 damage must report the accident in the
 23 manner specified under ORS 811.725.

24 (b) The owner of a vehicle that has more than \$1,500 damage must report the accident in the
 25 manner specified in ORS 811.730 and under the circumstances specified in ORS 811.730.

26 (c) If the property damage is to property other than a vehicle involved in the accident, each
 27 driver involved in the accident must report the accident in the manner specified under ORS 811.725
 28 and each owner of a vehicle involved in the accident must report the accident in the manner spec-
 29 ified in ORS 811.730 and under the circumstances specified in ORS 811.730.

30 (d) If a vehicle involved in the accident is damaged to the extent that the vehicle must be towed
 31 from the scene of the accident, each driver involved in the accident must report the accident in the
 32 manner specified under ORS 811.725 and each owner of a vehicle involved in the accident must re-
 33 port the accident in the manner specified in ORS 811.730 and under the circumstances specified in
 34 ORS 811.730.

35 (3) The dollar amount specified in subsection (2) of this section may be increased every five
 36 years by the Department of Transportation based upon any increase in the Portland-Salem Consumer
 37 Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics
 38 of the United States Department of Labor or its successor during the preceding 12-month period.
 39 The amount determined under this subsection shall be rounded to the nearest \$100.

40 (4) The following are exempt from the reporting requirements of this section:

41 (a) Operators of snowmobiles, Class I all-terrain vehicles or Class III all-terrain vehicles.

42 (b) A law enforcement official acting in the course of official duty if the accident involved a law
 43 enforcement official performing a lawful intervention technique or a law enforcement official and a
 44 person acting during the commission of a criminal offense. As used in this paragraph:

45 (A) “Law enforcement official” means a person who is responsible for enforcing the criminal

1 laws of this state or a political subdivision of this state and who is employed or volunteers:

2 (i) As a peace officer commissioned by a city, university that has established a police department
 3 under ORS 352.383 **or section 2 of this 2013 Act, community college district that has estab-**
 4 **lished a police department under section 4 of this 2013 Act,** port, school district, mass transit
 5 district, county or county service district authorized to provide law enforcement services under ORS
 6 451.010;

7 (ii) With the Department of State Police or the Criminal Justice Division of the Department of
 8 Justice; or

9 (iii) As an investigator of a district attorney’s office, if the investigator is certified as a peace
 10 officer in this state.

11 (B) “Lawful intervention technique” means a method by which one motor vehicle causes, or at-
 12 tempts to cause, another motor vehicle to stop.

13 **SECTION 65.** ORS 811.745 is amended to read:

14 811.745. (1) Except as provided in subsection (4) of this section, any accident occurring on a
 15 highway or upon premises open to the public resulting in injury or death to any person is subject
 16 to the reporting requirements under the following sections:

17 (a) The reporting requirements for drivers under ORS 811.748.

18 (b) The reporting requirements for occupants of vehicles in accidents under ORS 811.750.

19 (2) Except as provided in subsection (4) of this section, an accident occurring on a highway or
 20 upon premises open to the public resulting in damage to the property of any person in excess of
 21 \$1,500 is subject to the following reporting requirements:

22 (a) The driver of a vehicle that has more than \$1,500 damage must report the accident in the
 23 manner specified under ORS 811.748.

24 (b) If the property damage is to property other than a vehicle involved in the accident, each
 25 driver involved in the accident must report the accident in the manner specified under ORS 811.748.

26 (c) If a vehicle involved in the accident is damaged to the extent that the vehicle must be towed
 27 from the scene of the accident, each driver involved in the accident must report the accident in the
 28 manner specified under ORS 811.748.

29 (3) The dollar amount specified in subsection (2) of this section may be increased every five
 30 years by the Department of Transportation based upon any increase in the Portland-Salem Consumer
 31 Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics
 32 of the United States Department of Labor or its successor during the preceding 12-month period.
 33 The amount determined under this subsection shall be rounded to the nearest \$100.

34 (4) The following are exempt from the reporting requirements of this section:

35 (a) Operators of snowmobiles and Class I, Class III and Class IV all-terrain vehicles.

