

Senate Bill 565

Sponsored by COMMITTEE ON JUDICIARY

SUMMARY

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

Modifies authority of Oregon Health and Science University to establish police force.
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, 348.270, 353.050, 414.805,
5 419B.005, 419B.902, 420.905, 430.735, 441.630, 506.521, 609.652, 659A.320, 686.450, 756.160, 801.395,
6 811.720, 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:**

28 40.275. (1) As used in this section, "unit of government" means:

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

30 (b) A university that has commissioned police officers under ORS 352.383 **or section 1 of this**

31 **2013 Act; or**

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

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

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

10 (4) No privilege exists under this section:

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

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

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

41 **SECTION 3.** ORS 40.275, as amended by section 37, chapter 644, Oregon Laws 2011, is amended
 42 to read:

43 40.275. (1) As used in this section, "unit of government" means:

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

45 (b) A university that has commissioned police officers under ORS 352.383 **or section 1 of this**

1 **2013 Act.**

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

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

8 (4) No privilege exists under this section:

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

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

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

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

40 44.550. As used in ORS 44.550 to 44.566:

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

42 (2) "Law enforcement unit" means:

43 (a) The police department of a city;

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

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

1 **Act.**

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

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

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

8 90.440. (1) As used in this section:

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

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

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

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

14 (c) "Peace officer" means:

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

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

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

18 **Act;** or

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

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

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

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

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

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

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

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

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

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

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

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

43 _____

44 _____

45 This notice is to inform you that you must move out of _____ (insert address of group

1 recovery home) by _____ (insert date and time that is not less than 24 hours after delivery
 2 of notice).

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

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

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

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

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

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

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

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

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

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

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

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

43 (11) This section does not prevent a group recovery home from terminating a tenancy as pro-
 44 vided by any other provision of this chapter and evicting a tenant as provided in ORS 105.105 to
 45 105.168.

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

3 90.440. (1) As used in this section:

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

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

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

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

9 (c) "Peace officer" means:

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

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

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

13 **Act.**

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

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

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

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

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

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

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

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

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

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

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

37 _____

38
39 This notice is to inform you that you must move out of _____ (insert address of group
40 recovery home) by _____ (insert date and time that is not less than 24 hours after delivery
41 of notice).

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

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

45 If you did not use or possess alcohol or illegal drugs within the seven days before delivery of

1 this notice, if this notice was given in bad faith or if your group recovery home has not substantially
 2 complied with ORS 90.440, you may be able to get a court to order the group recovery home to let
 3 you move back in. You may also be able to recover monetary damages.

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

6 _____
 7
 8 (5) Within the notice period, a group recovery home shall allow a tenant removed under this
 9 section to follow any emergency departure plan that was prepared by the tenant and approved by
 10 the group recovery home at the time the tenancy began. If the removed tenant does not have an
 11 emergency departure plan, a representative of the group recovery home shall offer to take the re-
 12 moved tenant to a public shelter, detoxification center or similar location if existing in the commu-
 13 nity.

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

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

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

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

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

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

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

37 (11) This section does not prevent a group recovery home from terminating a tenancy as pro-
 38 vided by any other provision of this chapter and evicting a tenant as provided in ORS 105.105 to
 39 105.168.

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

41 124.050. As used in ORS 124.050 to 124.095:

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

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

45 (b) Neglect.

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

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

4 (e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427,
 5 163.465 or 163.467.

6 (f) Verbal abuse.

7 (g) Financial exploitation.

8 (h) Sexual abuse.

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

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

14 (2) "Elderly person" means any person 65 years of age or older who is not subject to the pro-
 15 visions of ORS 441.640 to 441.665.

16 (3) "Facility" means:

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

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

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

21 (4) "Financial exploitation" means:

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

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

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

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

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

32 (6) "Law enforcement agency" means:

33 (a) Any city or municipal police department.

34 (b) Any county sheriff's office.

35 (c) The Oregon State Police.

36 (d) Any district attorney.

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

39 (7) "Neglect" means:

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

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

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

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

1 sexual comments.

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

4 133.005. As used in ORS 133.005 to 133.400 and 133.410 to 133.450, unless the context requires
 5 otherwise:

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

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

12 (3) “Peace officer” means:

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

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

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

18 (d) An investigator of the Criminal Justice Division of the Department of Justice of the State
 19 of Oregon;

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

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

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

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

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

29 (b) Armed with a firearm; and

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

32 **SECTION 9.** ORS 133.005, as amended by section 39, chapter 644, Oregon Laws 2011, section
 33 7, chapter 54, Oregon Laws 2012, and section 4, chapter 67, Oregon Laws 2012, is amended to read:

34 133.005. As used in ORS 133.005 to 133.400 and 133.410 to 133.450, unless the context requires
 35 otherwise:

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

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

42 (3) “Peace officer” means:

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

44 (b) A sheriff, constable, marshal, municipal police officer or reserve officer or a police officer
 45 commissioned by a university under 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 of the State
 4 of Oregon;

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

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

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

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

13 (b) Armed with a firearm; and

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

16 **SECTION 10.** ORS 133.525, as amended by section 8, chapter 54, Oregon Laws 2012, and section
 17 5, chapter 67, Oregon Laws 2012, is amended to read:

18 133.525. As used in ORS 133.525 to 133.703, unless the context requires otherwise:

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

22 (2) “Police officer” means:

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

24 (b) A sheriff or municipal police officer, a police officer commissioned by a university under ORS
 25 352.383 **or section 1 of this 2013 Act** or an authorized tribal police officer as defined in section 1,
 26 chapter 644, Oregon Laws 2011;

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

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

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

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

32 **SECTION 11.** ORS 133.525, as amended by section 40, chapter 644, Oregon Laws 2011, section
 33 9, chapter 54, Oregon Laws 2012, and section 6, chapter 67, Oregon Laws 2012, is amended to read:

34 133.525. As used in ORS 133.525 to 133.703, unless the context requires otherwise:

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

38 (2) “Police officer” means:

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

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

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

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

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

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

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

4 133.721. As used in ORS 41.910 and 133.721 to 133.739, unless the context requires otherwise:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (7) "Oral communication" means:

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

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

44 (8) "Telecommunications carrier" means:

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

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

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

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

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

10 133.721. As used in ORS 41.910 and 133.721 to 133.739, unless the context requires otherwise:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (b) 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 14.** ORS 133.726, as amended by section 12, chapter 54, Oregon Laws 2012, is
13 amended to read:

14 133.726. (1) Notwithstanding ORS 133.724, under the circumstances described in this section, a
15 law enforcement officer is authorized to intercept an oral communication to which the officer or a
16 person under the direct supervision of the officer is a party, without obtaining an order for the in-
17 terception of a wire, electronic or oral communication under ORS 133.724.

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

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

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

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

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

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

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

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

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

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

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

45 (b) A statement identifying the particular crime to which the oral communication is expected

1 to relate;

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

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

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

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

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

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

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

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

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

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

28 (b) To a magistrate;

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

30 (d) In compliance with a court order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (b) To a magistrate;

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

17 (d) In compliance with a court order.

