

**A-Engrossed**  
**Senate Bill 565**

Ordered by the Senate March 18  
Including Senate Amendments dated March 18

Sponsored by COMMITTEE ON JUDICIARY

**SUMMARY**

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

Modifies authority of Oregon Health and Science University to establish police force.  
**Provides that persons commissioned as police officers by university be treated as police officers for purposes of benefits under Public Employees Retirement System.**  
Declares emergency, effective on passage.

**A BILL FOR AN ACT**

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

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

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

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

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

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

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

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

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

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

27 **SECTION 2. ORS 40.275 is amended to read:**

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

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

3 (b) A university that has commissioned police officers under ORS 352.383 **or section 1 of this**  
4 **2013 Act**; or

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

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

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

14 (4) No privilege exists under this section:

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

19 (b) If it appears from the evidence in the case or from other showing by a party that an informer  
20 may be able to give testimony necessary to a fair determination of the issue of guilt or innocence  
21 in a criminal case or of a material issue on the merits in a civil case to which the unit of govern-  
22 ment is a party, and the unit of government invokes the privilege, and the judge gives the unit of  
23 government an opportunity to show in camera facts relevant to determining whether the informer  
24 can, in fact, supply that testimony. The showing will ordinarily be in the form of affidavits, but the  
25 judge may direct that testimony be taken if the judge finds that the matter cannot be resolved sat-  
26 isfactorily upon affidavit. If the judge finds that there is a reasonable probability that the informer  
27 can give the testimony, and the unit of government elects not to disclose identity of the informer,  
28 the judge on motion of the defendant in a criminal case shall dismiss the charges to which the tes-  
29 timony would relate, and the judge may do so on the judge’s own motion. In civil cases, the judge  
30 may make any order that justice requires. Evidence submitted to the judge shall be sealed and pre-  
31 served to be made available to the appellate court in the event of an appeal, and the contents shall  
32 not otherwise be revealed without consent of the unit of government. All counsel and parties shall  
33 be permitted to be present at every stage of proceedings under this paragraph except a showing in  
34 camera, at which no counsel or party shall be permitted to be present.

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

45 **SECTION 3.** ORS 40.275, as amended by section 37, chapter 644, Oregon Laws 2011, is amended

1 to read:

2 40.275. (1) As used in this section, “unit of government” means:

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

4 (b) A university that has commissioned police officers under ORS 352.383 **or section 1 of this**  
5 **2013 Act.**

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

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

12 (4) No privilege exists under this section:

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

17 (b) If it appears from the evidence in the case or from other showing by a party that an informer  
18 may be able to give testimony necessary to a fair determination of the issue of guilt or innocence  
19 in a criminal case or of a material issue on the merits in a civil case to which the unit of govern-  
20 ment is a party, and the unit of government invokes the privilege, and the judge gives the unit of  
21 government an opportunity to show in camera facts relevant to determining whether the informer  
22 can, in fact, supply that testimony. The showing will ordinarily be in the form of affidavits, but the  
23 judge may direct that testimony be taken if the judge finds that the matter cannot be resolved sat-  
24 isfactorily upon affidavit. If the judge finds that there is a reasonable probability that the informer  
25 can give the testimony, and the unit of government elects not to disclose identity of the informer,  
26 the judge on motion of the defendant in a criminal case shall dismiss the charges to which the tes-  
27 timony would relate, and the judge may do so on the judge’s own motion. In civil cases, the judge  
28 may make any order that justice requires. Evidence submitted to the judge shall be sealed and pre-  
29 served to be made available to the appellate court in the event of an appeal, and the contents shall  
30 not otherwise be revealed without consent of the unit of government. All counsel and parties shall  
31 be permitted to be present at every stage of proceedings under this paragraph except a showing in  
32 camera, at which no counsel or party shall be permitted to be present.

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

43 **SECTION 4.** ORS 44.550 is amended to read:

44 44.550. As used in ORS 44.550 to 44.566:

45 (1) “Civil case” means any proceeding other than a criminal prosecution.

1 (2) "Law enforcement unit" means:

2 (a) The police department of a city;

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

4 (c) A police department established by a university under ORS 352.383 **or section 1 of this 2013**  
5 **Act.**

6 (3) "Police officer" means an officer or member of a law enforcement unit who is employed  
7 full-time as a peace officer by the city or county and who is responsible for enforcing the criminal  
8 laws of this state.

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

11 **SECTION 5.** ORS 90.440 is amended to read:

12 90.440. (1) As used in this section:

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

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

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

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

18 (c) "Peace officer" means:

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

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

21 (C) A police officer commissioned by a university under ORS 352.383 **or section 1 of this 2013**  
22 **Act;** or

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

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

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

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

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

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

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

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

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

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

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

45 (4) A written notice in substantially the following form meets the requirements of subsection (3)

1 of this section:

2 \_\_\_\_\_  
3  
4 This notice is to inform you that you must move out of \_\_\_\_\_ (insert address of group  
5 recovery home) by \_\_\_\_\_ (insert date and time that is not less than 24 hours after delivery  
6 of notice).

7 The reason for this notice is \_\_\_\_\_ (specify use or possession of alcohol or illegal drugs,  
8 as applicable, and dates of occurrence).

9 The proof of your use or possession is \_\_\_\_\_ (specify facts).

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

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

17  
18 (5) Within the notice period, a group recovery home shall allow a tenant removed under this  
19 section to follow any emergency departure plan that was prepared by the tenant and approved by  
20 the group recovery home at the time the tenancy began. If the removed tenant does not have an  
21 emergency departure plan, a representative of the group recovery home shall offer to take the re-  
22 moved tenant to a public shelter, detoxification center or similar location if existing in the commu-  
23 nity.

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

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

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

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

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

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

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

1 subsection (3) of this section.

2 (11) This section does not prevent a group recovery home from terminating a tenancy as pro-  
3 vided by any other provision of this chapter and evicting a tenant as provided in ORS 105.105 to  
4 105.168.

5 **SECTION 6.** ORS 90.440, as amended by section 69, chapter 644, Oregon Laws 2011, is amended  
6 to read:

7 90.440. (1) As used in this section:

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

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

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

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

13 (c) "Peace officer" means:

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

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

16 (C) A police officer commissioned by a university under ORS 352.383 **or section 1 of this 2013**  
17 **Act.**

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

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

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

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

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

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

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

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

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

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

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

41 \_\_\_\_\_

42  
43 This notice is to inform you that you must move out of \_\_\_\_\_ (insert address of group  
44 recovery home) by \_\_\_\_\_ (insert date and time that is not less than 24 hours after delivery  
45 of notice).

1 The reason for this notice is \_\_\_\_\_ (specify use or possession of alcohol or illegal drugs,  
2 as applicable, and dates of occurrence).

3 The proof of your use or possession is \_\_\_\_\_ (specify facts).

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

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

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11  
12 (5) Within the notice period, a group recovery home shall allow a tenant removed under this  
13 section to follow any emergency departure plan that was prepared by the tenant and approved by  
14 the group recovery home at the time the tenancy began. If the removed tenant does not have an  
15 emergency departure plan, a representative of the group recovery home shall offer to take the re-  
16 moved tenant to a public shelter, detoxification center or similar location if existing in the commu-  
17 nity.

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

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

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

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

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

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

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

41 (11) This section does not prevent a group recovery home from terminating a tenancy as pro-  
42 vided by any other provision of this chapter and evicting a tenant as provided in ORS 105.105 to  
43 105.168.

44 **SECTION 7.** ORS 124.050 is amended to read:

45 124.050. As used in ORS 124.050 to 124.095:

- 1 (1) "Abuse" means one or more of the following:
- 2 (a) Any physical injury to an elderly person caused by other than accidental means, or which
- 3 appears to be at variance with the explanation given of the injury.
- 4 (b) Neglect.
- 5 (c) Abandonment, including desertion or willful forsaking of an elderly person or the withdrawal
- 6 or neglect of duties and obligations owed an elderly person by a caretaker or other person.
- 7 (d) Willful infliction of physical pain or injury upon an elderly person.
- 8 (e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427,
- 9 163.465 or 163.467.
- 10 (f) Verbal abuse.
- 11 (g) Financial exploitation.
- 12 (h) Sexual abuse.
- 13 (i) Involuntary seclusion of an elderly person for the convenience of a caregiver or to discipline
- 14 the person.
- 15 (j) A wrongful use of a physical or chemical restraint of an elderly person, excluding an act of
- 16 restraint prescribed by a licensed physician and any treatment activities that are consistent with
- 17 an approved treatment plan or in connection with a court order.
- 18 (2) "Elderly person" means any person 65 years of age or older who is not subject to the pro-
- 19 visions of ORS 441.640 to 441.665.
- 20 (3) "Facility" means:
- 21 (a) A long term care facility as that term is defined in ORS 442.015.
- 22 (b) A residential facility as that term is defined in ORS 443.400, including but not limited to an
- 23 assisted living facility.
- 24 (c) An adult foster home as that term is defined in ORS 443.705.
- 25 (4) "Financial exploitation" means:
- 26 (a) Wrongfully taking the assets, funds or property belonging to or intended for the use of an
- 27 elderly person or a person with a disability.
- 28 (b) Alarming an elderly person or a person with a disability by conveying a threat to wrongfully
- 29 take or appropriate money or property of the person if the person would reasonably believe that the
- 30 threat conveyed would be carried out.
- 31 (c) Misappropriating, misusing or transferring without authorization any money from any ac-
- 32 count held jointly or singly by an elderly person or a person with a disability.
- 33 (d) Failing to use the income or assets of an elderly person or a person with a disability effec-
- 34 tively for the support and maintenance of the person.
- 35 (5) "Intimidation" means compelling or deterring conduct by threat.
- 36 (6) "Law enforcement agency" means:
- 37 (a) Any city or municipal police department.
- 38 (b) Any county sheriff's office.
- 39 (c) The Oregon State Police.
- 40 (d) Any district attorney.
- 41 (e) A police department established by a university under ORS 352.383 **or section 1 of this 2013**
- 42 **Act.**
- 43 (7) "Neglect" means:
- 44 (a) Failure to provide the care, supervision or services necessary to maintain the physical and
- 45 mental health of an elderly person that may result in physical harm or significant emotional harm



- 1 to the elderly person; or
- 2 (b) The failure of a caregiver to make a reasonable effort to protect an elderly person from  
3 abuse.
- 4 (8) "Person with a disability" means a person described in:
- 5 (a) ORS 410.040 (7); or  
6 (b) ORS 410.715.
- 7 (9) "Public or private official" means:
- 8 (a) Physician, naturopathic physician, osteopathic physician, chiropractor, physician assistant  
9 or podiatric physician and surgeon, including any intern or resident.
- 10 (b) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide  
11 or employee of an in-home health service.
- 12 (c) Employee of the Department of Human Services or community developmental disabilities  
13 program.
- 14 (d) Employee of the Oregon Health Authority, county health department or community mental  
15 health program.
- 16 (e) Peace officer.
- 17 (f) Member of the clergy.
- 18 (g) Regulated social worker.
- 19 (h) Physical, speech or occupational therapist.
- 20 (i) Senior center employee.
- 21 (j) Information and referral or outreach worker.
- 22 (k) Licensed professional counselor or licensed marriage and family therapist.
- 23 (L) Any public official who comes in contact with elderly persons in the performance of the  
24 official's official duties.
- 25 (m) Firefighter or emergency medical services provider.
- 26 (n) Psychologist.
- 27 (o) Provider of adult foster care or an employee of the provider.
- 28 (p) Audiologist.
- 29 (q) Speech-language pathologist.
- 30 (10) "Services" includes but is not limited to the provision of food, clothing, medicine, housing,  
31 medical services, assistance with bathing or personal hygiene or any other service essential to the  
32 well-being of an elderly person.
- 33 (11)(a) "Sexual abuse" means:
- 34 (A) Sexual contact with an elderly person who does not consent or is considered incapable of  
35 consenting to a sexual act under ORS 163.315;
- 36 (B) Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit mate-  
37 rial or language;
- 38 (C) Any sexual contact between an employee of a facility or paid caregiver and an elderly per-  
39 son served by the facility or caregiver;
- 40 (D) Any sexual contact between an elderly person and a relative of the elderly person other  
41 than a spouse; or
- 42 (E) Any sexual contact that is achieved through force, trickery, threat or coercion.
- 43 (b) "Sexual abuse" does not mean consensual sexual contact between an elderly person and a  
44 paid caregiver who is the spouse of the elderly person.
- 45 (12) "Sexual contact" has the meaning given that term in ORS 163.305.