36 (b) A law enforcement official acting in the course of official duty if the accident involved a law
 37 enforcement official performing a lawful intervention technique or involved a law enforcement offi-
 38 cial and a person acting during the commission of a criminal offense. As used in this paragraph:

39 (A) “Law enforcement official” means a person who is responsible for enforcing the criminal
 40 laws of this state or a political subdivision of this state and who is employed or volunteers:

41 (i) As a peace officer commissioned by a city, port, university that has established a police de-
 42 partment under ORS 352.383 **or section 2 of this 2013 Act, community college district that has**
 43 **established a police department under section 4 of this 2013 Act,** school district, mass transit
 44 district, county or service district authorized to provide law enforcement services under ORS
 45 451.010;

1 (ii) With the Department of State Police or the Criminal Justice Division of the Department of
2 Justice; or

3 (iii) As an investigator of a district attorney's office, if the investigator is certified as a peace
4 officer in this state.

5 (B) "Lawful intervention technique" means a method by which one motor vehicle causes, or at-
6 tempts to cause, another motor vehicle to stop.

7 (5) The reporting requirements under this section are in addition to, and not in lieu of, the re-
8 porting requirements under ORS 811.720.

9 **SECTION 66.** ORS 811.747 is amended to read:

10 811.747. As used in ORS 811.748 and 811.750:

11 (1) "9-1-1 emergency reporting system" has the meaning given that term in ORS 403.105.

12 (2) "Law enforcement agency" means any agency that employs members of the Oregon State
13 Police, a sheriff, a deputy sheriff, a city police officer, a police officer commissioned by a university
14 under ORS 352.383 **or section 2 of this 2013 Act, a police officer commissioned by a community**
15 **college district under section 4 of this 2013 Act** or a law enforcement officer employed by a ser-
16 vice district established under ORS 451.410 to 451.610 for the purpose of law enforcement services.

17 **SECTION 67.** ORS 823.081 is amended to read:

18 823.081. (1) The Department of Transportation shall inquire into any neglect or violation of any
19 law of this state, or any law or ordinance of any municipality thereof, relating to motor carriers or
20 railroads by any motor carrier or railroad doing business therein, its officers, agents or employees
21 and shall enforce all laws of this state relating to motor carriers and railroads and may enforce all
22 such laws and ordinances of a municipality. The department shall report all violations of any such
23 laws or ordinances to the Attorney General.

24 (2) The Attorney General, district attorney of each county, all state, county and city police of-
25 ficers, [and] police officers commissioned by a university under ORS 352.383 **or section 2 of this**
26 **2013 Act and police officers commissioned by a community college district under section 4**
27 **of this 2013 Act** shall assist the department in the administration and enforcement of all laws re-
28 lated to motor carriers and railroads administered by the department, and they, as well as assistants
29 and employees of the department, shall inform against and diligently prosecute all persons whom
30 they have reasonable cause to believe guilty of the violation of any such laws or of the rules, reg-
31 ulations, orders, decisions or requirements of the department made pursuant thereto.

32 (3) Upon the request of the department, the Attorney General or the district attorney of the
33 proper county shall aid in any investigation, hearing or trial, and shall institute and prosecute all
34 necessary suits, actions or proceedings for the enforcement of those laws and ordinances referred
35 to in subsection (1) of this section.

36 (4) Any forfeiture or penalty provided for in any law regarding motor carriers or railroads ad-
37 ministered by the department shall be recovered by an action brought thereon in the name of the
38 State of Oregon in any court of appropriate jurisdiction or as provided in ORS 183.745.

39 **SECTION 68.** ORS 830.005 is amended to read:

40 830.005. As used in this chapter, unless the context requires otherwise:

41 (1) "Board" means the State Marine Board.

42 (2) "Boat" means every description of watercraft, including a seaplane on the water and not in
43 flight, used or capable of being used as a means of transportation on the water, but does not include
44 boathouses, floating homes, air mattresses, beach and water toys or single inner tubes.

45 (3) "Boating offense" means violation of any provision of law that is made a crime or violation

1 under the provisions of this chapter.

2 (4) "In flight" means from the moment a seaplane starts its takeoff run until the end of a normal
3 power-off landing run.

4 (5) "Length" means the length of a boat measured from end to end over the deck excluding
5 sheer.

6 (6) "Motorboat" means any boat propelled in whole or in part by machinery, including boats
7 temporarily equipped with detachable motors.