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

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

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

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

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

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

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

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

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

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

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

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

1 at the time of service.

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

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

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

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

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

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

20 (B) Express mail.

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

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

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

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

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

45 (d) As used in this subsection, “law enforcement agency” means the Oregon State Police, a

1 county sheriff's department, a municipal police department or a police department established by a
2 university under ORS 352.383 **or section 1 of this 2013 Act.**

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

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

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

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

11 (B) Express mail.

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

13 146.003. As used in ORS 146.003 to 146.189 and 146.710 to 146.992, unless the context requires
14 otherwise:

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

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

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

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

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

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

27 (7) "Law enforcement agency" means a county sheriff's office, municipal police department, po-
28 lice department established by a university under ORS 352.383 **or section 1 of this 2013 Act** and
29 the Oregon State Police.

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

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

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

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

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

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

43 147.425. (1) As used in this section:

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

45 (b) "Law enforcement agency" means:

1 (A) A city or municipal police department.

2 (B) A county sheriff's office.

3 (C) The Oregon State Police.

4 (D) A district attorney.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (b) "Law enforcement agency" means:

40 (A) A city or municipal police department.

41 (B) A county sheriff's office.

42 (C) The Oregon State Police.

43 (D) A district attorney.

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

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

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

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

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

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

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

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

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

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

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

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

30 153.005. As used in this chapter:

31 (1) “Enforcement officer” means:

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

33 (b) A sheriff or deputy sheriff.

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

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

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

39 (f) An investigator of the Criminal Justice Division of the Department of Justice of the State
40 of Oregon.

41 (g) A Port of Portland peace officer.

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

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

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

45 (k) Any other person specifically authorized by law to issue citations for the commission of vi-

1 citations.

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

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

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

6 **SECTION 22.** ORS 153.005, as amended by section 45, chapter 644, Oregon Laws 2011, section
7 15, chapter 54, Oregon Laws 2012, and section 8, chapter 67, Oregon Laws 2012, is amended to read:
8 153.005. As used in this chapter:

9 (1) "Enforcement officer" means:

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

11 (b) A sheriff or deputy sheriff.

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

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

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

17 (f) An investigator of the Criminal Justice Division of the Department of Justice of the State
18 of Oregon.

19 (g) A Port of Portland peace officer.

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

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

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

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

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

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

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

30 161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635, unless the context requires
31 otherwise:

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

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

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

39 (4) "Peace officer" means:

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

41 (b) A sheriff, constable, marshal, municipal police officer or reserve officer as defined in ORS
42 133.005, or a police officer commissioned by a university under ORS 352.383 **or section 1 of this**
43 **2013 Act;**

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

- 1 (d) A humane special agent as defined in section 2, chapter 67, Oregon Laws 2012;
- 2 (e) A liquor enforcement inspector exercising authority described in ORS 471.775 (2);
- 3 (f) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011;

4 and

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

6 (5) “Person” means a human being and, where appropriate, a public or private corporation, an
 7 unincorporated association, a partnership, a government or a governmental instrumentality.

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

- 10 (7) “Physical injury” means impairment of physical condition or substantial pain.

11 (8) “Serious physical injury” means physical injury which creates a substantial risk of death or
 12 which causes serious and protracted disfigurement, protracted impairment of health or protracted
 13 loss or impairment of the function of any bodily organ.

14 (9) “Possess” means to have physical possession or otherwise to exercise dominion or control
 15 over property.

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

21 **SECTION 24.** ORS 161.015, as amended by section 46, chapter 644, Oregon Laws 2011, section
 22 17, chapter 54, Oregon Laws 2012, and section 10, chapter 67, Oregon Laws 2012, is amended to
 23 read:

24 161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635, unless the context requires
 25 otherwise:

26 (1) “Dangerous weapon” means any weapon, device, instrument, material or substance which
 27 under the circumstances in which it is used, attempted to be used or threatened to be used, is
 28 readily capable of causing death or serious physical injury.

29 (2) “Deadly weapon” means any instrument, article or substance specifically designed for and
 30 presently capable of causing death or serious physical injury.

31 (3) “Deadly physical force” means physical force that under the circumstances in which it is
 32 used is readily capable of causing death or serious physical injury.

- 33 (4) “Peace officer” means:

- 34 (a) A member of the Oregon State Police;

- 35 (b) A sheriff, constable, marshal, municipal police officer or reserve officer as defined in ORS
 36 133.005, or a police officer commissioned by a university under ORS 352.383 **or section 1 of this**
 37 **2013 Act;**

- 38 (c) An investigator of the Criminal Justice Division of the Department of Justice or investigator
 39 of a district attorney’s office;

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

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

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

43 (5) “Person” means a human being and, where appropriate, a public or private corporation, an
 44 unincorporated association, a partnership, a government or a governmental instrumentality.

45 (6) “Physical force” includes, but is not limited to, the use of an electrical stun gun, tear gas

1 or mace.

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

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

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

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

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

14 163.730. As used in ORS 30.866 and 163.730 to 163.750, unless the context requires otherwise:

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

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

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

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

19 (b) Following the other person;

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

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

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

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

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

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

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

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

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

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

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

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

38 (6) "Law enforcement officer" means:

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

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

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

42 **Act;** or

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

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

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

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

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

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

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

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

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

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

(b) Following the other person;

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

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

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

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

(g) Committing a crime against the other person;

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

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

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

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

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

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

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

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

(a) A county sheriff, constable or marshal;

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

Act; or

(c) A municipal or state police agency.

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

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

SECTION 27. ORS 165.535 is amended to read:

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

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

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

(a) Public officials and law enforcement officers of:

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

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

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

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

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

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

12 165.535. As used in ORS 41.910, 133.723, 133.724, 165.540 and 165.545:

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

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

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

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

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

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

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

32 181.010. As used in ORS 181.010 to 181.560 and 181.715 to 181.730, unless the context requires
 33 otherwise:

34 (1) "Criminal justice agency" means:

35 (a) The Governor;

36 (b) Courts of criminal jurisdiction;

37 (c) The Attorney General;

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

41 (e) Law enforcement agencies;

42 (f) The Department of Corrections;

43 (g) The Oregon Youth Authority;