1 (13) “Verbal abuse” means to threaten significant physical or emotional harm to an elderly  
2 person or a person with a disability through the use of:

3 (a) Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; or

4 (b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate  
5 sexual comments.

6 **SECTION 8.** ORS 133.005, as amended by section 6, chapter 54, Oregon Laws 2012, and section  
7 3, chapter 67, Oregon Laws 2012, is amended to read:

8 133.005. As used in ORS 133.005 to 133.400 and 133.410 to 133.450, unless the context requires  
9 otherwise:

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

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

16 (3) “Peace officer” means:

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

18 (b) A sheriff, constable, marshal, municipal police officer or reserve officer or a police officer  
19 commissioned by a university under ORS 352.383 **or section 1 of this 2013 Act**;

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

22 (d) An investigator of the Criminal Justice Division of the Department of Justice of the State  
23 of Oregon;

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

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

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

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

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

33 (b) Armed with a firearm; and

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

36 **SECTION 9.** ORS 133.005, as amended by section 39, chapter 644, Oregon Laws 2011, section  
37 7, chapter 54, Oregon Laws 2012, and section 4, chapter 67, Oregon Laws 2012, is amended to read:

38 133.005. As used in ORS 133.005 to 133.400 and 133.410 to 133.450, unless the context requires  
39 otherwise:

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

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

1 (3) "Peace officer" means:

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

3 (b) A sheriff, constable, marshal, municipal police officer or reserve officer or a police officer  
4 commissioned by a university under ORS 352.383 or **section 1 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; or

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

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

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

17 (b) Armed with a firearm; and

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

20 **SECTION 10.** ORS 133.525, as amended by section 8, chapter 54, Oregon Laws 2012, and section  
21 5, chapter 67, Oregon Laws 2012, is amended to read:

22 133.525. As used in ORS 133.525 to 133.703, unless the context requires otherwise:

23 (1) "Judge" means any judge of the circuit court, the Court of Appeals, the Supreme Court, any  
24 justice of the peace or municipal judge authorized to exercise the powers and perform the duties  
25 of a justice of the peace.

26 (2) "Police officer" means:

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

28 (b) A sheriff or municipal police officer, a police officer commissioned by a university under ORS  
29 352.383 or **section 1 of this 2013 Act** or an authorized tribal police officer as defined in section 1,  
30 chapter 644, Oregon Laws 2011;

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

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

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

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

36 **SECTION 11.** ORS 133.525, as amended by section 40, chapter 644, Oregon Laws 2011, section  
37 9, chapter 54, Oregon Laws 2012, and section 6, chapter 67, Oregon Laws 2012, is amended to read:

38 133.525. As used in ORS 133.525 to 133.703, unless the context requires otherwise:

39 (1) "Judge" means any judge of the circuit court, the Court of Appeals, the Supreme Court, any  
40 justice of the peace or municipal judge authorized to exercise the powers and perform the duties  
41 of a justice of the peace.

42 (2) "Police officer" means:

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

44 (b) A sheriff or municipal police officer or a police officer commissioned by a university under  
45 ORS 352.383 or **section 1 of this 2013 Act**;

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

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

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

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

6 **SECTION 12.** ORS 133.721, as amended by section 10, chapter 54, Oregon Laws 2012, is  
7 amended to read:

8 133.721. As used in ORS 41.910 and 133.721 to 133.739, unless the context requires otherwise:

9 (1) "Aggrieved person" means a person who was a party to any wire, electronic or oral com-  
10 munication intercepted under ORS 133.724 or 133.726 or a person against whom the interception was  
11 directed and who alleges that the interception was unlawful.

12 (2) "Contents," when used with respect to any wire, electronic or oral communication, includes  
13 any information concerning the identity of the parties to such communication or the existence,  
14 substance, purport or meaning of that communication.

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

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

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

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

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

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

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

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

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

33 (A) A county sheriff or municipal police department, or a police department established by a  
34 university under ORS 352.383 **or section 1 of this 2013 Act;**

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

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

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

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

41 (7) "Oral communication" means:

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

45 (b) An utterance by a person who is participating in a wire or electronic communication, if the

1 utterance is audible to another person who, at the time the wire or electronic communication oc-  
2 curs, is in the immediate presence of the person participating in the communication.

3 (8) "Telecommunications carrier" means:

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

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

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

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

12 **SECTION 13.** ORS 133.721, as amended by section 70, chapter 644, Oregon Laws 2011, and  
13 section 11, chapter 54, Oregon Laws 2012, is amended to read:

14 133.721. As used in ORS 41.910 and 133.721 to 133.739, unless the context requires otherwise:

15 (1) "Aggrieved person" means a person who was a party to any wire, electronic or oral com-  
16 munication intercepted under ORS 133.724 or 133.726 or a person against whom the interception was  
17 directed and who alleges that the interception was unlawful.

18 (2) "Contents," when used with respect to any wire, electronic or oral communication, includes  
19 any information concerning the identity of the parties to such communication or the existence,  
20 substance, purport or meaning of that communication.

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

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

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

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

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

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

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

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

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

39 (A) A county sheriff or municipal police department, or a police department established by a  
40 university under ORS 352.383 **or section 1 of this 2013 Act;**

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

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

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

45 (7) "Oral communication" means:

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

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

7 (8) "Telecommunications carrier" means:

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

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

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

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

16 **SECTION 14.** ORS 133.726, as amended by section 12, chapter 54, Oregon Laws 2012, is  
17 amended to read:

18 133.726. (1) Notwithstanding ORS 133.724, under the circumstances described in this section, a  
19 law enforcement officer is authorized to intercept an oral communication to which the officer or a  
20 person under the direct supervision of the officer is a party, without obtaining an order for the in-  
21 terception of a wire, electronic or oral communication under ORS 133.724.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (b) To a magistrate;

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

34 (d) In compliance with a court order.

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

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

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

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

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

42 (C) A police department established by a university under ORS 352.383 **or section 1 of this 2013**  
43 **Act;**

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

45 or

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

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

3 **SECTION 15.** ORS 133.726, as amended by section 71, chapter 644, Oregon Laws 2011, and  
4 section 13, chapter 54, Oregon Laws 2012, is amended to read:

5 133.726. (1) Notwithstanding ORS 133.724, under the circumstances described in this section, a  
6 law enforcement officer is authorized to intercept an oral communication to which the officer or a  
7 person under the direct supervision of the officer is a party, without obtaining an order for the in-  
8 terception of a wire, electronic or oral communication under ORS 133.724.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (7) An order under ORS 133.724 or this section is not required when a law enforcement officer  
45 intercepts an oral communication to which the officer or a person under the direct supervision of



1 the officer is a party if the oral communication is made by a person whom the officer has probable  
2 cause to believe has committed, is engaged in committing or is about to commit:

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

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

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

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

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

19 (b) To a magistrate;

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

21 (d) In compliance with a court order.

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

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

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

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

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

29 (C) A police department established by a university under ORS 352.383 **or section 1 of this 2013**  
30 **Act**; or

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

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

33 **SECTION 16.** ORS 136.595 is amended to read:

34 136.595. (1) Except as provided in ORS 136.447 and 136.583 and subsection (2) of this section, a  
35 subpoena is served by delivering a copy to the witness personally. If the witness is under 14 years  
36 of age, the subpoena may be served by delivering a copy to the witness or to the witness's parent,  
37 guardian or guardian ad litem. Proof of the service is made in the same manner as in the service  
38 of a summons.

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

44 (b) If a peace officer's attendance at trial is required as a result of employment as a peace of-  
45 ficer, a subpoena may be served on such officer by delivering a copy personally to the officer or to

1 one of the individuals designated by the agency that employs the officer. A subpoena may be served  
2 by delivery to one of the individuals designated by the agency that employs the officer only if the  
3 subpoena is delivered at least 10 days before the date the officer's attendance is required, the officer  
4 is currently employed as a peace officer by the agency, and the officer is present within the state  
5 at the time of service.

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

11 (d) As used in this subsection, "law enforcement agency" means the Oregon State Police, a  
12 county sheriff's department, a municipal police department, a police department established by a  
13 university under ORS 352.383 or **section 1 of this 2013 Act** or, if the witness whose attendance at  
14 trial is required is an authorized tribal police officer as defined in section 1, chapter 644, Oregon  
15 Laws 2011, a tribal government as defined in section 1, chapter 644, Oregon Laws 2011.

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

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

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

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

24 (B) Express mail.

25 **SECTION 17.** ORS 136.595, as amended by section 72, chapter 644, Oregon Laws 2011, is  
26 amended to read:

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

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

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

44 (c) When a subpoena has been served as provided in paragraph (b) of this subsection, the law  
45 enforcement agency shall make a good faith effort to actually notify the officer whose attendance

1 is sought of the date, time and location of the court appearance. If the officer cannot be notified,  
2 the law enforcement agency shall contact the court and a continuance may be granted to allow the  
3 officer to be personally served.

4 (d) As used in this subsection, “law enforcement agency” means the Oregon State Police, a  
5 county sheriff’s department, a municipal police department or a police department established by a  
6 university under ORS 352.383 **or section 1 of this 2013 Act.**

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

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

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

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

15 (B) Express mail.

16 **SECTION 18.** ORS 146.003 is amended to read:

17 146.003. As used in ORS 146.003 to 146.189 and 146.710 to 146.992, unless the context requires  
18 otherwise:

19 (1) “Approved laboratory” means a laboratory approved by the State Medical Examiner as  
20 competent to perform the blood sample analysis required by ORS 146.113 (2).

21 (2) “Assistant district medical examiner” means a physician appointed by the district medical  
22 examiner to investigate and certify deaths within a county or district.

23 (3) “Cause of death” means the primary or basic disease process or injury ending life.

24 (4) “Death requiring investigation” means the death of a person occurring in any one of the  
25 circumstances set forth in ORS 146.090.

26 (5) “Deputy medical examiner” means a person appointed by the district medical examiner to  
27 assist in the investigation of deaths within a county.

28 (6) “District medical examiner” means a physician appointed by the State Medical Examiner to  
29 investigate and certify deaths within a county or district, including a Deputy State Medical Exam-  
30 iner.

31 (7) “Law enforcement agency” means a county sheriff’s office, municipal police department, po-  
32 lice department established by a university under ORS 352.383 **or section 1 of this 2013 Act** and  
33 the Oregon State Police.

34 (8) “Legal intervention” includes an execution pursuant to ORS 137.463, 137.467 and 137.473 and  
35 other legal use of force resulting in death.

36 (9) “Manner of death” means the designation of the probable mode of production of the cause  
37 of death, including natural, accidental, suicidal, homicidal, legal intervention or undetermined.

38 (10) “Medical examiner” means a physician appointed as provided by ORS 146.003 to 146.189 to  
39 investigate and certify the cause and manner of deaths requiring investigation, including the State  
40 Medical Examiner.

41 (11) “Pathologist” means a physician holding a current license to practice medicine and surgery  
42 and who is eligible for certification by the American Board of Pathology.

43 (12) “Unidentified human remains” does not include human remains that are unidentified human  
44 remains that are part of an archaeological site or suspected of being Native American and covered  
45 under ORS chapters 97 and 390 and ORS 358.905 to 358.961.