8 (7) "Navigable waters of the United States" means those waters of the United States, including
9 the territorial seas adjacent thereto, the general character of which is navigable, and that, either
10 by themselves or by uniting with other waters, form a continuous waterway on which boats or ves-
11 sels may navigate or travel between two or more states, or to and from foreign nations.

12 (8) "Operate" means to navigate or otherwise use a boat.

13 (9) "Operator of a boat livery" means any person who is engaged wholly or in part in the busi-
14 ness of chartering or renting boats to other persons.

15 (10) "Passenger" means every person on board a boat who is not the master, operator, crew
16 member or other person engaged in any capacity in the business of the boat.

17 (11) "Peace officer" includes a member of the Oregon State Police, a sheriff or deputy sheriff,
18 a city police officer, an authorized tribal police officer as defined in section 1, chapter 644, Oregon
19 Laws 2011, [and] a police officer commissioned by a university under ORS 352.383 **or section 2 of**
20 **this 2013 Act and a police officer commissioned by a community college district under section**
21 **4 of this 2013 Act.**

22 (12) "State waters" means those waters entirely within the confines of this state that have not
23 been declared navigable waters of the United States.

24 (13) "Waters of this state" means all waters within the territorial limits of this state, the mar-
25 ginal sea adjacent to this state and the high seas when navigated as part of a journey or ride to
26 or from the shore of this state.

27 **SECTION 69.** ORS 830.005, as amended by section 57, chapter 644, Oregon Laws 2011, is
28 amended to read:

29 830.005. As used in this chapter, unless the context requires otherwise:

30 (1) "Board" means the State Marine Board.

31 (2) "Boat" means every description of watercraft, including a seaplane on the water and not in
32 flight, used or capable of being used as a means of transportation on the water, but does not include
33 boathouses, floating homes, air mattresses, beach and water toys or single inner tubes.

34 (3) "Boating offense" means violation of any provision of law that is made a crime or violation
35 under the provisions of this chapter.

36 (4) "In flight" means from the moment a seaplane starts its takeoff run until the end of a normal
37 power-off landing run.

38 (5) "Length" means the length of a boat measured from end to end over the deck excluding
39 sheer.

40 (6) "Motorboat" means any boat propelled in whole or in part by machinery, including boats
41 temporarily equipped with detachable motors.

42 (7) "Navigable waters of the United States" means those waters of the United States, including
43 the territorial seas adjacent thereto, the general character of which is navigable, and that, either
44 by themselves or by uniting with other waters, form a continuous waterway on which boats or ves-
45 sels may navigate or travel between two or more states, or to and from foreign nations.

1 (8) "Operate" means to navigate or otherwise use a boat.

2 (9) "Operator of a boat livery" means any person who is engaged wholly or in part in the busi-
 3 ness of chartering or renting boats to other persons.

4 (10) "Passenger" means every person on board a boat who is not the master, operator, crew
 5 member or other person engaged in any capacity in the business of the boat.

6 (11) "Peace officer" includes a member of the Oregon State Police, a sheriff or deputy sheriff,
 7 a city police officer, [and] a police officer commissioned by a university under ORS 352.383 **or**
 8 **section 2 of this 2013 Act and a police officer commissioned by a community college district**
 9 **under section 4 of this 2013 Act.**

10 (12) "State waters" means those waters entirely within the confines of this state that have not
 11 been declared navigable waters of the United States.

12 (13) "Waters of this state" means all waters within the territorial limits of this state, the mar-
 13 ginal sea adjacent to this state and the high seas when navigated as part of a journey or ride to
 14 or from the shore of this state.