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

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

- 1 (j) The Oregon Liquor Control Commission;
- 2 (k) Regional information systems that share programs to track, identify and remove cross-
- 3 jurisdictional criminal and terrorist conspiracies; and
- 4 (L) Any other state or local agency with law enforcement authority.
- 5 (2) "Criminal offender information" includes records and related data as to physical description
- 6 and vital statistics, fingerprints received and compiled for purposes of identifying criminal offenders
- 7 and alleged offenders, records of arrests and the nature and disposition of criminal charges, includ-
- 8 ing sentencing, confinement, parole and release.
- 9 (3) "Department" means the Department of State Police established under ORS 181.020.
- 10 (4) "Deputy superintendent" means the Deputy Superintendent of State Police appointed under
- 11 ORS 181.220.
- 12 (5) "Designated agency" means any state, county or municipal government agency where Oregon
- 13 criminal offender information is required to implement a federal or state statute, executive order
- 14 or administrative rule that expressly refers to criminal conduct and contains requirements or ex-
- 15 clusions expressly based on such conduct or for agency employment purposes, licensing purposes or
- 16 other demonstrated and legitimate needs when designated by order of the Governor.
- 17 (6) "Disposition report" means a form or process prescribed or furnished by the department,
- 18 containing a description of the ultimate action taken subsequent to an arrest.
- 19 (7) "Law enforcement agency" means:
- 20 (a) County sheriffs, municipal police departments, police departments established by a university
- 21 under ORS 352.383 **or section 1 of this 2013 Act** and State Police;
- 22 (b) Other police officers of this state or another state, including humane special agents as de-
- 23 fined in section 2, chapter 67, Oregon Laws 2012;
- 24 (c) A tribal government as defined in section 1, chapter 644, Oregon Laws 2011, that employs
- 25 authorized tribal police officers as defined in section 1, chapter 644, Oregon Laws 2011; and
- 26 (d) Law enforcement agencies of the federal government.
- 27 (8) "State police" means the sworn members of the state police force appointed under ORS
- 28 181.250.
- 29 (9) "Superintendent" means the Superintendent of State Police appointed under ORS 181.200.
- 30 **SECTION 30.** ORS 181.010, as amended by section 49, chapter 644, Oregon Laws 2011, section
- 31 19, chapter 54, Oregon Laws 2012, and section 12, chapter 67, Oregon Laws 2012, is amended to
- 32 read:
- 33 181.010. As used in ORS 181.010 to 181.560 and 181.715 to 181.730, unless the context requires
- 34 otherwise:
- 35 (1) "Criminal justice agency" means:
- 36 (a) The Governor;
- 37 (b) Courts of criminal jurisdiction;
- 38 (c) The Attorney General;
- 39 (d) District attorneys, city attorneys with criminal prosecutorial functions, attorney employees
- 40 of the office of public defense services and nonprofit public defender organizations established under
- 41 contract with the Public Defense Services Commission;
- 42 (e) Law enforcement agencies;
- 43 (f) The Department of Corrections;
- 44 (g) The Oregon Youth Authority;
- 45 (h) The State Board of Parole and Post-Prison Supervision;

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

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

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

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

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

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

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

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

15 (12) "Law enforcement unit" means:

16 (a) A police force or organization of the state, a city, university that has established a police
17 department under ORS 352.383 **or section 1 of this 2013 Act**, port, school district, mass transit
18 district, county, county service district authorized to provide law enforcement services under ORS
19 451.010, tribal government as defined in section 1, chapter 644, Oregon Laws 2011, that employs
20 authorized tribal police officers as defined in section 1, chapter 644, Oregon Laws 2011, the Criminal
21 Justice Division of the Department of Justice, the Department of Corrections, the Oregon State
22 Lottery Commission, the Security and Emergency Preparedness Office of the Judicial Department
23 or common carrier railroad the primary duty of which, as prescribed by law, ordinance or directive,
24 is one or more of the following:

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

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

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

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

35 (c) A district attorney's office;

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

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

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

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

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

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

45 (B) Investigating adult offenders on parole or probation or being considered for parole or pro-

- 1 bation; or
- 2 (b) An officer who:
- 3 (A) Is certified and has been employed as a full-time parole and probation officer for more than
- 4 one year;
- 5 (B) Is employed part-time by the Department of Corrections, a county or a court; and
- 6 (C) Is charged with and performs the duty of:
- 7 (i) Community protection by controlling, investigating, supervising and providing or making re-
- 8 ferrals to reformative services for adult parolees or probationers or offenders on post-prison super-
- 9 vision; or
- 10 (ii) Investigating adult offenders on parole or probation or being considered for parole or pro-
- 11 bation.
- 12 (15) "Police officer" means:
- 13 (a) An officer, member or employee of a law enforcement unit employed full-time as a peace of-
- 14 ficer who is:
- 15 (A) Commissioned by a city, port, school district, mass transit district, county, county service
- 16 district authorized to provide law enforcement services under ORS 451.010, tribal government as
- 17 defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the Depart-
- 18 ment of Justice, the Oregon State Lottery Commission, a university that has established a police
- 19 department under ORS 352.383 **or section 1 of this 2013 Act**, the Governor or the Department of
- 20 State Police; and
- 21 (B) Responsible for enforcing the criminal laws of this state or laws or ordinances relating to
- 22 airport security;
- 23 (b) An investigator of a district attorney's office if the investigator is or has been certified as
- 24 a peace officer in this or another state, an authorized tribal police officer as defined in section 1,
- 25 chapter 644, Oregon Laws 2011, or a humane special agent commissioned under section 1, chapter
- 26 67, Oregon Laws 2012; or
- 27 (c) An individual member of the judicial security personnel identified pursuant to ORS 1.177 who
- 28 is trained pursuant to section 3, chapter 88, Oregon Laws 2012.
- 29 (16) "Public or private safety agency" means a unit of state or local government, a special pur-
- 30 pose district or a private firm that provides, or has authority to provide, fire fighting, police, am-
- 31 bulance or emergency medical services.
- 32 (17) "Public safety personnel" and "public safety officer" include corrections officers, youth
- 33 correction officers, emergency medical dispatchers, parole and probation officers, police officers,
- 34 certified reserve officers, telecommunicators, liquor enforcement inspectors and fire service profes-
- 35 sionals.
- 36 (18) "Reserve officer" means an officer or member of a law enforcement unit who is:
- 37 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,
- 38 school district, mass transit district, county, county service district authorized to provide law
- 39 enforcement services under ORS 451.010, tribal government as defined in section 1, chapter 644,
- 40 Oregon Laws 2011, the Criminal Justice Division of the Department of Justice, the Oregon State
- 41 Lottery Commission, a university that has established a police department under ORS 352.383 **or**
- 42 **section 1 of this 2013 Act**, the Governor or the Department of State Police;
- 43 (b) Armed with a firearm; and
- 44 (c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordi-
- 45 nances relating to airport security.

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

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

8 **SECTION 32.** ORS 181.610, as amended by section 50, chapter 644, Oregon Laws 2011, section
9 23, chapter 54, Oregon Laws 2012, section 14, chapter 67, Oregon Laws 2012, and section 5, chapter
10 88, Oregon Laws 2012, is amended to read:

11 181.610. In ORS 181.610 to 181.712, unless the context requires otherwise:

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (12) "Law enforcement unit" means:

41 (a) A police force or organization of the state, a city, university that has established a police
42 department under ORS 352.383 or **section 1 of this 2013 Act**, port, school district, mass transit
43 district, county, county service district authorized to provide law enforcement services under ORS
44 451.010, tribal government, the Criminal Justice Division of the Department of Justice, the Depart-
45 ment of Corrections, the Oregon State Lottery Commission, the Security and Emergency

1 Preparedness Office of the Judicial Department or common carrier railroad the primary duty of
 2 which, as prescribed by law, ordinance or directive, is one or more of the following:

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

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

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

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

13 (c) A district attorney's office;

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

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

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

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

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

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

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

25 (b) An officer who:

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

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

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

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

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

35 (15) "Police officer" means:

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

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

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

45 (b) An investigator of a district attorney's office if the investigator is or has been certified as

1 a peace officer in this or another state or a humane special agent commissioned under section 1,
2 chapter 67, Oregon Laws 2012; or

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

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

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

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

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

19 (b) Armed with a firearm; and

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

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

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

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

31 181.715. (1) The Department of State Police or another criminal justice agency designated by the
32 Director of the Oregon Department of Administrative Services shall operate a Criminal Justice In-
33 formation Standards program that coordinates information among state criminal justice agencies.
34 The program shall:

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

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

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

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

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

44 (2) The program shall develop a plan to accelerate data sharing and information integration
45 among criminal justice agencies. The plan shall include, but is not limited to, priorities, timelines,

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

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

13 (a) The Judicial Department;

14 (b) The Attorney General;

15 (c) The Department of Corrections;

16 (d) The Department of State Police;

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

18 (f) The Department of Transportation;

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

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

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

22 (j) The Oregon Liquor Control Commission;

23 (k) The Oregon Youth Authority;

24 (L) The Youth Development Council; and

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

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

28 181.860. (1) For the purposes of this section:

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

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

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

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

39 (e) "Public safety personnel" means a sheriff, deputy sheriff, municipal police officer, police of-
 40 ficer commissioned by a university under ORS 352.383 **or section 1 of this 2013 Act**, state police
 41 officer, parole and probation officer, corrections employee, certified reserve officer, telecommunica-
 42 tor or emergency medical dispatcher.

43 (2) Any communication made by a participant or counselor in a peer support counseling session
 44 conducted by a law enforcement agency or by an emergency services provider for public safety
 45 personnel or emergency services personnel, and any oral or written information conveyed in the

1 peer support counseling session, is confidential and may not be disclosed by any person participating
2 in the peer support counseling session.

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

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

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

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

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

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

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

29 (8) This section does not apply to:

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

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

35 (c) Any admission of criminal conduct.

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

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

40 236.350. As used in ORS 236.350 to 236.370:

41 (1) "Disciplinary action" means action taken against a public safety officer by an employer to
42 punish the officer, including dismissal, demotion, suspension without pay, reduction in salary, writ-
43 ten reprimand and transfer.

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

1 written policies.

2 (3) "Public safety officer" means:

3 (a) A member of a law enforcement unit who is employed full-time as a peace officer commis-
4 sioned by a city, university that has established a police department under ORS 352.383 **or section**
5 **1 of this 2013 Act**, port, school district, mass transit district, county, Indian reservation, the Crim-
6 inal Justice Division of the Department of Justice, the Oregon State Lottery Commission or the
7 Governor and who is responsible for enforcing the criminal laws of this state or laws or ordinances
8 relating to airport security.

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

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

12 348.270. (1) In addition to any other scholarships provided by law, the commission shall award
13 scholarships in any public university listed in ORS 352.002, in the Oregon Health and Science Uni-
14 versity, in any community college operated under ORS chapter 341, or in any Oregon-based re-
15 gionally accredited independent institution, to any student applying for enrollment or who is
16 enrolled therein, who is:

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

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

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

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

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

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

43 (6) As used in this section:

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

1 the legal custody of the Department of Human Services for out-of-home placement.

2 (b) “Public safety officer” means:

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

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

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

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

8 **SECTION 37.** ORS 348.270, as amended by section 51, chapter 644, Oregon Laws 2011, is
 9 amended to read:

10 348.270. (1) In addition to any other scholarships provided by law, the commission shall award
 11 scholarships in any public university listed in ORS 352.002, in the Oregon Health and Science Uni-
 12 versity, in any community college operated under ORS chapter 341, or in any Oregon-based re-
 13 gionally accredited independent institution, to any student applying for enrollment or who is
 14 enrolled therein, who is:

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

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

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

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

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

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

41 (6) As used in this section:

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

45 (b) “Public safety officer” means:

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

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

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

4 **Act.**

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

6 414.805. (1) An individual who receives medical services while in the custody of a law enforce-
7 ment officer is liable:

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

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

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

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

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

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

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

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

28 (4) As used in this section:

29 (a) "Law enforcement officer" means:

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

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

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

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

38 414.805. (1) An individual who receives medical services while in the custody of a law enforce-
39 ment officer is liable:

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

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

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

1 Liability Account.

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

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

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

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

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

15 (4) As used in this section:

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

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

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

24 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

25 (1)(a) "Abuse" means:

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

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

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

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

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

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

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

45 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to

1 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or
 2 welfare of the child.

3 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm
 4 to the child's health or welfare.

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

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

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

10 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the
 11 conditions described in paragraph (a) of this subsection.

12 (2) "Child" means an unmarried person who is under 18 years of age.

13 (3) "Higher education institution" means:

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

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

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

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

18 (4) "Law enforcement agency" means:

19 (a) A city or municipal police department.

20 (b) A county sheriff's office.

21 (c) The Oregon State Police.

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

23 **Act.**

24 (e) A county juvenile department.

25 (5) "Public or private official" means:

26 (a) Physician, osteopathic physician, physician assistant, naturopathic physician, podiatric phy-
 27 sician and surgeon, including any intern or resident.

28 (b) Dentist.

29 (c) School employee, including an employee of a higher education institution.

30 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
 31 or employee of an in-home health service.

32 (e) Employee of the Department of Human Services, Oregon Health Authority, Early Learning
 33 Council, Youth Development Council, Child Care Division of the Employment Department, the
 34 Oregon Youth Authority, a county health department, a community mental health program, a com-
 35 munity developmental disabilities program, a county juvenile department, a licensed child-caring
 36 agency or an alcohol and drug treatment program.

37 (f) Peace officer.

38 (g) Psychologist.

39 (h) Member of the clergy.

40 (i) Regulated social worker.

41 (j) Optometrist.

42 (k) Chiropractor.

43 (L) Certified provider of foster care, or an employee thereof.

44 (m) Attorney.

45 (n) Licensed professional counselor.