**SECTION 19.** ORS 147.425 is amended to read:

147.425. (1) As used in this section:

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

(b) "Law enforcement agency" means:

(A) A city or municipal police department.

(B) A county sheriff's office.

(C) The Oregon State Police.

(D) A district attorney.

(E) A police department established by a university under ORS 352.383 **or section 1 of this 2013 Act.**

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

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

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

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

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

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

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

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

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

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

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

**SECTION 20.** ORS 147.425, as amended by section 44, chapter 644, Oregon Laws 2011, is amended to read:

147.425. (1) As used in this section:

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

(b) "Law enforcement agency" means:

(A) A city or municipal police department.

(B) A county sheriff's office.

1 (C) The Oregon State Police.

2 (D) A district attorney.

3 (E) A police department established by a university under ORS 352.383 **or section 1 of this 2013**  
4 **Act.**

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

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

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

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

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

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

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

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

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

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

32 **SECTION 21.** ORS 153.005, as amended by section 14, chapter 54, Oregon Laws 2012, and sec-  
33 tion 7, chapter 67, Oregon Laws 2012, is amended to read:

34 153.005. As used in this chapter:

35 (1) "Enforcement officer" means:

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

37 (b) A sheriff or deputy sheriff.

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

39 (d) A police officer commissioned by a university under ORS 352.383 **or section 1 of this 2013**

40 **Act.**

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

43 (f) An investigator of the Criminal Justice Division of the Department of Justice of the State  
44 of Oregon.

45 (g) A Port of Portland peace officer.

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

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

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

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

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

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

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

10 **SECTION 22.** ORS 153.005, as amended by section 45, chapter 644, Oregon Laws 2011, section  
11 15, chapter 54, Oregon Laws 2012, and section 8, chapter 67, Oregon Laws 2012, is amended to read:  
12 153.005. As used in this chapter:

13 (1) "Enforcement officer" means:

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

15 (b) A sheriff or deputy sheriff.

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

17 (d) A police officer commissioned by a university under ORS 352.383 **or section 1 of this 2013**  
18 **Act.**

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

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

23 (g) A Port of Portland peace officer.

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

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

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

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

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

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

32 **SECTION 23.** ORS 161.015, as amended by section 16, chapter 54, Oregon Laws 2012, and sec-  
33 tion 9, chapter 67, Oregon Laws 2012, is amended to read:

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

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

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

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

43 (4) "Peace officer" means:

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

45 (b) A sheriff, constable, marshal, municipal police officer or reserve officer as defined in ORS

1 133.005, or a police officer commissioned by a university under ORS 352.383 **or section 1 of this**  
2 **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 24.** 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 1 of this**  
41 **2013 Act;**

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

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

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

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

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

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

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

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

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

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

17 **SECTION 25.** ORS 163.730 is amended to read:

18 163.730. As used in ORS 30.866 and 163.730 to 163.750, unless the context requires otherwise:

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

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

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

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

23 (b) Following the other person;

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

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

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

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

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

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

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

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

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

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

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

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

42 (6) "Law enforcement officer" means:

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

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

45 (B) A police department established by a university under ORS 352.383 or section 1 of this 2013



1 **Act; or**

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

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

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

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

6 **SECTION 26.** ORS 163.730, as amended by section 73, chapter 644, Oregon Laws 2011, is  
7 amended to read:

8 163.730. As used in ORS 30.866 and 163.730 to 163.750, unless the context requires otherwise:

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

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

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

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

13 (b) Following the other person;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (b) A police department established by a university under ORS 352.383 **or section 1 of this 2013**

35 **Act; or**

36 (c) A municipal or state police agency.

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

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

39 **SECTION 27.** ORS 165.535 is amended to read:

40 165.535. As used in ORS 41.910, 133.723, 133.724, 165.540 and 165.545:

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

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

44 (a) Public officials and law enforcement officers of:

45 (A) The state and of a county, municipal corporation or any other political subdivision of the

1 state; and

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

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

5 (3) "Radio communication" means the transmission by radio or other wireless methods of writ-  
6 ing, signs, signals, pictures and sounds of all kinds, including all instrumentalities, facilities, equip-  
7 ment and services (including, among other things, the receipt, forwarding and delivering of  
8 communications) incidental to such transmission.

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

14 **SECTION 28.** ORS 165.535, as amended by section 74, chapter 644, Oregon Laws 2011, is  
15 amended to read:

16 165.535. As used in ORS 41.910, 133.723, 133.724, 165.540 and 165.545:

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

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

21 (a) The state and of a county, municipal corporation or any other political subdivision of the  
22 state; and

23 (b) A police department established by a university under ORS 352.383 **or section 1 of this 2013**  
24 **Act**.

25 (3) "Radio communication" means the transmission by radio or other wireless methods of writ-  
26 ing, signs, signals, pictures and sounds of all kinds, including all instrumentalities, facilities, equip-  
27 ment and services (including, among other things, the receipt, forwarding and delivering of  
28 communications) incidental to such transmission.

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

34 **SECTION 29.** ORS 181.010, as amended by section 18, chapter 54, Oregon Laws 2012, and sec-  
35 tion 11, chapter 67, Oregon Laws 2012, is amended to read:

36 181.010. As used in ORS 181.010 to 181.560 and 181.715 to 181.730, unless the context requires  
37 otherwise:

38 (1) "Criminal justice agency" means:

39 (a) The Governor;

40 (b) Courts of criminal jurisdiction;

41 (c) The Attorney General;

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

45 (e) Law enforcement agencies;

1 (f) The Department of Corrections;

2 (g) The Oregon Youth Authority;

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

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

5 (j) The Oregon Liquor Control Commission;

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

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

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

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

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

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

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

23 (7) "Law enforcement agency" means:

24 (a) County sheriffs, municipal police departments, police departments established by a university  
25 under ORS 352.383 **or section 1 of this 2013 Act** and State Police;

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

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

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

31 (8) "State police" means the sworn members of the state police force appointed under ORS  
32 181.250.

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

34 **SECTION 30.** ORS 181.010, as amended by section 49, chapter 644, Oregon Laws 2011, section  
35 19, chapter 54, Oregon Laws 2012, and section 12, chapter 67, Oregon Laws 2012, is amended to  
36 read:

37 181.010. As used in ORS 181.010 to 181.560 and 181.715 to 181.730, unless the context requires  
38 otherwise:

39 (1) "Criminal justice agency" means:

40 (a) The Governor;

41 (b) Courts of criminal jurisdiction;

42 (c) The Attorney General;

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

- 1 (e) Law enforcement agencies;
- 2 (f) The Department of Corrections;
- 3 (g) The Oregon Youth Authority;
- 4 (h) The State Board of Parole and Post-Prison Supervision;
- 5 (i) The Department of Public Safety Standards and Training;
- 6 (j) The Oregon Liquor Control Commission;
- 7 (k) Regional information systems that share programs to track, identify and remove cross-
- 8 jurisdictional criminal and terrorist conspiracies; and
- 9 (L) Any other state or local agency with law enforcement authority.
- 10 (2) "Criminal offender information" includes records and related data as to physical description
- 11 and vital statistics, fingerprints received and compiled for purposes of identifying criminal offenders
- 12 and alleged offenders, records of arrests and the nature and disposition of criminal charges, includ-
- 13 ing sentencing, confinement, parole and release.
- 14 (3) "Department" means the Department of State Police established under ORS 181.020.
- 15 (4) "Deputy superintendent" means the Deputy Superintendent of State Police appointed under
- 16 ORS 181.220.
- 17 (5) "Designated agency" means any state, county or municipal government agency where Oregon
- 18 criminal offender information is required to implement a federal or state statute, executive order
- 19 or administrative rule that expressly refers to criminal conduct and contains requirements or ex-
- 20 clusions expressly based on such conduct or for agency employment purposes, licensing purposes or
- 21 other demonstrated and legitimate needs when designated by order of the Governor.
- 22 (6) "Disposition report" means a form or process prescribed or furnished by the department,
- 23 containing a description of the ultimate action taken subsequent to an arrest.
- 24 (7) "Law enforcement agency" means:
- 25 (a) County sheriffs, municipal police departments, police departments established by a university
- 26 under ORS 352.383 or **section 1 of this 2013 Act** and State Police;
- 27 (b) Other police officers of this state or another state, including humane special agents as de-
- 28 fined in section 2, chapter 67, Oregon Laws 2012; and
- 29 (c) Law enforcement agencies of the federal government.
- 30 (8) "State police" means the sworn members of the state police force appointed under ORS
- 31 181.250.
- 32 (9) "Superintendent" means the Superintendent of State Police appointed under ORS 181.200.
- 33 **SECTION 31.** ORS 181.610, as amended by section 22, chapter 54, Oregon Laws 2012, section
- 34 13, chapter 67, Oregon Laws 2012, and section 4, chapter 88, Oregon Laws 2012, is amended to read:
- 35 181.610. In ORS 181.610 to 181.712, unless the context requires otherwise:
- 36 (1) "Abuse" has the meaning given the term in ORS 107.705.
- 37 (2) "Board" means the Board on Public Safety Standards and Training appointed pursuant to
- 38 ORS 181.620.
- 39 (3) "Certified reserve officer" means a reserve officer who has been designated by a local law
- 40 enforcement unit, has received training necessary for certification and has met the minimum stan-
- 41 dards and training requirements established under ORS 181.640.
- 42 (4) "Commissioned" means being authorized to perform various acts or duties of a police officer
- 43 or certified reserve officer and acting under the supervision and responsibility of a county sheriff
- 44 or as otherwise provided by law.
- 45 (5) "Corrections officer" means an officer or member employed full-time by a law enforcement

1 unit who:

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

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

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

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

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

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

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

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

19 (12) "Law enforcement unit" means:

20 (a) A police force or organization of the state, a city, university that has established a police  
21 department under ORS 352.383 **or section 1 of this 2013 Act**, port, school district, mass transit  
22 district, county, county service district authorized to provide law enforcement services under ORS  
23 451.010, tribal government as defined in section 1, chapter 644, Oregon Laws 2011, that employs  
24 authorized tribal police officers as defined in section 1, chapter 644, Oregon Laws 2011, the Criminal  
25 Justice Division of the Department of Justice, the Department of Corrections, the Oregon State  
26 Lottery Commission, the Security and Emergency Preparedness Office of the Judicial Department  
27 or common carrier railroad the primary duty of which, as prescribed by law, ordinance or directive,  
28 is one or more of the following:

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

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

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

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

39 (c) A district attorney's office;

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

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

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

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

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

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

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

6 (b) An officer who:

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

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

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

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

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

16 (15) "Police officer" means:

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

19 (A) Commissioned by a city, port, school district, mass transit district, county, county service  
20 district authorized to provide law enforcement services under ORS 451.010, tribal government as  
21 defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the Depart-  
22 ment of Justice, the Oregon State Lottery Commission, a university that has established a police  
23 department under ORS 352.383 **or section 1 of this 2013 Act**, the Governor or the Department of  
24 State Police; and

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

27 (b) An investigator of a district attorney's office if the investigator is or has been certified as  
28 a peace officer in this or another state, an authorized tribal police officer as defined in section 1,  
29 chapter 644, Oregon Laws 2011, or a humane special agent commissioned under section 1, chapter  
30 67, Oregon Laws 2012; or

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

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

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

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

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

1 **section 1 of this 2013 Act**, the Governor or the Department of State Police;

2 (b) Armed with a firearm; and

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

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

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

12 **SECTION 32.** ORS 181.610, as amended by section 50, chapter 644, Oregon Laws 2011, section  
13 23, chapter 54, Oregon Laws 2012, section 14, chapter 67, Oregon Laws 2012, and section 5, chapter  
14 88, Oregon Laws 2012, is amended to read:

15 181.610. In ORS 181.610 to 181.712, unless the context requires otherwise:

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (12) "Law enforcement unit" means:

