

## Enrolled Senate Bill 49

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CHAPTER .....

AN ACT

Relating to state court security; amending ORS 1.177, 1.178, 133.005 and 181.610 and section 3, chapter 88, Oregon Laws 2012; and declaring an emergency.

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

**SECTION 1.** ORS 1.177, as amended by section 1, chapter 88, Oregon Laws 2012, and section 104, chapter 107, Oregon Laws 2012, is amended to read:

1.177. (1) The Chief Justice of the Supreme Court may adopt state standards, and a state plan, for:

(a) State court security, emergency preparedness and business continuity for facilities used by the judges or staff of a *[circuit court, the Supreme Court, Court of Appeals or Oregon Tax Court]* **court operating under the Judicial Department or the staff of the office of the State Court Administrator[.]; and**

(b) **The physical security of the judges or staff of a court operating under the Judicial Department or the staff of the office of the State Court Administrator.**

(2)(a) The Chief Justice may appoint a *[judicial security officer]* **Chief Judicial Marshal** and other *[judicial security personnel]* **deputy judicial marshals** charged with:

(A) Implementing a state plan adopted under subsection (1) of this section[.];

(B) **Ensuring the physical security and safety of judges of a court operating under the Judicial Department;**

(C) **Ensuring the physical security and safety of the staff of a court operating under the Judicial Department, the staff of the office of the State Court Administrator and the public in and around court facilities as defined in ORS 166.360; and**

(D) **Ensuring the security of the real and personal property owned, controlled, occupied or used by the Judicial Department.**

(b) **Persons appointed as judicial marshals under this section are subject to the personnel rules and policies established by the Chief Justice under ORS 1.002.**

(c) **When appointed and duly sworn by the Chief Justice, judicial marshals appointed under this section who are trained pursuant to section 3, chapter 88, Oregon Laws 2012, have the authority given to peace officers of this state for the purposes of carrying out the duties of their employment.**

(d) **The Chief Justice may define the duties of judicial marshals appointed under this section.**

(e) **Judicial marshals granted the authority of a peace officer under this section who detain any person in accordance with the marshal's duties retain the authority until the law enforcement agency having general jurisdiction over the area in which the person is detained assumes responsibility for the person.**

(f) **Persons appointed as judicial marshals under this section are not police officers for purposes of the Public Employees Retirement System.**

(3) Except as provided in this subsection, a plan adopted under this section and all documents related to development of the plan are confidential and need not be disclosed under the provisions of ORS 192.410 to 192.505. The Chief Justice may authorize the disclosure of all or part of a plan prepared under this section if the Chief Justice determines that the interest of the public would be served by the disclosure and that the disclosure will not impair the integrity of the plan. Records of expenditures for a [state court security] plan **adopted under this section** and records of equipment purchased under the plan are not confidential under the provisions of this subsection, and are subject to disclosure as public records under the provisions of ORS 192.410 to 192.505.

**SECTION 2.** ORS 1.178 is amended to read:

1.178. (1) The State Court Facilities and Security Account is established separate and distinct from the General Fund. The account consists of moneys allocated to the account under the provisions of ORS 137.300. Interest earned by the State Court Facilities and Security Account shall be credited to the account. Moneys in the account are continuously appropriated to the State Court Administrator for the purposes described in subsection (2) of this section.

(2) Expenditures by the State Court Administrator from the State Court Facilities and Security Account shall be made only for the following purposes:

(a) Developing or implementing a plan for state court security improvement, emergency preparedness, [and] business continuity **and physical security** under ORS 1.177.

(b) Statewide training on state court security.

(c) Distributions to court facilities security accounts maintained under ORS 1.182.

(d) Capital improvements for courthouses and other state court facilities.

**SECTION 3.** ORS 1.178, as amended by section 76, chapter 107, Oregon Laws 2012, is amended to read:

1.178. (1) The State Court Facilities and Security Account is established separate and distinct from the General Fund. The account consists of moneys allocated to the account under the provisions of ORS 137.300. Moneys in the account are continuously appropriated to the State Court Administrator for the purposes described in subsection (2) of this section.

(2) Expenditures by the State Court Administrator from the State Court Facilities and Security Account shall be made only for the following purposes:

(a) Developing or implementing the plan for state court security, emergency preparedness, [and] business continuity **and physical security** adopted under ORS 1.177. [*Expenditures under this paragraph may not be used to fund positions in the judicial department.*]

(b) Statewide training on state court security.

(c) Distributions to court facilities security accounts maintained under ORS 1.182.

(d) Capital improvements for courthouses and other state court facilities.