- 1 (o) Licensed marriage and family therapist.
- 2 (p) Firefighter or emergency medical services provider.
- 3 (q) A court appointed special advocate, as defined in ORS 419A.004.
- 4 (r) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.
- 5 (s) Member of the Legislative Assembly.
- 6 (t) Physical, speech or occupational therapist.
- 7 (u) Audiologist.
- 8 (v) Speech-language pathologist.
- 9 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
- 10 gations or discipline by the commission.
- 11 (x) Pharmacist.
- 12 (y) An operator of a preschool recorded program under ORS 657A.255.
- 13 (z) An operator of a school-age recorded program under ORS 657A.257.
- 14 (aa) Employee of a private agency or organization facilitating the provision of respite services,
- 15 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
- 16 109.056.
- 17 (bb) Employee of a public or private organization providing child-related services or activities:
- 18 (A) Including but not limited to youth groups or centers, scout groups or camps, summer or day
- 19 camps, survival camps or groups, centers or camps that are operated under the guidance, super-
- 20 vision or auspices of religious, public or private educational systems or community service organ-
- 21 izations; and
- 22 (B) Excluding community-based, nonprofit organizations whose primary purpose is to provide
- 23 confidential, direct services to victims of domestic violence, sexual assault, stalking or human traf-
- 24 ficking.
- 25 (cc) A coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,
- 26 if compensated and if the athlete is a child.
- 27 **SECTION 41.** ORS 419B.902 is amended to read:
- 28 419B.902. (1) A subpoena may be served by the party or any other person 18 years of age or
- 29 older. Except as provided in subsections (2), (3) and (4) of this section, the service must be made by
- 30 delivering a copy to the witness personally. The service must be made so as to allow the witness a
- 31 reasonable time for preparation and travel to the place of attendance. If the subpoena is not ac-
- 32 companied by a command to appear at trial, hearing or deposition under ORS 419B.884, whether the
- 33 subpoena is served personally or by mail, copies of a subpoena commanding production and in-
- 34 spection of books, papers, documents or other tangible things before trial must be served on each
- 35 party at least seven days before the subpoena is served on the person required to produce and per-
- 36 mit inspection, unless the court orders a shorter period.
- 37 (2)(a) A law enforcement agency shall designate an individual upon whom service of a subpoena
- 38 may be made. A designated individual must be available during normal business hours. In the ab-
- 39 sence of a designated individual, service of a subpoena under paragraph (b) of this subsection may
- 40 be made upon the officer in charge of the law enforcement agency.
- 41 (b) If a peace officer's attendance at trial is required as a result of employment as a peace of-
- 42 ficer, a subpoena may be served on the officer by delivering a copy personally to the officer or to
- 43 an individual designated by the agency that employs the officer no later than 10 days prior to the
- 44 date attendance is sought. A subpoena may be served in this manner only if the officer is currently
- 45 employed as a peace officer and is present within the state at the time of service.

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

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

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

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

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

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

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

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

27 419B.902. (1) A subpoena may be served by the party or any other person 18 years of age or
28 older. Except as provided in subsections (2), (3) and (4) of this section, the service must be made by
29 delivering a copy to the witness personally. The service must be made so as to allow the witness a
30 reasonable time for preparation and travel to the place of attendance. If the subpoena is not ac-
31 companied by a command to appear at trial, hearing or deposition under ORS 419B.884, whether the
32 subpoena is served personally or by mail, copies of a subpoena commanding production and in-
33 spection of books, papers, documents or other tangible things before trial must be served on each
34 party at least seven days before the subpoena is served on the person required to produce and per-
35 mit inspection, unless the court orders a shorter period.

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

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

45 (c) When a subpoena has been served as provided in paragraph (b) of this subsection, the law

1 enforcement agency shall make a good faith effort to give actual notice to the officer whose at-
2 tendance is sought of the date, time and location of the court appearance. If the officer cannot be
3 notified, the law enforcement agency shall promptly notify the court and a postponement or contin-
4 uance may be granted to allow the officer to be personally served.

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

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

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

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

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

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

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

23 420.905. As used in ORS 420.905 to 420.915, “peace officer” means:

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

25 (2) A member of the state police;

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

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

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

31 420.905. As used in ORS 420.905 to 420.915, “peace officer” means:

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

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

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

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

37 430.735. As used in ORS 430.735 to 430.765:

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

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

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

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

45 (d) Sexual abuse of an adult.

- 1 (e) Neglect.
- 2 (f) Verbal abuse of a person with a developmental disability.
- 3 (g) Financial exploitation of a person with a developmental disability.
- 4 (h) Involuntary seclusion of a person with a developmental disability for the convenience of the
- 5 caregiver or to discipline the person.
- 6 (i) A wrongful use of a physical or chemical restraint upon a person with a developmental dis-
- 7 ability, excluding an act of restraint prescribed by a licensed physician and any treatment activities
- 8 that are consistent with an approved treatment plan or in connection with a court order.
- 9 (j) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427,
- 10 163.465 or 163.467.
- 11 (k) Any death of an adult caused by other than accidental or natural means.
- 12 (2) "Adult" means a person 18 years of age or older with:
- 13 (a) A developmental disability who is currently receiving services from a community program
- 14 or facility or was previously determined eligible for services as an adult by a community program
- 15 or facility; or
- 16 (b) A mental illness who is receiving services from a community program or facility.
- 17 (3) "Adult protective services" means the necessary actions taken to prevent abuse or exploi-
- 18 tation of an adult, to prevent self-destructive acts and to safeguard an adult's person, property and
- 19 funds, including petitioning for a protective order as defined in ORS 125.005. Any actions taken to
- 20 protect an adult shall be undertaken in a manner that is least intrusive to the adult and provides
- 21 for the greatest degree of independence.
- 22 (4) "Caregiver" means an individual, whether paid or unpaid, or a facility that has assumed re-
- 23 sponsibility for all or a portion of the care of an adult as a result of a contract or agreement.
- 24 (5) "Community program" means a community mental health program or a community develop-
- 25 mental disabilities program as established in ORS 430.610 to 430.695.
- 26 (6) "Facility" means a residential treatment home or facility, residential care facility, adult fos-
- 27 ter home, residential training home or facility or crisis respite facility.
- 28 (7) "Financial exploitation" means:
- 29 (a) Wrongfully taking the assets, funds or property belonging to or intended for the use of a
- 30 person with a developmental disability.
- 31 (b) Alarming a person with a developmental disability by conveying a threat to wrongfully take
- 32 or appropriate money or property of the person if the person would reasonably believe that the
- 33 threat conveyed would be carried out.
- 34 (c) Misappropriating, misusing or transferring without authorization any money from any ac-
- 35 count held jointly or singly by a person with a developmental disability.
- 36 (d) Failing to use the income or assets of a person with a developmental disability effectively
- 37 for the support and maintenance of the person.
- 38 (8) "Intimidation" means compelling or deterring conduct by threat.
- 39 (9) "Law enforcement agency" means:
- 40 (a) Any city or municipal police department;
- 41 (b) A police department established by a university under ORS 352.383 **or section 1 of this 2013**
- 42 **Act;**
- 43 (c) Any county sheriff's office;
- 44 (d) The Oregon State Police; or
- 45 (e) Any district attorney.

1 (10) "Neglect" means:

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

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

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

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

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

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

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

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

19 (d) Peace officer;

20 (e) Member of the clergy;

21 (f) Regulated social worker;

22 (g) Physical, speech or occupational therapist;

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

24 (i) Attorney;

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

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

28 (L) Firefighter or emergency medical services provider.

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

32 (14)(a) "Sexual abuse" means:

33 (A) Sexual contact with a nonconsenting adult or with an adult considered incapable of con-
34 senting to a sexual act under ORS 163.315;

35 (B) Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit mate-
36 rial or language;

37 (C) Any sexual contact between an employee of a facility or paid caregiver and an adult served
38 by the facility or caregiver;

39 (D) Any sexual contact between a person with a developmental disability and a relative of the
40 person with a developmental disability other than a spouse; or

41 (E) Any sexual contact that is achieved through force, trickery, threat or coercion.

42 (b) "Sexual abuse" does not mean consensual sexual contact between an adult and a paid
43 caregiver who is the spouse of the adult.