45 (a) A police force or organization of the state, a city, university that has established a police

1 department under ORS 352.383 **or section 1 of this 2013 Act**, port, school district, mass transit  
2 district, county, county service district authorized to provide law enforcement services under ORS  
3 451.010, tribal government, the Criminal Justice Division of the Department of Justice, the Depart-  
4 ment of Corrections, the Oregon State Lottery Commission, the Security and Emergency  
5 Preparedness Office of the Judicial Department or common carrier railroad the primary duty of  
6 which, as prescribed by law, ordinance or directive, is one or more of the following:

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

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

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

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

17 (c) A district attorney's office;

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

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

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

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

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

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

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

29 (b) An officer who:

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

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

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

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

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

39 (15) "Police officer" means:

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

42 (A) Commissioned by a city, port, school district, mass transit district, county, county service  
43 district authorized to provide law enforcement services under ORS 451.010, tribal government, the  
44 Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a  
45 university that has established a police department under ORS 352.383 **or section 1 of this 2013**



1 **Act**, the Governor or the Department of State Police; and

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

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

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

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

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

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

17 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,  
18 school district, mass transit district, county, county service district authorized to provide law  
19 enforcement services under ORS 451.010, tribal government, the Criminal Justice Division of the  
20 Department of Justice, the Oregon State Lottery Commission, a university that has established a  
21 police department under ORS 352.383 **or section 1 of this 2013 Act**, the Governor or the Depart-  
22 ment of State Police;

23 (b) Armed with a firearm; and

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

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

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

33 **SECTION 33.** ORS 181.715, as amended by section 35, chapter 37, Oregon Laws 2012, is  
34 amended to read:

35 181.715. (1) The Department of State Police or another criminal justice agency designated by the  
36 Director of the Oregon Department of Administrative Services shall operate a Criminal Justice In-  
37 formation Standards program that coordinates information among state criminal justice agencies.  
38 The program shall:

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

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

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

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

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

3 (2) The program shall develop a plan to accelerate data sharing and information integration  
4 among criminal justice agencies. The plan shall include, but is not limited to, priorities, timelines,  
5 development costs, resources needed, the projected ongoing cost of support, critical success factors  
6 and any known barriers to accomplishing the plan. Representatives of criminal justice agencies and  
7 public safety agencies, including but not limited to local law enforcement agencies, courts of crimi-  
8 nal jurisdiction, district attorneys, city attorneys with criminal prosecutive functions, public  
9 defender organizations established under ORS chapter 151, community corrections directors, jail  
10 managers and county juvenile departments, shall be invited to participate in the planning process.  
11 The program shall present the plan to the Director of the Oregon Department of Administrative  
12 Services no later than May 30 of each even-numbered year for development of the Governor's budget  
13 report. The program shall submit the plan to the Joint Legislative Committee on Information Man-  
14 agement and Technology no later than December 31 of each even-numbered year.

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

17 (a) The Judicial Department;

18 (b) The Attorney General;

19 (c) The Department of Corrections;

20 (d) The Department of State Police;

21 (e) Any other state agency with law enforcement authority designated by order of the Governor;

22 (f) The Department of Transportation;

23 (g) The State Board of Parole and Post-Prison Supervision;

24 (h) The Department of Public Safety Standards and Training;

25 (i) The State Department of Fish and Wildlife;

26 (j) The Oregon Liquor Control Commission;

27 (k) The Oregon Youth Authority;

28 (L) The Youth Development Council; and

29 (m) A university that has established a police department under ORS 352.383 **or section 1 of**  
30 **this 2013 Act.**

31 **SECTION 34.** ORS 181.860 is amended to read:

32 181.860. (1) For the purposes of this section:

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

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

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

40 (d) "Law enforcement agency" means any county sheriff, municipal police department, police  
41 department established by a university under ORS 352.383 **or section 1 of this 2013 Act**, the  
42 Oregon State Police and any state or local public body that employs public safety personnel.

43 (e) "Public safety personnel" means a sheriff, deputy sheriff, municipal police officer, police of-  
44 ficer commissioned by a university under ORS 352.383 **or section 1 of this 2013 Act**, state police  
45 officer, parole and probation officer, corrections employee, certified reserve officer, telecommunica-

1 tor or emergency medical dispatcher.

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

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

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

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

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

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

21 (6) Any communication made by a participant or counselor in a peer support counseling session  
22 subject to this section, and any oral or written information conveyed in a peer support counseling  
23 session subject to this section, is not admissible in any judicial proceeding, administrative proceed-  
24 ing, arbitration proceeding or other adjudicatory proceeding. Communications and information made  
25 confidential under this section may not be disclosed by the participants in any judicial proceeding,  
26 administrative proceeding, arbitration proceeding or other adjudicatory proceeding. The limitations  
27 on disclosure imposed by this subsection include disclosure during any discovery conducted as part  
28 of an adjudicatory proceeding.

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

33 (8) This section does not apply to:

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

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

39 (c) Any admission of criminal conduct.

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

43 **SECTION 35.** ORS 236.350 is amended to read:

44 236.350. As used in ORS 236.350 to 236.370:

45 (1) "Disciplinary action" means action taken against a public safety officer by an employer to

1 punish the officer, including dismissal, demotion, suspension without pay, reduction in salary, writ-  
2 ten reprimand and transfer.

3 (2) "Just cause" means a cause reasonably related to the public safety officer's ability to per-  
4 form required work. The term includes a willful violation of reasonable work rules, regulations or  
5 written policies.

6 (3) "Public safety officer" means:

7 (a) A member of a law enforcement unit who is employed full-time as a peace officer commis-  
8 sioned by a city, university that has established a police department under ORS 352.383 **or section**  
9 **1 of this 2013 Act**, port, school district, mass transit district, county, Indian reservation, the Crim-  
10 inal Justice Division of the Department of Justice, the Oregon State Lottery Commission or the  
11 Governor and who is responsible for enforcing the criminal laws of this state or laws or ordinances  
12 relating to airport security.

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

15 **SECTION 35a.** ORS 238.005, as amended by section 30, chapter 54, Oregon Laws 2012, is  
16 amended to read:

17 238.005. For purposes of this chapter:

18 (1) "Active member" means a member who is presently employed by a participating public em-  
19 ployer in a qualifying position and who has completed the six-month period of service required by  
20 ORS 238.015.

21 (2) "Annuity" means payments for life derived from contributions made by a member as provided  
22 in this chapter.

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

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

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

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

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

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

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

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

44 (a) Persons engaged as independent contractors.

45 (b) Seasonal, emergency or casual workers whose periods of employment with any public em-

1 ployer or public employers do not total 600 hours in any calendar year.

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

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

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

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

13 (a) The average salary per calendar year paid by one or more participating public employers to  
14 an employee who is an active member of the system in three of the calendar years of membership  
15 before the effective date of retirement of the employee, in which three years the employee was paid  
16 the highest salary. The three calendar years in which the employee was paid the largest total salary  
17 may include calendar years in which the employee was employed for less than a full calendar year.  
18 If the number of calendar years of active membership before the effective date of retirement of the  
19 employee is three or fewer, the final average salary for the employee is the average salary per cal-  
20 endar year paid by one or more participating public employers to the employee in all of those years,  
21 without regard to whether the employee was employed for the full calendar year.

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

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

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

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

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

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

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

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

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

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

42 (17) "Normal retirement age" means:

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

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

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

7 (19) "Police officer" includes:

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

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

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

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

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

21 (f) Police officers who are commissioned by a university under ORS 352.383 **or section 1 of this**  
22 **2013 Act** and who are classified as police officers by the university.

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

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

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

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

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

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

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

40 (n) Employees of the Oregon State Lottery Commission who are classified by the Director of the  
41 Oregon State Lottery as enforcement agents pursuant to ORS 461.110.

42 (o) The Director of the Department of Corrections.

43 (p) An employee who for seven consecutive years has been classified as a police officer as de-  
44 fined by this section, and who is employed or transferred by the Department of Corrections to fill  
45 a position designated by the Director of the Department of Corrections as being eligible for police

1 officer status.

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

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

9 (s) Employees at youth correction facilities and juvenile detention facilities under ORS 419A.050,  
10 419A.052 and 420.005 to 420.915 who are required to hold valid Oregon teaching licenses and who  
11 have supervisory, control or teaching responsibilities over juveniles committed to the custody of the  
12 Department of Corrections or the Oregon Youth Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (D) Wages of a deceased member paid to a surviving spouse or dependent children under ORS

1 652.190.

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

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

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

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

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

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

11 (F) Any retirement incentive, retirement severance pay, retirement bonus or retirement  
12 gratuitous payment;

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

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

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

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

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

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

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

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

29 **SECTION 35b. The amendments to ORS 238.005 by section 35a of this 2013 Act apply only**  
30 **to:**

31 **(1) Persons described in ORS 238.005 (19)(f) who are employed by Oregon Health and Sci-**  
32 **ence University on or after the effective date of this 2013 Act; and**

33 **(2) Service rendered to a participating public employer on or after the effective date of**  
34 **this 2013 Act.**

35 **SECTION 36.** ORS 348.270 is amended to read:

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

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

45 (b) A current foster child or former foster child who enrolls in an institution of higher education



1 as an undergraduate student not later than three years from the date the student was removed from  
2 the care of the Department of Human Services, the date the student graduated from high school or  
3 the date the student received the equivalent of a high school diploma, whichever date is earliest.

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

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

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

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

22 (6) As used in this section:

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

26 (b) "Public safety officer" means:

27 (A) A firefighter or police officer as those terms are defined in ORS 237.610.

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

29 (C) A police officer commissioned by a university under ORS 352.383 **or section 1 of this 2013**  
30 **Act.**

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

32 **SECTION 37.** ORS 348.270, as amended by section 51, chapter 644, Oregon Laws 2011, is  
33 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 1 of this 2013**

28 **Act.**

29 **SECTION 38.** ORS 414.805 is amended to read:

30 414.805. (1) An individual who receives medical services while in the custody of a law enforce-  
31 ment officer is liable:

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

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

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

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

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

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

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

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

7 (4) As used in this section:

8 (a) "Law enforcement officer" means:

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

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

12 (b) "Public agency" means the state, a city, university that has established a police department  
13 under ORS 352.383 **or section 1 of this 2013 Act**, port, school district, mass transit district or  
14 county.

15 **SECTION 39.** ORS 414.805, as amended by section 52, chapter 644, Oregon Laws 2011, is  
16 amended to read:

17 414.805. (1) An individual who receives medical services while in the custody of a law enforce-  
18 ment officer is liable:

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

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

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

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

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

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

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

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

39 (4) As used in this section:

40 (a) "Law enforcement officer" means an officer who is commissioned and employed by a public  
41 agency as a peace officer to enforce the criminal laws of this state or laws or ordinances of a public  
42 agency.

43 (b) "Public agency" means the state, a city, university that has established a police department  
44 under ORS 352.383 **or section 1 of this 2013 Act**, port, school district, mass transit district or  
45 county.

1       **SECTION 40.** ORS 419B.005, as amended by section 60, chapter 37, Oregon Laws 2012, and  
2 section 1, chapter 92, Oregon Laws 2012, is amended to read:

3       419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

4       (1)(a) “Abuse” means:

5       (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child  
6 which has been caused by other than accidental means, including any injury which appears to be  
7 at variance with the explanation given of the injury.

8       (B) Any mental injury to a child, which shall include only observable and substantial impairment  
9 of the child’s mental or psychological ability to function caused by cruelty to the child, with due  
10 regard to the culture of the child.

11       (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-  
12 tration and incest, as those acts are described in ORS chapter 163.

13       (D) Sexual abuse, as described in ORS chapter 163.