**SECTION 4.** ORS 133.005, as amended by section 6, chapter 54, Oregon Laws 2012, and section 3, chapter 67, Oregon Laws 2012, is amended to read:

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

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

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

(3) "Peace officer" means:

- (a) A member of the Oregon State Police;
- (b) A sheriff, constable, marshal, municipal police officer or reserve officer or a police officer commissioned by a university under ORS 352.383;
- (c) An investigator of a district attorney's office if the investigator is or has been certified as a peace officer in this or any other state;
- (d) An investigator of the Criminal Justice Division of the Department of Justice of the State of Oregon;
- (e) A humane special agent as defined in section 2, chapter 67, Oregon Laws 2012;
- (f) A liquor enforcement inspector exercising authority described in ORS 471.775 (2); [or]
- (g) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011[.]; or

**(h) A judicial marshal appointed under ORS 1.177 who is trained pursuant to section 3, chapter 88, Oregon Laws 2012.**

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

- (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port, school district, mass transit district, county, county service district authorized to provide law enforcement services under ORS 451.010, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission or the Governor or a member of the Department of State Police;
- (b) Armed with a firearm; and
- (c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordinances relating to airport security.

**SECTION 5.** ORS 133.005, as amended by section 39, chapter 644, Oregon Laws 2011, section 7, chapter 54, Oregon Laws 2012, and section 4, chapter 67, Oregon Laws 2012, is amended to read:

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

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

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

(3) "Peace officer" means:

- (a) A member of the Oregon State Police;
- (b) A sheriff, constable, marshal, municipal police officer or reserve officer or a police officer commissioned by a university under ORS 352.383;
- (c) An investigator of a district attorney's office if the investigator is or has been certified as a peace officer in this or any other state;
- (d) An investigator of the Criminal Justice Division of the Department of Justice of the State of Oregon;
- (e) A humane special agent as defined in section 2, chapter 67, Oregon Laws 2012; [or]
- (f) A liquor enforcement inspector exercising authority described in ORS 471.775 (2)[.]; or

**(g) A judicial marshal appointed under ORS 1.177 who is trained pursuant to section 3, chapter 88, Oregon Laws 2012.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) "Law enforcement unit" means:

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

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

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

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

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

(c) A district attorney's office;

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

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

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

(14) "Parole and probation officer" means:

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

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

(B) Investigating adult offenders on parole or probation or being considered for parole or probation; or

(b) An officer who:

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

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

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

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

(ii) Investigating adult offenders on parole or probation or being considered for parole or probation.

(15) "Police officer" means:

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

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

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

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

(c) [*An individual member of the judicial security personnel identified pursuant to*] **A judicial marshal appointed under** ORS 1.177 who is trained pursuant to section 3, chapter 88, Oregon Laws 2012.

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

(17) "Public safety personnel" and "public safety officer" include corrections officers, youth correction officers, emergency medical dispatchers, parole and probation officers, police officers, certified reserve officers, telecommunicators, liquor enforcement inspectors and fire service professionals.

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

(a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port, school district, mass transit district, county, county service district authorized to provide law enforcement services under ORS 451.010, tribal government as defined in section 1, chapter 644,

Oregon Laws 2011, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a university that has established a police department under ORS 352.383, the Governor or the Department of State Police;

(b) Armed with a firearm; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) "Law enforcement unit" means:

(a) A police force or organization of the state, a city, university that has established a police department under ORS 352.383, port, school district, mass transit district, county, county service district authorized to provide law enforcement services under ORS 451.010, tribal government, the Criminal Justice Division of the Department of Justice, the Department of Corrections, the Oregon State Lottery Commission, the Security and Emergency Preparedness Office of the Judicial Depart-

ment or common carrier railroad the primary duty of which, as prescribed by law, ordinance or directive, is one or more of the following:

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

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

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

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

(c) A district attorney's office;

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

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

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

(14) "Parole and probation officer" means:

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

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

(B) Investigating adult offenders on parole or probation or being considered for parole or probation; or

(b) An officer who:

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

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

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

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

(ii) Investigating adult offenders on parole or probation or being considered for parole or probation.

(15) "Police officer" means:

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

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

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

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

(c) [An individual member of the judicial security personnel identified pursuant to] **A judicial marshal appointed under ORS 1.177** who is trained pursuant to section 3, chapter 88, Oregon Laws 2012.

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

(17) "Public safety personnel" and "public safety officer" include corrections officers, youth correction officers, emergency medical dispatchers, parole and probation officers, police officers, certified reserve officers, telecommunicators, liquor enforcement inspectors and fire service professionals.

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

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

(b) Armed with a firearm; and

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

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

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

**SECTION 8.** Section 3, chapter 88, Oregon Laws 2012, is amended to read:

**Sec. 3.** (1) Upon request of the Security and Emergency Preparedness Office of the Judicial Department, the Department of Public Safety Standards and Training shall certify individual [*members of the judicial security personnel identified pursuant to*] **judicial marshals appointed under ORS 1.177** as being qualified in the same manner as police officers pursuant to ORS 181.640.

(2) The provisions of ORS 181.610 to 181.712 relating to the training and certification of police officers apply to individual [*members of the judicial security personnel*] **judicial marshals** trained pursuant to subsection (1) of this section.

(3) Notwithstanding any other provision of law, the Security and Emergency Preparedness Office of the Judicial Department shall bear the expense of training pursuant to subsection (1) of this section.

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



**Passed by Senate March 13, 2013**

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House May 8, 2013**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M,....., 2013

**Approved:**

.....M,....., 2013

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2013

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Kate Brown, Secretary of State