44 (15) "Sexual contact" has the meaning given that term in ORS 163.305.

45 (16) "Verbal abuse" means to threaten significant physical or emotional harm to a person with

1 a developmental disability through the use of:

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

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

5 **SECTION 46.** ORS 441.630 is amended to read:

6 441.630. As used in ORS 441.630 to 441.680 and 441.995:

7 (1) "Abuse" means:

8 (a) Any physical injury to a resident of a long term care facility which has been caused by other
9 than accidental means.

10 (b) Failure to provide basic care or services, which failure results in physical harm or unrea-
11 sonable discomfort or serious loss of human dignity.

12 (c) Sexual contact with a resident caused by an employee, agent or other resident of a long term
13 care facility by force, threat, duress or coercion.

14 (d) Illegal or improper use of a resident's resources for the personal profit or gain of another
15 person.

16 (e) Verbal or mental abuse as prohibited by federal law.

17 (f) Corporal punishment.

18 (g) Involuntary seclusion for convenience or discipline.

19 (2) "Abuse complaint" means any oral or written communication to the department, one of its
20 agents or a law enforcement agency alleging abuse.

21 (3) "Department" means the Department of Human Services or a designee of the department.

22 (4) "Facility" means a long term care facility, as defined in ORS 442.015.

23 (5) "Law enforcement agency" means:

24 (a) Any city or municipal police department.

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

26 **Act.**

27 (c) Any county sheriff's office.

28 (d) The Oregon State Police.

29 (e) Any district attorney.

30 (6) "Public or private official" means:

31 (a) Physician, including any intern or resident.

32 (b) Licensed practical nurse or registered nurse.

33 (c) Employee of the Department of Human Services, a community developmental disabilities
34 program or a long term care facility or person who contracts to provide services to a long term care
35 facility.

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

38 (e) Peace officer.

39 (f) Member of the clergy.

40 (g) Regulated social worker.

41 (h) Physical, speech and occupational therapists.

42 (i) Legal counsel for a resident or guardian or family member of the resident.

43 **SECTION 47.** ORS 506.521 is amended to read:

44 506.521. Each member of the State Fish and Wildlife Commission, the State Fish and Wildlife
45 Director and every inspector, deputy fish warden, special deputy fish warden, and all peace officers

1 of this state or any political subdivision therein, including police officers commissioned by a uni-
 2 versity under ORS 352.383 **or section 1 of this 2013 Act**, shall enforce the commercial fishing laws
 3 within their respective jurisdictions. In the performance of these duties such officers are subject to
 4 the direction and control of the commission or director.

5 **SECTION 48.** ORS 609.652, as amended by section 66, chapter 37, Oregon Laws 2012, and sec-
 6 tion 15, chapter 67, Oregon Laws 2012, is amended to read:

7 609.652. As used in ORS 609.654:

8 (1)(a) "Aggravated animal abuse" means any animal abuse as described in ORS 167.322.

9 (b) "Aggravated animal abuse" does not include:

10 (A) Good animal husbandry, as defined in ORS 167.310; or

11 (B) Any exemption listed in ORS 167.335.

12 (2) "Law enforcement agency" means:

13 (a) Any city or municipal police department.

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

15 **Act.**

16 (c) Any county sheriff's office.

17 (d) The Oregon State Police.

18 (e) A law enforcement division of a county or municipal animal control agency that employs
 19 sworn officers.

20 (f) A humane investigation agency as defined in section 1, chapter 67, Oregon Laws 2012, that
 21 employs humane special agents commissioned under section 1, chapter 67, Oregon Laws 2012.

22 (3) "Public or private official" means:

23 (a) A physician, including any intern or resident.

24 (b) A dentist.

25 (c) A school employee.

26 (d) A licensed practical nurse or registered nurse.

27 (e) An employee of the Department of Human Services, Oregon Health Authority, Early Learn-
 28 ing Council, Youth Development Council, Child Care Division of the Employment Department, the
 29 Oregon Youth Authority, a county health department, a community mental health program, a com-
 30 munity developmental disabilities program, a county juvenile department, a licensed child-caring
 31 agency or an alcohol and drug treatment program.

32 (f) A peace officer.

33 (g) A psychologist.

34 (h) A member of the clergy.

35 (i) A regulated social worker.

36 (j) An optometrist.

37 (k) A chiropractor.

38 (L) A certified provider of foster care, or an employee thereof.

39 (m) An attorney.

40 (n) A naturopathic physician.

41 (o) A licensed professional counselor.

42 (p) A licensed marriage and family therapist.

43 (q) A firefighter or emergency medical services provider.

44 (r) A court appointed special advocate, as defined in ORS 419A.004.

45 (s) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.

1 (t) A member of the Legislative Assembly.

2 **SECTION 49.** ORS 659A.320, as amended by section 25, chapter 54, Oregon Laws 2012, and
3 section 16, chapter 67, Oregon Laws 2012, is amended to read:

4 659A.320. (1) Except as provided in subsection (2) of this section, it is an unlawful employment
5 practice for an employer to obtain or use for employment purposes information contained in the
6 credit history of an applicant for employment or an employee, or to refuse to hire, discharge, de-
7 mote, suspend, retaliate or otherwise discriminate against an applicant or an employee with regard
8 to promotion, compensation or the terms, conditions or privileges of employment based on informa-
9 tion in the credit history of the applicant or employee.

10 (2) Subsection (1) of this section does not apply to:

11 (a) Employers that are federally insured banks or credit unions;

12 (b) Employers that are required by state or federal law to use individual credit history for em-
13 ployment purposes;

14 (c) The application for employment or the employment of a public safety officer who will be or
15 who is:

16 (A) A member of a law enforcement unit;

17 (B) Employed as a peace officer commissioned by a city, port, school district, mass transit dis-
18 trict, county, university under ORS 352.383 **or section 1 of this 2013 Act**, Indian reservation, the
19 Superintendent of State Police under section 1, chapter 67, Oregon Laws 2012, the Criminal Justice
20 Division of the Department of Justice, the Oregon State Lottery Commission or the Governor or
21 employed as a liquor enforcement inspector by the Oregon Liquor Control Commission; and

22 (C) Responsible for enforcing the criminal laws of this state or laws or ordinances related to
23 airport security; or

24 (d) The obtainment or use by an employer of information in the credit history of an applicant
25 or employee because the information is substantially job-related and the employer's reasons for the
26 use of such information are disclosed to the employee or prospective employee in writing.

27 (3) An employee or an applicant for employment may file a complaint under ORS 659A.820 for
28 violations of this section and may bring a civil action under ORS 659A.885 and recover the relief
29 as provided by ORS 659A.885 (1) and (2).

30 (4) As used in this section, "credit history" means any written or other communication of any
31 information by a consumer reporting agency that bears on a consumer's creditworthiness, credit
32 standing or credit capacity.

33 **SECTION 50.** ORS 686.450, as amended by section 17, chapter 67, Oregon Laws 2012, is
34 amended to read:

35 686.450. As used in ORS 686.450 to 686.465 and 686.990 (3):

36 (1)(a) "Aggravated animal abuse" means any animal abuse as described in ORS 167.322.