14       (E) Sexual exploitation, including but not limited to:

15       (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any  
16 other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage  
17 in the performing for people to observe or the photographing, filming, tape recording or other ex-  
18 hibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or  
19 described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not in-  
20 cluding any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or  
21 which is designed to serve educational or other legitimate purposes; and

22       (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution or to patronize  
23 a prostitute, as defined in ORS chapter 167.

24       (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to  
25 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or  
26 welfare of the child.

27       (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm  
28 to the child’s health or welfare.

29       (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

30       (I) Permitting a person under 18 years of age to enter or remain in or upon premises where  
31 methamphetamines are being manufactured.

32       (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, that subjects a child  
33 to a substantial risk of harm to the child’s health or safety.

34       (b) “Abuse” does not include reasonable discipline unless the discipline results in one of the  
35 conditions described in paragraph (a) of this subsection.

36       (2) “Child” means an unmarried person who is under 18 years of age.

37       (3) “Higher education institution” means:

38       (a) A community college as defined in ORS 341.005;

39       (b) A public university listed in ORS 352.002;

40       (c) The Oregon Health and Science University; and

41       (d) A private institution of higher education located in Oregon.

42       (4) “Law enforcement agency” means:

43       (a) A city or municipal police department.

44       (b) A county sheriff’s office.

45       (c) The Oregon State Police.

- 1 (d) A police department established by a university under ORS 352.383 **or section 1 of this 2013**  
2 **Act.**
- 3 (e) A county juvenile department.
- 4 (5) “Public or private official” means:
- 5 (a) Physician, osteopathic physician, physician assistant, naturopathic physician, podiatric phy-  
6 sician and surgeon, including any intern or resident.
- 7 (b) Dentist.
- 8 (c) School employee, including an employee of a higher education institution.
- 9 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s aide, home health aide  
10 or employee of an in-home health service.
- 11 (e) Employee of the Department of Human Services, Oregon Health Authority, Early Learning  
12 Council, Youth Development Council, Child Care Division of the Employment Department, the  
13 Oregon Youth Authority, a county health department, a community mental health program, a com-  
14 munity developmental disabilities program, a county juvenile department, a licensed child-caring  
15 agency or an alcohol and drug treatment program.
- 16 (f) Peace officer.
- 17 (g) Psychologist.
- 18 (h) Member of the clergy.
- 19 (i) Regulated social worker.
- 20 (j) Optometrist.
- 21 (k) Chiropractor.
- 22 (L) Certified provider of foster care, or an employee thereof.
- 23 (m) Attorney.
- 24 (n) Licensed professional counselor.
- 25 (o) Licensed marriage and family therapist.
- 26 (p) Firefighter or emergency medical services provider.
- 27 (q) A court appointed special advocate, as defined in ORS 419A.004.
- 28 (r) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.
- 29 (s) Member of the Legislative Assembly.
- 30 (t) Physical, speech or occupational therapist.
- 31 (u) Audiologist.
- 32 (v) Speech-language pathologist.
- 33 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-  
34 gations or discipline by the commission.
- 35 (x) Pharmacist.
- 36 (y) An operator of a preschool recorded program under ORS 657A.255.
- 37 (z) An operator of a school-age recorded program under ORS 657A.257.
- 38 (aa) Employee of a private agency or organization facilitating the provision of respite services,  
39 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS  
40 109.056.
- 41 (bb) Employee of a public or private organization providing child-related services or activities:  
42 (A) Including but not limited to youth groups or centers, scout groups or camps, summer or day  
43 camps, survival camps or groups, centers or camps that are operated under the guidance, super-  
44 vision or auspices of religious, public or private educational systems or community service organ-  
45 izations; and

1 (B) Excluding community-based, nonprofit organizations whose primary purpose is to provide  
2 confidential, direct services to victims of domestic violence, sexual assault, stalking or human traf-  
3 ficking.

4 (cc) A coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,  
5 if compensated and if the athlete is a child.

6 **SECTION 41.** ORS 419B.902 is amended to read:

7 419B.902. (1) A subpoena may be served by the party or any other person 18 years of age or  
8 older. Except as provided in subsections (2), (3) and (4) of this section, the service must be made by  
9 delivering a copy to the witness personally. The service must be made so as to allow the witness a  
10 reasonable time for preparation and travel to the place of attendance. If the subpoena is not ac-  
11 companied by a command to appear at trial, hearing or deposition under ORS 419B.884, whether the  
12 subpoena is served personally or by mail, copies of a subpoena commanding production and in-  
13 spection of books, papers, documents or other tangible things before trial must be served on each  
14 party at least seven days before the subpoena is served on the person required to produce and per-  
15 mit inspection, unless the court orders a shorter period.

16 (2)(a) A law enforcement agency shall designate an individual upon whom service of a subpoena  
17 may be made. A designated individual must be available during normal business hours. In the ab-  
18 sence of a designated individual, service of a subpoena under paragraph (b) of this subsection may  
19 be made upon the officer in charge of the law enforcement agency.

20 (b) If a peace officer's attendance at trial is required as a result of employment as a peace of-  
21 ficer, a subpoena may be served on the officer by delivering a copy personally to the officer or to  
22 an individual designated by the agency that employs the officer no later than 10 days prior to the  
23 date attendance is sought. A subpoena may be served in this manner only if the officer is currently  
24 employed as a peace officer and is present within the state at the time of service.

25 (c) When a subpoena has been served as provided in paragraph (b) of this subsection, the law  
26 enforcement agency shall make a good faith effort to give actual notice to the officer whose at-  
27 tendance is sought of the date, time and location of the court appearance. If the officer cannot be  
28 notified, the law enforcement agency shall promptly notify the court and a postponement or contin-  
29 uance may be granted to allow the officer to be personally served.

30 (d) As used in this subsection, "law enforcement agency" means the Oregon State Police, a  
31 county sheriff's department, a municipal police department, a police department established by a  
32 university under ORS 352.383 or **section 1 of this 2013 Act**, or, if the witness whose attendance  
33 at trial is required is an authorized tribal police officer as defined in section 1, chapter 644, Oregon  
34 Laws 2011, a tribal government as defined in section 1, chapter 644, Oregon Laws 2011.

35 (3) Under the following circumstances, service of a subpoena to a witness by mail has the same  
36 legal force and effect as personal service:

37 (a) The attorney mailing the subpoena certifies in connection with or upon the return of service  
38 that the attorney, or the attorney's agent, has had personal or telephone contact with the witness  
39 and the witness indicated a willingness to appear at trial if subpoenaed; or

40 (b) The subpoena was mailed to the witness more than five days before trial by certified mail  
41 or some other designation of mail that provides a receipt for the mail signed by the recipient and  
42 the attorney received a return receipt signed by the witness prior to trial.

43 (4) Service of subpoena by mail may be used for a subpoena commanding production of books,  
44 papers, documents or other tangible things that is not accompanied by a command to appear at trial  
45 or hearing or at a deposition under ORS 419B.884.

1 (5) Proof of service of a subpoena is made in the same manner as proof of service of a summons  
2 except that the server is not required to certify that the server is not a party in the action or an  
3 attorney for a party in the action.

4 **SECTION 42.** ORS 419B.902, as amended by section 75, chapter 644, Oregon Laws 2011, is  
5 amended to read:

6 419B.902. (1) A subpoena may be served by the party or any other person 18 years of age or  
7 older. Except as provided in subsections (2), (3) and (4) of this section, the service must be made by  
8 delivering a copy to the witness personally. The service must be made so as to allow the witness a  
9 reasonable time for preparation and travel to the place of attendance. If the subpoena is not ac-  
10 companied by a command to appear at trial, hearing or deposition under ORS 419B.884, whether the  
11 subpoena is served personally or by mail, copies of a subpoena commanding production and in-  
12 spection of books, papers, documents or other tangible things before trial must be served on each  
13 party at least seven days before the subpoena is served on the person required to produce and per-  
14 mit inspection, unless the court orders a shorter period.

15 (2)(a) A law enforcement agency shall designate an individual upon whom service of a subpoena  
16 may be made. A designated individual must be available during normal business hours. In the ab-  
17 sence of a designated individual, service of a subpoena under paragraph (b) of this subsection may  
18 be made upon the officer in charge of the law enforcement agency.

19 (b) If a peace officer's attendance at trial is required as a result of employment as a peace of-  
20 ficer, a subpoena may be served on the officer by delivering a copy personally to the officer or to  
21 an individual designated by the agency that employs the officer no later than 10 days prior to the  
22 date attendance is sought. A subpoena may be served in this manner only if the officer is currently  
23 employed as a peace officer and is present within the state at the time of service.

24 (c) When a subpoena has been served as provided in paragraph (b) of this subsection, the law  
25 enforcement agency shall make a good faith effort to give actual notice to the officer whose at-  
26 tendance is sought of the date, time and location of the court appearance. If the officer cannot be  
27 notified, the law enforcement agency shall promptly notify the court and a postponement or contin-  
28 uance may be granted to allow the officer to be personally served.

29 (d) As used in this subsection, "law enforcement agency" means the Oregon State Police, a  
30 county sheriff's department, a municipal police department or a police department established by a  
31 university under ORS 352.383 **or section 1 of this 2013 Act.**

32 (3) Under the following circumstances, service of a subpoena to a witness by mail has the same  
33 legal force and effect as personal service:

34 (a) The attorney mailing the subpoena certifies in connection with or upon the return of service  
35 that the attorney, or the attorney's agent, has had personal or telephone contact with the witness  
36 and the witness indicated a willingness to appear at trial if subpoenaed; or

37 (b) The subpoena was mailed to the witness more than five days before trial by certified mail  
38 or some other designation of mail that provides a receipt for the mail signed by the recipient and  
39 the attorney received a return receipt signed by the witness prior to trial.

40 (4) Service of subpoena by mail may be used for a subpoena commanding production of books,  
41 papers, documents or other tangible things that is not accompanied by a command to appear at trial  
42 or hearing or at a deposition under ORS 419B.884.

43 (5) Proof of service of a subpoena is made in the same manner as proof of service of a summons  
44 except that the server is not required to certify that the server is not a party in the action or an  
45 attorney for a party in the action.

1        **SECTION 43.** ORS 420.905 is amended to read:

2        420.905. As used in ORS 420.905 to 420.915, “peace officer” means:

3        (1) A sheriff, constable or marshal, or the deputy of any such officer;

4        (2) A member of the state police;

5        (3) A member of the police force of a city or a university that has established a police depart-  
6        ment under ORS 352.383 **or section 1 of this 2013 Act**; or

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

8        **SECTION 44.** ORS 420.905, as amended by section 54, chapter 644, Oregon Laws 2011, is  
9        amended to read:

10       420.905. As used in ORS 420.905 to 420.915, “peace officer” means:

11       (1) A sheriff, constable or marshal, or the deputy of any such officer;

12       (2) A member of the state police; or

13       (3) A member of the police force of a city or a university that has established a police depart-  
14       ment under ORS 352.383 **or section 1 of this 2013 Act**.

15       **SECTION 45.** ORS 430.735 is amended to read:

16       430.735. As used in ORS 430.735 to 430.765:

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

18       (a) Abandonment, including desertion or willful forsaking of a person with a developmental dis-  
19       ability or the withdrawal or neglect of duties and obligations owed a person with a developmental  
20       disability by a caregiver or other person.

21       (b) Any physical injury to an adult caused by other than accidental means, or that appears to  
22       be at variance with the explanation given of the injury.

23       (c) Willful infliction of physical pain or injury upon an adult.

24       (d) Sexual abuse of an adult.

25       (e) Neglect.

26       (f) Verbal abuse of a person with a developmental disability.

27       (g) Financial exploitation of a person with a developmental disability.

28       (h) Involuntary seclusion of a person with a developmental disability for the convenience of the  
29       caregiver or to discipline the person.

30       (i) A wrongful use of a physical or chemical restraint upon a person with a developmental dis-  
31       ability, excluding an act of restraint prescribed by a licensed physician and any treatment activities  
32       that are consistent with an approved treatment plan or in connection with a court order.