15 **SECTION 70. (1) Sections 2 and 4 of this 2013 Act and the amendments to statutes by**
 16 **sections 5 to 69 of this 2013 Act become operative on January 1, 2014.**

17 **(2) The Oregon Health and Science University may adopt rules or take any other action**
 18 **necessary to enable the university to exercise, on and after the operative date specified in**
 19 **subsection (1) of this section, all the duties, functions and powers conferred on the university**
 20 **by this 2013 Act.**

21 **(3) A community college district may adopt rules or take any other action necessary to**
 22 **enable the district to exercise, on or after the operative date specified in subsection (1) of**
 23 **this section, all the duties, functions and powers conferred on the district by this 2013 Act.**

24 **SECTION 71. (1) A public university listed in ORS 352.002, the Oregon Health and Science**
 25 **University or a community college district as defined in ORS 341.005 may adopt a policy to**
 26 **regulate, restrict or prohibit the possession of firearms within and on the buildings and**
 27 **property the university or district owns or occupies.**

28 **(2) A policy adopted under subsection (1) of this section may include a prohibition on**
 29 **possessing firearms by a person who is licensed under ORS 166.291 and 166.292 to carry a**
 30 **concealed handgun.**

31 **SECTION 72.** ORS 166.370 is amended to read:

32 166.370. (1) Any person who intentionally possesses a loaded or unloaded firearm or any other
 33 instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be
 34 guilty of a Class C felony.

35 (2)(a) Except as otherwise provided in paragraph (b) of this subsection, a person who inten-
 36 tionally possesses:

37 (A) A firearm in a court facility is guilty, upon conviction, of a Class C felony. A person who
 38 intentionally possesses a firearm in a court facility shall surrender the firearm to a law enforcement
 39 officer.

40 (B) A weapon, other than a firearm, in a court facility may be required to surrender the weapon
 41 to a law enforcement officer or to immediately remove it from the court facility. A person who fails
 42 to comply with this subparagraph is guilty, upon conviction, of a Class C felony.

43 (b) The presiding judge of a judicial district may enter an order permitting the possession of
 44 specified weapons in a court facility.

45 (3) Subsection (1) of this section does not apply to:

1 (a) A sheriff, police officer, other duly appointed peace officers or a corrections officer while
2 acting within the scope of employment.

3 (b) A person summoned by a peace officer to assist in making an arrest or preserving the peace,
4 while the summoned person is engaged in assisting the officer.

5 (c) An active or reserve member of the military forces of this state or the United States, when
6 engaged in the performance of duty.

7 (d) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun,
8 **unless the person possesses the firearm on the property of a university or community college**
9 **district that has adopted a policy prohibiting such possession under section 71 of this 2013**
10 **Act.**

11 (e) A person who is authorized by the officer or agency that controls the public building to
12 possess a firearm or dangerous weapon in that public building.

13 (f) An employee of the United States Department of Agriculture, acting within the scope of em-
14 ployment, who possesses a firearm in the course of the lawful taking of wildlife.

15 (g) Possession of a firearm on school property if the firearm:

16 (A) Is possessed by a person who is not otherwise prohibited from possessing the firearm; and

17 (B) Is unloaded and locked in a motor vehicle.

18 (4) The exceptions listed in subsection (3)(b) to (g) of this section constitute affirmative defenses
19 to a charge of violating subsection (1) of this section.

20 (5)(a) Any person who knowingly, or with reckless disregard for the safety of another, discharges
21 or attempts to discharge a firearm at a place that the person knows is a school shall upon con-
22 viction be guilty of a Class C felony.

23 (b) Paragraph (a) of this subsection does not apply to the discharge of a firearm:

24 (A) As part of a program approved by a school in the school by an individual who is partic-
25 ipating in the program;

26 (B) By a law enforcement officer acting in the officer's official capacity; or

27 (C) By an employee of the United States Department of Agriculture, acting within the scope of
28 employment, in the course of the lawful taking of wildlife.

29 (6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS
30 166.279.

31 (7) Notwithstanding the fact that a person's conduct in a single criminal episode constitutes a
32 violation of both subsections (1) and (5) of this section, the district attorney may charge the person
33 with only one of the offenses.

34 (8) As used in this section, "dangerous weapon" means a dangerous weapon as that term is de-
35 fined in ORS 161.015.

36 **SECTION 73.** ORS 166.262 is amended to read:

37 166.262. A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or
38 (b) or 166.370 (1) if the person has in the person's immediate possession a valid license to carry a
39 firearm as provided in ORS 166.291 and 166.292, **unless the person possesses the firearm on the**
40 **property of a university or a community college district that has adopted a policy prohibiting**
41 **such possession under section 71 of this 2013 Act.**

42 **SECTION 74.** **This 2013 Act being necessary for the immediate preservation of the public**
43 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
44 **on its passage.**