37 (b) "Aggravated animal abuse" does not include:

38 (A) Good animal husbandry, as defined in ORS 167.310; or

39 (B) Any exemption listed in ORS 167.335.

40 (2) "Law enforcement agency" means:

41 (a) Any city or municipal police department.

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

43 **Act.**

44 (c) Any county sheriff's office.

45 (d) The Oregon State Police.

1 (e) A law enforcement division of a humane society in Oregon that employs special agents au-
2 thorized under ORS 131.805 or humane special agents commissioned under section 1, chapter 67,
3 Oregon Laws 2012.

4 (f) A law enforcement division of a county or municipal animal control agency that employs
5 sworn officers.

6 (3) "Veterinarian" means a person licensed to practice veterinary medicine under ORS chapter
7 686.

8 **SECTION 51.** ORS 756.160 is amended to read:

9 756.160. (1) The Public Utility Commission shall inquire into any neglect or violation of any law
10 of this state or any law or ordinance of any municipality thereof relating to public utilities and
11 telecommunications utilities by any public utility or telecommunications utility doing business
12 therein, its officers, agents or employees and shall enforce all laws of this state relating to public
13 utilities and telecommunications utilities and may enforce all such laws and ordinances of a
14 municipality. The commission shall report all violations of any such laws or ordinances to the At-
15 torney General.

16 (2) The Attorney General, district attorney of each county, all state, county and city police of-
17 ficers and police officers commissioned by a university under ORS 352.383 **or section 1 of this 2013**
18 **Act** shall assist the commission in the administration and enforcement of all laws administered by
19 the commission, and they, as well as assistants and employees of the commission, shall inform
20 against and diligently prosecute all persons whom they have reasonable cause to believe guilty of
21 violation of any such laws or of the rules, regulations, orders, decisions or requirements of the
22 commission made pursuant thereto.

23 (3) Upon the request of the commission, the Attorney General or the district attorney of the
24 proper county shall aid in any investigation, hearing or trial, and shall institute and prosecute all
25 necessary suits, actions or proceedings for the enforcement of those laws and ordinances referred
26 to in subsection (1) of this section.

27 (4) Any forfeiture or penalty provided for in any law administered by the commission shall be
28 recovered by an action brought thereon in the name of the State of Oregon in any court of appro-
29 priate jurisdiction.

30 **SECTION 52.** ORS 801.395 is amended to read:

31 801.395. "Police officer" includes a member of the Oregon State Police, a sheriff, a deputy
32 sheriff, a city police officer, an authorized tribal police officer as defined in section 1, chapter 644,
33 Oregon Laws 2011, a police officer commissioned by a university under ORS 352.383 **or section 1**
34 **of this 2013 Act**, a Port of Portland peace officer, a reserve officer as defined in ORS 133.005 or a
35 law enforcement officer employed by a service district established under ORS 451.410 to 451.610 for
36 the purpose of law enforcement services.

37 **SECTION 53.** ORS 801.395, as amended by section 55, chapter 644, Oregon Laws 2011, is
38 amended to read:

39 801.395. "Police officer" includes a member of the Oregon State Police, a sheriff, a deputy
40 sheriff, a city police officer, a police officer commissioned by a university under ORS 352.383 **or**
41 **section 1 of this 2013 Act**, a Port of Portland peace officer, a reserve officer as defined in ORS
42 133.005 or a law enforcement officer employed by a service district established under ORS 451.410
43 to 451.610 for the purpose of law enforcement services.

44 **SECTION 54.** ORS 811.720 is amended to read:

45 811.720. (1) Except as provided in subsection (4) of this section, any accident occurring on a

1 highway or upon premises open to the public resulting in injury or death to any person is subject
2 to the reporting requirements under the following sections:

3 (a) The reporting requirements for drivers under ORS 811.725.

4 (b) The reporting requirements for occupants of vehicles in accidents under ORS 811.735.

5 (c) The reporting requirements for owners of vehicles under ORS 811.730.

6 (2) Except as provided in subsection (4) of this section, an accident occurring on a highway or
7 upon premises open to the public resulting in damage to the property of any person in excess of
8 \$1,500 is subject to the following reporting requirements:

9 (a) The driver of a vehicle that has more than \$1,500 damage must report the accident in the
10 manner specified under ORS 811.725.

11 (b) The owner of a vehicle that has more than \$1,500 damage must report the accident in the
12 manner specified in ORS 811.730 and under the circumstances specified in ORS 811.730.

13 (c) If the property damage is to property other than a vehicle involved in the accident, each
14 driver involved in the accident must report the accident in the manner specified under ORS 811.725
15 and each owner of a vehicle involved in the accident must report the accident in the manner spec-
16 ified in ORS 811.730 and under the circumstances specified in ORS 811.730.

17 (d) If a vehicle involved in the accident is damaged to the extent that the vehicle must be towed
18 from the scene of the accident, each driver involved in the accident must report the accident in the
19 manner specified under ORS 811.725 and each owner of a vehicle involved in the accident must re-
20 port the accident in the manner specified in ORS 811.730 and under the circumstances specified in
21 ORS 811.730.

22 (3) The dollar amount specified in subsection (2) of this section may be increased every five
23 years by the Department of Transportation based upon any increase in the Portland-Salem Consumer
24 Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics
25 of the United States Department of Labor or its successor during the preceding 12-month period.
26 The amount determined under this subsection shall be rounded to the nearest \$100.

27 (4) The following are exempt from the reporting requirements of this section:

28 (a) Operators of snowmobiles, Class I all-terrain vehicles or Class III all-terrain vehicles.

29 (b) A law enforcement official acting in the course of official duty if the accident involved a law
30 enforcement official performing a lawful intervention technique or a law enforcement official and a
31 person acting during the commission of a criminal offense. As used in this paragraph:

32 (A) "Law enforcement official" means a person who is responsible for enforcing the criminal
33 laws of this state or a political subdivision of this state and who is employed or volunteers:

34 (i) As a peace officer commissioned by a city, university that has established a police department
35 under ORS 352.383 **or section 1 of this 2013 Act**, port, school district, mass transit district, county
36 or county service district authorized to provide law enforcement services under ORS 451.010;

37 (ii) With the Department of State Police or the Criminal Justice Division of the Department of
38 Justice;

39 (iii) As an investigator of a district attorney's office, if the investigator is certified as a peace
40 officer in this state; or

41 (iv) As an authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011.

42 (B) "Lawful intervention technique" means a method by which one motor vehicle causes, or at-
43 tempts to cause, another motor vehicle to stop.

44 **SECTION 55.** ORS 811.720, as amended by section 56, chapter 644, Oregon Laws 2011, is
45 amended to read:

1 811.720. (1) Except as provided in subsection (4) of this section, any accident occurring on a
 2 highway or upon premises open to the public resulting in injury or death to any person is subject
 3 to the reporting requirements under the following sections:

4 (a) The reporting requirements for drivers under ORS 811.725.

5 (b) The reporting requirements for occupants of vehicles in accidents under ORS 811.735.

6 (c) The reporting requirements for owners of vehicles under ORS 811.730.