33       (j) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427,  
34       163.465 or 163.467.

35       (k) Any death of an adult caused by other than accidental or natural means.

36       (2) “Adult” means a person 18 years of age or older with:

37       (a) A developmental disability who is currently receiving services from a community program  
38       or facility or was previously determined eligible for services as an adult by a community program  
39       or facility; or

40       (b) A mental illness who is receiving services from a community program or facility.

41       (3) “Adult protective services” means the necessary actions taken to prevent abuse or exploi-  
42       tation of an adult, to prevent self-destructive acts and to safeguard an adult’s person, property and  
43       funds, including petitioning for a protective order as defined in ORS 125.005. Any actions taken to  
44       protect an adult shall be undertaken in a manner that is least intrusive to the adult and provides  
45       for the greatest degree of independence.



1 (4) "Caregiver" means an individual, whether paid or unpaid, or a facility that has assumed re-  
2 sponsibility for all or a portion of the care of an adult as a result of a contract or agreement.

3 (5) "Community program" means a community mental health program or a community develop-  
4 mental disabilities program as established in ORS 430.610 to 430.695.

5 (6) "Facility" means a residential treatment home or facility, residential care facility, adult fos-  
6 ter home, residential training home or facility or crisis respite facility.

7 (7) "Financial exploitation" means:

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

10 (b) Alarming a person with a developmental disability by conveying a threat to wrongfully take  
11 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 a person with a developmental disability.

15 (d) Failing to use the income or assets of a person with a developmental disability effectively  
16 for the support and maintenance of the person.

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

18 (9) "Law enforcement agency" means:

19 (a) Any city or municipal police department;

20 (b) A police department established by a university under ORS 352.383 **or section 1 of this 2013**  
21 **Act;**

22 (c) Any county sheriff's office;

23 (d) The Oregon State Police; or

24 (e) Any district attorney.

25 (10) "Neglect" means:

26 (a) Failure to provide the care, supervision or services necessary to maintain the physical and  
27 mental health of a person with a developmental disability that may result in physical harm or sig-  
28 nificant emotional harm to the person;

29 (b) The failure of a caregiver to make a reasonable effort to protect a person with a develop-  
30 mental disability from abuse; or

31 (c) Withholding of services necessary to maintain the health and well-being of an adult which  
32 leads to physical harm of an adult.

33 (11) "Person with a developmental disability" means a person described in subsection (2)(a) of  
34 this section.

35 (12) "Public or private official" means:

36 (a) Physician, naturopathic physician, osteopathic physician, psychologist, chiropractor or  
37 podiatric physician and surgeon, including any intern or resident;

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

40 (c) Employee of the Department of Human Services or Oregon Health Authority, county health  
41 department, community mental health program or community developmental disabilities program or  
42 private agency contracting with a public body to provide any community mental health service;

43 (d) Peace officer;

44 (e) Member of the clergy;

45 (f) Regulated social worker;

1 (g) Physical, speech or occupational therapist;

2 (h) Information and referral, outreach or crisis worker;

3 (i) Attorney;

4 (j) Licensed professional counselor or licensed marriage and family therapist;

5 (k) Any public official who comes in contact with adults in the performance of the official's du-  
6 ties; or

7 (L) Firefighter or emergency medical services provider.

8 (13) "Services" includes but is not limited to the provision of food, clothing, medicine, housing,  
9 medical services, assistance with bathing or personal hygiene or any other service essential to the  
10 well-being of an adult.

11 (14)(a) "Sexual abuse" means:

12 (A) Sexual contact with a nonconsenting adult or with an adult considered incapable of con-  
13 senting to a sexual act under ORS 163.315;

14 (B) Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit mate-  
15 rial or language;

16 (C) Any sexual contact between an employee of a facility or paid caregiver and an adult served  
17 by the facility or caregiver;

18 (D) Any sexual contact between a person with a developmental disability and a relative of the  
19 person with a developmental disability other than a spouse; or

20 (E) Any sexual contact that is achieved through force, trickery, threat or coercion.

21 (b) "Sexual abuse" does not mean consensual sexual contact between an adult and a paid  
22 caregiver who is the spouse of the adult.

23 (15) "Sexual contact" has the meaning given that term in ORS 163.305.

24 (16) "Verbal abuse" means to threaten significant physical or emotional harm to a person with  
25 a developmental disability through the use of:

26 (a) Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; or

27 (b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate  
28 sexual comments.

29 **SECTION 46.** ORS 441.630 is amended to read:

30 441.630. As used in ORS 441.630 to 441.680 and 441.995:

31 (1) "Abuse" means:

32 (a) Any physical injury to a resident of a long term care facility which has been caused by other  
33 than accidental means.

34 (b) Failure to provide basic care or services, which failure results in physical harm or unrea-  
35 sonable discomfort or serious loss of human dignity.

36 (c) Sexual contact with a resident caused by an employee, agent or other resident of a long term  
37 care facility by force, threat, duress or coercion.

38 (d) Illegal or improper use of a resident's resources for the personal profit or gain of another  
39 person.

40 (e) Verbal or mental abuse as prohibited by federal law.

41 (f) Corporal punishment.

42 (g) Involuntary seclusion for convenience or discipline.

43 (2) "Abuse complaint" means any oral or written communication to the department, one of its  
44 agents or a law enforcement agency alleging abuse.

45 (3) "Department" means the Department of Human Services or a designee of the department.

1 (4) "Facility" means a long term care facility, as defined in ORS 442.015.

2 (5) "Law enforcement agency" means:

3 (a) Any city or municipal police department.

4 (b) A police department established by a university under ORS 352.383 **or section 1 of this 2013**  
5 **Act.**

6 (c) Any county sheriff's office.

7 (d) The Oregon State Police.

8 (e) Any district attorney.

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

10 (a) Physician, including any intern or resident.

11 (b) Licensed practical nurse or registered nurse.

12 (c) Employee of the Department of Human Services, a community developmental disabilities  
13 program or a long term care facility or person who contracts to provide services to a long term care  
14 facility.

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

17 (e) Peace officer.

18 (f) Member of the clergy.

19 (g) Regulated social worker.

20 (h) Physical, speech and occupational therapists.

21 (i) Legal counsel for a resident or guardian or family member of the resident.

22 **SECTION 47.** ORS 506.521 is amended to read:

23 506.521. Each member of the State Fish and Wildlife Commission, the State Fish and Wildlife  
24 Director and every inspector, deputy fish warden, special deputy fish warden, and all peace officers  
25 of this state or any political subdivision therein, including police officers commissioned by a uni-  
26 versity under ORS 352.383 **or section 1 of this 2013 Act**, shall enforce the commercial fishing laws  
27 within their respective jurisdictions. In the performance of these duties such officers are subject to  
28 the direction and control of the commission or director.

29 **SECTION 48.** ORS 609.652, as amended by section 66, chapter 37, Oregon Laws 2012, and sec-  
30 tion 15, chapter 67, Oregon Laws 2012, is amended to read:

31 609.652. As used in ORS 609.654:

32 (1)(a) "Aggravated animal abuse" means any animal abuse as described in ORS 167.322.

33 (b) "Aggravated animal abuse" does not include:

34 (A) Good animal husbandry, as defined in ORS 167.310; or

35 (B) Any exemption listed in ORS 167.335.

36 (2) "Law enforcement agency" means:

37 (a) Any city or municipal police department.

38 (b) A police department established by a university under ORS 352.383 **or section 1 of this 2013**  
39 **Act.**

40 (c) Any county sheriff's office.

41 (d) The Oregon State Police.

42 (e) A law enforcement division of a county or municipal animal control agency that employs  
43 sworn officers.

44 (f) A humane investigation agency as defined in section 1, chapter 67, Oregon Laws 2012, that  
45 employs humane special agents commissioned under section 1, chapter 67, Oregon Laws 2012.

- 1 (3) "Public or private official" means:
- 2 (a) A physician, including any intern or resident.
- 3 (b) A dentist.
- 4 (c) A school employee.
- 5 (d) A licensed practical nurse or registered nurse.
- 6 (e) An employee of the Department of Human Services, Oregon Health Authority, Early Learn-
- 7 ing Council, Youth Development Council, Child Care Division of the Employment Department, the
- 8 Oregon Youth Authority, a county health department, a community mental health program, a com-
- 9 munity developmental disabilities program, a county juvenile department, a licensed child-caring
- 10 agency or an alcohol and drug treatment program.
- 11 (f) A peace officer.
- 12 (g) A psychologist.
- 13 (h) A member of the clergy.
- 14 (i) A regulated social worker.
- 15 (j) An optometrist.
- 16 (k) A chiropractor.
- 17 (L) A certified provider of foster care, or an employee thereof.
- 18 (m) An attorney.
- 19 (n) A naturopathic physician.
- 20 (o) A licensed professional counselor.
- 21 (p) A licensed marriage and family therapist.
- 22 (q) A firefighter or emergency medical services provider.
- 23 (r) A court appointed special advocate, as defined in ORS 419A.004.
- 24 (s) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.
- 25 (t) A member of the Legislative Assembly.

26 **SECTION 49.** ORS 659A.320, as amended by section 25, chapter 54, Oregon Laws 2012, and

27 section 16, chapter 67, Oregon Laws 2012, is amended to read:

28 659A.320. (1) Except as provided in subsection (2) of this section, it is an unlawful employment

29 practice for an employer to obtain or use for employment purposes information contained in the

30 credit history of an applicant for employment or an employee, or to refuse to hire, discharge, de-

31 mote, suspend, retaliate or otherwise discriminate against an applicant or an employee with regard

32 to promotion, compensation or the terms, conditions or privileges of employment based on informa-

33 tion in the credit history of the applicant or employee.

34 (2) Subsection (1) of this section does not apply to:

- 35 (a) Employers that are federally insured banks or credit unions;
- 36 (b) Employers that are required by state or federal law to use individual credit history for em-
- 37 ployment purposes;
- 38 (c) The application for employment or the employment of a public safety officer who will be or
- 39 who is:
- 40 (A) A member of a law enforcement unit;
- 41 (B) Employed as a peace officer commissioned by a city, port, school district, mass transit dis-
- 42 trict, county, university under ORS 352.383 **or section 1 of this 2013 Act**, Indian reservation, the
- 43 Superintendent of State Police under section 1, chapter 67, Oregon Laws 2012, the Criminal Justice
- 44 Division of the Department of Justice, the Oregon State Lottery Commission or the Governor or
- 45 employed as a liquor enforcement inspector by the Oregon Liquor Control Commission; and

1 (C) Responsible for enforcing the criminal laws of this state or laws or ordinances related to  
2 airport security; or

3 (d) The obtainment or use by an employer of information in the credit history of an applicant  
4 or employee because the information is substantially job-related and the employer's reasons for the  
5 use of such information are disclosed to the employee or prospective employee in writing.

6 (3) An employee or an applicant for employment may file a complaint under ORS 659A.820 for  
7 violations of this section and may bring a civil action under ORS 659A.885 and recover the relief  
8 as provided by ORS 659A.885 (1) and (2).

9 (4) As used in this section, "credit history" means any written or other communication of any  
10 information by a consumer reporting agency that bears on a consumer's creditworthiness, credit  
11 standing or credit capacity.

12 **SECTION 50.** ORS 686.450, as amended by section 17, chapter 67, Oregon Laws 2012, is  
13 amended to read:

14 686.450. As used in ORS 686.450 to 686.465 and 686.990 (3):

15 (1)(a) "Aggravated animal abuse" means any animal abuse as described in ORS 167.322.

16 (b) "Aggravated animal abuse" does not include:

17 (A) Good animal husbandry, as defined in ORS 167.310; or

18 (B) Any exemption listed in ORS 167.335.

19 (2) "Law enforcement agency" means:

20 (a) Any city or municipal police department.

21 (b) A police department established by a university under ORS 352.383 **or section 1 of this 2013**

22 **Act.**

23 (c) Any county sheriff's office.

24 (d) The Oregon State Police.

25 (e) A law enforcement division of a humane society in Oregon that employs special agents au-  
26 thorized under ORS 131.805 or humane special agents commissioned under section 1, chapter 67,  
27 Oregon Laws 2012.

28 (f) A law enforcement division of a county or municipal animal control agency that employs  
29 sworn officers.

30 (3) "Veterinarian" means a person licensed to practice veterinary medicine under ORS chapter  
31 686.

32 **SECTION 51.** ORS 756.160 is amended to read:

33 756.160. (1) The Public Utility Commission shall inquire into any neglect or violation of any law  
34 of this state or any law or ordinance of any municipality thereof relating to public utilities and  
35 telecommunications utilities by any public utility or telecommunications utility doing business  
36 therein, its officers, agents or employees and shall enforce all laws of this state relating to public  
37 utilities and telecommunications utilities and may enforce all such laws and ordinances of a  
38 municipality. The commission shall report all violations of any such laws or ordinances to the At-  
39 torney General.

40 (2) The Attorney General, district attorney of each county, all state, county and city police of-  
41 ficers and police officers commissioned by a university under ORS 352.383 **or section 1 of this 2013**  
42 **Act** shall assist the commission in the administration and enforcement of all laws administered by  
43 the commission, and they, as well as assistants and employees of the commission, shall inform  
44 against and diligently prosecute all persons whom they have reasonable cause to believe guilty of  
45 violation of any such laws or of the rules, regulations, orders, decisions or requirements of the

1 commission made pursuant thereto.

2 (3) Upon the request of the commission, the Attorney General or the district attorney of the  
3 proper county shall aid in any investigation, hearing or trial, and shall institute and prosecute all  
4 necessary suits, actions or proceedings for the enforcement of those laws and ordinances referred  
5 to in subsection (1) of this section.

6 (4) Any forfeiture or penalty provided for in any law administered by the commission shall be  
7 recovered by an action brought thereon in the name of the State of Oregon in any court of appro-  
8 priate jurisdiction.

9 **SECTION 52.** ORS 801.395 is amended to read:

10 801.395. "Police officer" includes a member of the Oregon State Police, a sheriff, a deputy  
11 sheriff, a city police officer, an authorized tribal police officer as defined in section 1, chapter 644,  
12 Oregon Laws 2011, a police officer commissioned by a university under ORS 352.383 **or section 1**  
13 **of this 2013 Act**, a Port of Portland peace officer, a reserve officer as defined in ORS 133.005 or a  
14 law enforcement officer employed by a service district established under ORS 451.410 to 451.610 for  
15 the purpose of law enforcement services.

16 **SECTION 53.** ORS 801.395, as amended by section 55, chapter 644, Oregon Laws 2011, is  
17 amended to read:

18 801.395. "Police officer" includes a member of the Oregon State Police, a sheriff, a deputy  
19 sheriff, a city police officer, a police officer commissioned by a university under ORS 352.383 **or**  
20 **section 1 of this 2013 Act**, a Port of Portland peace officer, a reserve officer as defined in ORS  
21 133.005 or a law enforcement officer employed by a service district established under ORS 451.410  
22 to 451.610 for the purpose of law enforcement services.

23 **SECTION 54.** ORS 811.720 is amended to read:

24 811.720. (1) Except as provided in subsection (4) of this section, any accident occurring on a  
25 highway or upon premises open to the public resulting in injury or death to any person is subject  
26 to the reporting requirements under the following sections:

- 27 (a) The reporting requirements for drivers under ORS 811.725.
- 28 (b) The reporting requirements for occupants of vehicles in accidents under ORS 811.735.
- 29 (c) The reporting requirements for owners of vehicles under ORS 811.730.

30 (2) Except as provided in subsection (4) of this section, an accident occurring on a highway or  
31 upon premises open to the public resulting in damage to the property of any person in excess of  
32 \$1,500 is subject to the following reporting requirements:

33 (a) The driver of a vehicle that has more than \$1,500 damage must report the accident in the  
34 manner specified under ORS 811.725.

35 (b) The owner of a vehicle that has more than \$1,500 damage must report the accident in the  
36 manner specified in ORS 811.730 and under the circumstances specified in ORS 811.730.

37 (c) If the property damage is to property other than a vehicle involved in the accident, each  
38 driver involved in the accident must report the accident in the manner specified under ORS 811.725  
39 and each owner of a vehicle involved in the accident must report the accident in the manner spec-  
40 ified in ORS 811.730 and under the circumstances specified in ORS 811.730.

41 (d) If a vehicle involved in the accident is damaged to the extent that the vehicle must be towed  
42 from the scene of the accident, each driver involved in the accident must report the accident in the  
43 manner specified under ORS 811.725 and each owner of a vehicle involved in the accident must re-  
44 port the accident in the manner specified in ORS 811.730 and under the circumstances specified in  
45 ORS 811.730.

1 (3) The dollar amount specified in subsection (2) of this section may be increased every five  
2 years by the Department of Transportation based upon any increase in the Portland-Salem Consumer  
3 Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics  
4 of the United States Department of Labor or its successor during the preceding 12-month period.  
5 The amount determined under this subsection shall be rounded to the nearest \$100.

6 (4) The following are exempt from the reporting requirements of this section:

7 (a) Operators of snowmobiles, Class I all-terrain vehicles or Class III all-terrain vehicles.

8 (b) A law enforcement official acting in the course of official duty if the accident involved a law  
9 enforcement official performing a lawful intervention technique or a law enforcement official and a  
10 person acting during the commission of a criminal offense. As used in this paragraph:

11 (A) "Law enforcement official" means a person who is responsible for enforcing the criminal  
12 laws of this state or a political subdivision of this state and who is employed or volunteers:

13 (i) As a peace officer commissioned by a city, university that has established a police department  
14 under ORS 352.383 or **section 1 of this 2013 Act**, port, school district, mass transit district, county  
15 or county service district authorized to provide law enforcement services under ORS 451.010;

16 (ii) With the Department of State Police or the Criminal Justice Division of the Department of  
17 Justice;

18 (iii) As an investigator of a district attorney's office, if the investigator is certified as a peace  
19 officer in this state; or

20 (iv) As an authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011.

21 (B) "Lawful intervention technique" means a method by which one motor vehicle causes, or at-  
22 tempts to cause, another motor vehicle to stop.

23 **SECTION 55.** ORS 811.720, as amended by section 56, chapter 644, Oregon Laws 2011, is  
24 amended to read:

25 811.720. (1) Except as provided in subsection (4) of this section, any accident occurring on a  
26 highway or upon premises open to the public resulting in injury or death to any person is subject  
27 to the reporting requirements under the following sections:

28 (a) The reporting requirements for drivers under ORS 811.725.

29 (b) The reporting requirements for occupants of vehicles in accidents under ORS 811.735.

30 (c) The reporting requirements for owners of vehicles under ORS 811.730.

31 (2) Except as provided in subsection (4) of this section, an accident occurring on a highway or  
32 upon premises open to the public resulting in damage to the property of any person in excess of  
33 \$1,500 is subject to the following reporting requirements:

34 (a) The driver of a vehicle that has more than \$1,500 damage must report the accident in the  
35 manner specified under ORS 811.725.

36 (b) The owner of a vehicle that has more than \$1,500 damage must report the accident in the  
37 manner specified in ORS 811.730 and under the circumstances specified in ORS 811.730.

38 (c) If the property damage is to property other than a vehicle involved in the accident, each  
39 driver involved in the accident must report the accident in the manner specified under ORS 811.725  
40 and each owner of a vehicle involved in the accident must report the accident in the manner spec-  
41 ified in ORS 811.730 and under the circumstances specified in ORS 811.730.

42 (d) If a vehicle involved in the accident is damaged to the extent that the vehicle must be towed  
43 from the scene of the accident, each driver involved in the accident must report the accident in the  
44 manner specified under ORS 811.725 and each owner of a vehicle involved in the accident must re-  
45 port the accident in the manner specified in ORS 811.730 and under the circumstances specified in

1 ORS 811.730.

2 (3) The dollar amount specified in subsection (2) of this section may be increased every five  
3 years by the Department of Transportation based upon any increase in the Portland-Salem Consumer  
4 Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics  
5 of the United States Department of Labor or its successor during the preceding 12-month period.  
6 The amount determined under this subsection shall be rounded to the nearest \$100.

7 (4) The following are exempt from the reporting requirements of this section:

8 (a) Operators of snowmobiles, Class I all-terrain vehicles or Class III all-terrain vehicles.

9 (b) A law enforcement official acting in the course of official duty if the accident involved a law  
10 enforcement official performing a lawful intervention technique or a law enforcement official and a  
11 person acting during the commission of a criminal offense. As used in this paragraph:

12 (A) "Law enforcement official" means a person who is responsible for enforcing the criminal  
13 laws of this state or a political subdivision of this state and who is employed or volunteers:

14 (i) As a peace officer commissioned by a city, university that has established a police department  
15 under ORS 352.383 or **section 1 of this 2013 Act**, port, school district, mass transit district, county  
16 or county service district authorized to provide law enforcement services under ORS 451.010;

17 (ii) With the Department of State Police or the Criminal Justice Division of the Department of  
18 Justice; or

19 (iii) As an investigator of a district attorney's office, if the investigator is certified as a peace  
20 officer in this state.

21 (B) "Lawful intervention technique" means a method by which one motor vehicle causes, or at-  
22 tempts to cause, another motor vehicle to stop.

23 **SECTION 56.** ORS 811.745 is amended to read:

24 811.745. (1) Except as provided in subsection (4) of this section, any accident occurring on a  
25 highway or upon premises open to the public resulting in injury or death to any person is subject  
26 to the reporting requirements under the following sections:

27 (a) The reporting requirements for drivers under ORS 811.748.

28 (b) The reporting requirements for occupants of vehicles in accidents under ORS 811.750.

29 (2) Except as provided in subsection (4) of this section, an accident occurring on a highway or  
30 upon premises open to the public resulting in damage to the property of any person in excess of  
31 \$1,500 is subject to the following reporting requirements:

32 (a) The driver of a vehicle that has more than \$1,500 damage must report the accident in the  
33 manner specified under ORS 811.748.

34 (b) If the property damage is to property other than a vehicle involved in the accident, each  
35 driver involved in the accident must report the accident in the manner specified under ORS 811.748.

36 (c) If a vehicle involved in the accident is damaged to the extent that the vehicle must be towed  
37 from the scene of the accident, each driver involved in the accident must report the accident in the  
38 manner specified under ORS 811.748.

39 (3) The dollar amount specified in subsection (2) of this section may be increased every five  
40 years by the Department of Transportation based upon any increase in the Portland-Salem Consumer  
41 Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics  
42 of the United States Department of Labor or its successor during the preceding 12-month period.  
43 The amount determined under this subsection shall be rounded to the nearest \$100.

44 (4) The following are exempt from the reporting requirements of this section:

45 (a) Operators of snowmobiles and Class I, Class III and Class IV all-terrain vehicles.



1 (b) A law enforcement official acting in the course of official duty if the accident involved a law  
2 enforcement official performing a lawful intervention technique or involved a law enforcement offi-  
3 cial and a person acting during the commission of a criminal offense. As used in this paragraph:

4 (A) "Law enforcement official" means a person who is responsible for enforcing the criminal  
5 laws of this state or a political subdivision of this state and who is employed or volunteers:

6 (i) As a peace officer commissioned by a city, port, university that has established a police de-  
7 partment under ORS 352.383 **or section 1 of this 2013 Act**, school district, mass transit district,  
8 county or service district authorized to provide law enforcement services under ORS 451.010;

9 (ii) With the Department of State Police or the Criminal Justice Division of the Department of  
10 Justice; or

11 (iii) As an investigator of a district attorney's office, if the investigator is certified as a peace  
12 officer in this state.

13 (B) "Lawful intervention technique" means a method by which one motor vehicle causes, or at-  
14 tempts to cause, another motor vehicle to stop.

15 (5) The reporting requirements under this section are in addition to, and not in lieu of, the re-  
16 porting requirements under ORS 811.720.

17 **SECTION 57.** ORS 811.747 is amended to read:

18 811.747. As used in ORS 811.748 and 811.750:

19 (1) "9-1-1 emergency reporting system" has the meaning given that term in ORS 403.105.

20 (2) "Law enforcement agency" means any agency that employs members of the Oregon State  
21 Police, a sheriff, a deputy sheriff, a city police officer, a police officer commissioned by a university  
22 under ORS 352.383 **or section 1 of this 2013 Act** or a law enforcement officer employed by a service  
23 district established under ORS 451.410 to 451.610 for the purpose of law enforcement services.

24 **SECTION 58.** ORS 823.081 is amended to read:

25 823.081. (1) The Department of Transportation shall inquire into any neglect or violation of any  
26 law of this state, or any law or ordinance of any municipality thereof, relating to motor carriers or  
27 railroads by any motor carrier or railroad doing business therein, its officers, agents or employees  
28 and shall enforce all laws of this state relating to motor carriers and railroads and may enforce all  
29 such laws and ordinances of a municipality. The department shall report all violations of any such  
30 laws or ordinances to the Attorney General.

31 (2) The Attorney General, district attorney of each county, all state, county and city police of-  
32 ficers and police officers commissioned by a university under ORS 352.383 **or section 1 of this 2013**  
33 **Act** shall assist the department in the administration and enforcement of all laws related to motor  
34 carriers and railroads administered by the department, and they, as well as assistants and employees  
35 of the department, shall inform against and diligently prosecute all persons whom they have rea-  
36 sonable cause to believe guilty of the violation of any such laws or of the rules, regulations, orders,  
37 decisions or requirements of the department made pursuant thereto.

38 (3) Upon the request of the department, the Attorney General or the district attorney of the  
39 proper county shall aid in any investigation, hearing or trial, and shall institute and prosecute all  
40 necessary suits, actions or proceedings for the enforcement of those laws and ordinances referred  
41 to in subsection (1) of this section.

42 (4) Any forfeiture or penalty provided for in any law regarding motor carriers or railroads ad-  
43 ministered by the department shall be recovered by an action brought thereon in the name of the  
44 State of Oregon in any court of appropriate jurisdiction or as provided in ORS 183.745.

45 **SECTION 59.** ORS 830.005 is amended to read:

1 830.005. As used in this chapter, unless the context requires otherwise:

2 (1) "Board" means the State Marine Board.

3 (2) "Boat" means every description of watercraft, including a seaplane on the water and not in  
4 flight, used or capable of being used as a means of transportation on the water, but does not include  
5 boathouses, floating homes, air mattresses, beach and water toys or single inner tubes.

6 (3) "Boating offense" means violation of any provision of law that is made a crime or violation  
7 under the provisions of this chapter.

8 (4) "In flight" means from the moment a seaplane starts its takeoff run until the end of a normal  
9 power-off landing run.

10 (5) "Length" means the length of a boat measured from end to end over the deck excluding  
11 sheer.

12 (6) "Motorboat" means any boat propelled in whole or in part by machinery, including boats  
13 temporarily equipped with detachable motors.

14 (7) "Navigable waters of the United States" means those waters of the United States, including  
15 the territorial seas adjacent thereto, the general character of which is navigable, and that, either  
16 by themselves or by uniting with other waters, form a continuous waterway on which boats or ves-  
17 sels may navigate or travel between two or more states, or to and from foreign nations.

18 (8) "Operate" means to navigate or otherwise use a boat.

19 (9) "Operator of a boat livery" means any person who is engaged wholly or in part in the busi-  
20 ness of chartering or renting boats to other persons.

21 (10) "Passenger" means every person on board a boat who is not the master, operator, crew  
22 member or other person engaged in any capacity in the business of the boat.

23 (11) "Peace officer" includes a member of the Oregon State Police, a sheriff or deputy sheriff,  
24 a city police officer, an authorized tribal police officer as defined in section 1, chapter 644, Oregon  
25 Laws 2011, and a police officer commissioned by a university under ORS 352.383 **or section 1 of**  
26 **this 2013 Act.**

27 (12) "State waters" means those waters entirely within the confines of this state that have not  
28 been declared navigable waters of the United States.

29 (13) "Waters of this state" means all waters within the territorial limits of this state, the mar-  
30 ginal sea adjacent to this state and the high seas when navigated as part of a journey or ride to  
31 or from the shore of this state.

32 **SECTION 60.** ORS 830.005, as amended by section 57, chapter 644, Oregon Laws 2011, is  
33 amended to read:

34 830.005. As used in this chapter, unless the context requires otherwise:

35 (1) "Board" means the State Marine Board.

36 (2) "Boat" means every description of watercraft, including a seaplane on the water and not in  
37 flight, used or capable of being used as a means of transportation on the water, but does not include  
38 boathouses, floating homes, air mattresses, beach and water toys or single inner tubes.

39 (3) "Boating offense" means violation of any provision of law that is made a crime or violation  
40 under the provisions of this chapter.

41 (4) "In flight" means from the moment a seaplane starts its takeoff run until the end of a normal  
42 power-off landing run.

43 (5) "Length" means the length of a boat measured from end to end over the deck excluding  
44 sheer.

45 (6) "Motorboat" means any boat propelled in whole or in part by machinery, including boats

1 temporarily equipped with detachable motors.

2 (7) "Navigable waters of the United States" means those waters of the United States, including  
3 the territorial seas adjacent thereto, the general character of which is navigable, and that, either  
4 by themselves or by uniting with other waters, form a continuous waterway on which boats or ves-  
5 sels may navigate or travel between two or more states, or to and from foreign nations.

6 (8) "Operate" means to navigate or otherwise use a boat.

7 (9) "Operator of a boat livery" means any person who is engaged wholly or in part in the busi-  
8 ness of chartering or renting boats to other persons.

9 (10) "Passenger" means every person on board a boat who is not the master, operator, crew  
10 member or other person engaged in any capacity in the business of the boat.

11 (11) "Peace officer" includes a member of the Oregon State Police, a sheriff or deputy sheriff,  
12 a city police officer and a police officer commissioned by a university under ORS 352.383 **or section**  
13 **1 of this 2013 Act.**

14 (12) "State waters" means those waters entirely within the confines of this state that have not  
15 been declared navigable waters of the United States.

16 (13) "Waters of this state" means all waters within the territorial limits of this state, the mar-  
17 ginal sea adjacent to this state and the high seas when navigated as part of a journey or ride to  
18 or from the shore of this state.

19 **SECTION 61.** ORS 353.050 is amended to read:

20 353.050. Except as otherwise provided in this chapter, the Oregon Health and Science University  
21 Board of Directors, or university officials acting under the authority of the board, shall exercise all  
22 the powers of the Oregon Health and Science University and shall govern the university. In carrying  
23 out its powers, rights and privileges, the university shall be a governmental entity performing gov-  
24 ernmental functions and exercising governmental powers. The university or the board may either  
25 within or outside the state:

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

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

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

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

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

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

45 (7) Acquire, receive, hold, keep, pledge, control, convey, manage, use, lend, expend and invest

1 all funds, appropriations, gifts, bequests, stock and revenue from any source to the university.

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

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

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

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

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

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

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

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

30 *[(16) Commission special campus security officers to be known as university police. University po-*  
31 *lice commissioned under this subsection have all the powers and authority given by statute to peace*  
32 *officers and police officers of this state. University police shall complete training necessary for certif-*  
33 *ication as police officers at an academy operated or authorized by the Department of Public Safety*  
34 *Standards and Training at the expense of the Oregon Health and Science University Board of Direc-*  
35 *tors. University police are not authorized to carry firearms as police officers and are not police officers*  
36 *for purposes of ORS 238.005, 243.005 or 243.736. The university is a criminal justice agency for pur-*  
37 *poses of ORS 181.715 and 181.720 and a law enforcement unit within the meaning of ORS 181.610*  
38 *(12).]*

39 *[(17)]* **(16)** Enforce and recover for payment to the university any fines that are authorized by  
40 this chapter.

41 *[(18)]* **(17)** Adopt, amend or repeal bylaws, administrative rules, regulations and orders applicable  
42 to the matters that are the subject of this chapter.

43 *[(19)]* **(18)** Contract with any state agency for the performance of such duties, functions and  
44 powers as is appropriate. A state agency shall not charge the university for such services an amount  
45 that is greater than the actual cost of the services.

1 [(20)] (19) Purchase, receive, subscribe for or otherwise acquire, own, hold, vote, use, sell,  
 2 mortgage, lend, pledge, invest in or otherwise dispose of and deal in or with the shares, stock or  
 3 other equity or interests in or obligations of any other entity. Separate funds may be established for  
 4 such investments. The State of Oregon shall have no proprietary or other interest in such invest-  
 5 ments or such funds.

6 [(21)] (20) Make available, by lease or otherwise, or control access to any health care facilities  
 7 or services or other of its properties and assets to such persons, firms, partnerships, associations  
 8 or corporations and on such terms as considered appropriate, charge and collect rent or other fees  
 9 or charges therefor and terminate or deny any such access or any such lease or other agreement  
 10 for such reasons as considered appropriate and as may be consistent with its obligations under any  
 11 such lease or other agreement.

12 [(22)] (21) Contract for the operation of any department, section, equipment or holdings of the  
 13 university and enter into any agreements with any person, firm or corporation for the management  
 14 by said person, firm or corporation on behalf of the university of any of its properties or for the  
 15 more efficient or economical performance of clerical, accounting, administrative and other functions  
 16 relating to its health care facilities.

17 [(23)] (22) Select and appoint faculty as medical and dental staff members and others licensed  
 18 to practice the healing arts, delineate and define the privileges granted each such individual, adopt  
 19 and direct a plan for faculty clinical income and set the terms and conditions of that plan (including  
 20 such modifications to any such existing plan as considered necessary or appropriate upon expiration  
 21 of the term of such plan), and determine the extent to which and the terms upon which each such  
 22 individual may provide teaching, research, consulting or other services at the university or any  
 23 other health care facility.

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

28 [(25)] (24) Perform any other acts that in the judgment of the board or university are requisite,  
 29 necessary or appropriate in accomplishing the purposes described in or carrying out the powers  
 30 granted by this chapter.

31 [(26)] (25) Exercise these powers, notwithstanding that as a consequence of the exercise of such  
 32 powers, the university engages in activities that might otherwise be deemed anticompetitive within  
 33 the contemplation of state or federal antitrust laws.

34 **SECTION 62. (1) Section 1 of this 2013 Act and the amendments to ORS 40.275, 44.550,**  
 35 **90.440, 124.050, 133.005, 133.525, 133.721, 133.726, 136.595, 146.003, 147.425, 153.005, 161.015,**  
 36 **163.730, 165.535, 181.010, 181.610, 181.715, 181.860, 236.350, 238.005, 348.270, 353.050, 414.805,**  
 37 **419B.005, 419B.902, 420.905, 430.735, 441.630, 506.521, 609.652, 659A.320, 686.450, 756.160, 801.395,**  
 38 **811.720, 811.745, 811.747, 823.081 and 830.005 by sections 2 to 35a and 36 to 61 of this 2013 Act**  
 39 **become operative on January 1, 2014.**

40 **(2) The Oregon Health and Science University may adopt rules or take any other action**  
 41 **necessary to enable the university to exercise, on and after the operative date specified in**  
 42 **subsection (1) of this section, all the duties, functions and powers conferred on the university**  
 43 **by this 2013 Act.**

44 **SECTION 63. This 2013 Act being necessary for the immediate preservation of the public**  
 45 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**

1 **on its passage.**

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