7 (2) Except as provided in subsection (4) of this section, an accident occurring on a highway or
 8 upon premises open to the public resulting in damage to the property of any person in excess of
 9 \$1,500 is subject to the following reporting requirements:

10 (a) The driver of a vehicle that has more than \$1,500 damage must report the accident in the
 11 manner specified under ORS 811.725.

12 (b) The owner of a vehicle that has more than \$1,500 damage must report the accident in the
 13 manner specified in ORS 811.730 and under the circumstances specified in ORS 811.730.

14 (c) If the property damage is to property other than a vehicle involved in the accident, each
 15 driver involved in the accident must report the accident in the manner specified under ORS 811.725
 16 and each owner of a vehicle involved in the accident must report the accident in the manner spec-
 17 ified in ORS 811.730 and under the circumstances specified in ORS 811.730.

18 (d) If a vehicle involved in the accident is damaged to the extent that the vehicle must be towed
 19 from the scene of the accident, each driver involved in the accident must report the accident in the
 20 manner specified under ORS 811.725 and each owner of a vehicle involved in the accident must re-
 21 port the accident in the manner specified in ORS 811.730 and under the circumstances specified in
 22 ORS 811.730.

23 (3) The dollar amount specified in subsection (2) of this section may be increased every five
 24 years by the Department of Transportation based upon any increase in the Portland-Salem Consumer
 25 Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics
 26 of the United States Department of Labor or its successor during the preceding 12-month period.
 27 The amount determined under this subsection shall be rounded to the nearest \$100.

28 (4) The following are exempt from the reporting requirements of this section:

29 (a) Operators of snowmobiles, Class I all-terrain vehicles or Class III all-terrain vehicles.

30 (b) A law enforcement official acting in the course of official duty if the accident involved a law
 31 enforcement official performing a lawful intervention technique or a law enforcement official and a
 32 person acting during the commission of a criminal offense. As used in this paragraph:

33 (A) "Law enforcement official" means a person who is responsible for enforcing the criminal
 34 laws of this state or a political subdivision of this state and who is employed or volunteers:

35 (i) As a peace officer commissioned by a city, university that has established a police department
 36 under ORS 352.383 **or section 1 of this 2013 Act**, port, school district, mass transit district, county
 37 or county service district authorized to provide law enforcement services under ORS 451.010;

38 (ii) With the Department of State Police or the Criminal Justice Division of the Department of
 39 Justice; or

40 (iii) As an investigator of a district attorney's office, if the investigator is certified as a peace
 41 officer in this state.

42 (B) "Lawful intervention technique" means a method by which one motor vehicle causes, or at-
 43 tempts to cause, another motor vehicle to stop.

44 **SECTION 56.** ORS 811.745 is amended to read:

45 811.745. (1) Except as provided in subsection (4) of this section, any accident occurring on a

1 highway or upon premises open to the public resulting in injury or death to any person is subject
2 to the reporting requirements under the following sections:

3 (a) The reporting requirements for drivers under ORS 811.748.

4 (b) The reporting requirements for occupants of vehicles in accidents under ORS 811.750.

5 (2) Except as provided in subsection (4) of this section, an accident occurring on a highway or
6 upon premises open to the public resulting in damage to the property of any person in excess of
7 \$1,500 is subject to the following reporting requirements:

8 (a) The driver of a vehicle that has more than \$1,500 damage must report the accident in the
9 manner specified under ORS 811.748.

10 (b) If the property damage is to property other than a vehicle involved in the accident, each
11 driver involved in the accident must report the accident in the manner specified under ORS 811.748.

12 (c) If a vehicle involved in the accident is damaged to the extent that the vehicle must be towed
13 from the scene of the accident, each driver involved in the accident must report the accident in the
14 manner specified under ORS 811.748.

15 (3) The dollar amount specified in subsection (2) of this section may be increased every five
16 years by the Department of Transportation based upon any increase in the Portland-Salem Consumer
17 Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics
18 of the United States Department of Labor or its successor during the preceding 12-month period.
19 The amount determined under this subsection shall be rounded to the nearest \$100.

20 (4) The following are exempt from the reporting requirements of this section:

21 (a) Operators of snowmobiles and Class I, Class III and Class IV all-terrain vehicles.

22 (b) A law enforcement official acting in the course of official duty if the accident involved a law
23 enforcement official performing a lawful intervention technique or involved a law enforcement offi-
24 cial and a person acting during the commission of a criminal offense. As used in this paragraph:

25 (A) "Law enforcement official" means a person who is responsible for enforcing the criminal
26 laws of this state or a political subdivision of this state and who is employed or volunteers:

27 (i) As a peace officer commissioned by a city, port, university that has established a police de-
28 partment under ORS 352.383 **or section 1 of this 2013 Act**, school district, mass transit district,
29 county or service district authorized to provide law enforcement services under ORS 451.010;

30 (ii) With the Department of State Police or the Criminal Justice Division of the Department of
31 Justice; or

32 (iii) As an investigator of a district attorney's office, if the investigator is certified as a peace
33 officer in this state.

34 (B) "Lawful intervention technique" means a method by which one motor vehicle causes, or at-
35 tempts to cause, another motor vehicle to stop.

36 (5) The reporting requirements under this section are in addition to, and not in lieu of, the re-
37 porting requirements under ORS 811.720.

38 **SECTION 57.** ORS 811.747 is amended to read:

39 811.747. As used in ORS 811.748 and 811.750:

40 (1) "9-1-1 emergency reporting system" has the meaning given that term in ORS 403.105.

41 (2) "Law enforcement agency" means any agency that employs members of the Oregon State
42 Police, a sheriff, a deputy sheriff, a city police officer, a police officer commissioned by a university
43 under ORS 352.383 **or section 1 of this 2013 Act** or a law enforcement officer employed by a service
44 district established under ORS 451.410 to 451.610 for the purpose of law enforcement services.

45 **SECTION 58.** ORS 823.081 is amended to read:

1 823.081. (1) The Department of Transportation shall inquire into any neglect or violation of any
2 law of this state, or any law or ordinance of any municipality thereof, relating to motor carriers or
3 railroads by any motor carrier or railroad doing business therein, its officers, agents or employees
4 and shall enforce all laws of this state relating to motor carriers and railroads and may enforce all
5 such laws and ordinances of a municipality. The department shall report all violations of any such
6 laws or ordinances to the Attorney General.

7 (2) The Attorney General, district attorney of each county, all state, county and city police of-
8 ficers and police officers commissioned by a university under ORS 352.383 **or section 1 of this 2013**
9 **Act** shall assist the department in the administration and enforcement of all laws related to motor
10 carriers and railroads administered by the department, and they, as well as assistants and employees
11 of the department, shall inform against and diligently prosecute all persons whom they have rea-
12 sonable cause to believe guilty of the violation of any such laws or of the rules, regulations, orders,
13 decisions or requirements of the department made pursuant thereto.

14 (3) Upon the request of the department, the Attorney General or the district attorney of the
15 proper county shall aid in any investigation, hearing or trial, and shall institute and prosecute all
16 necessary suits, actions or proceedings for the enforcement of those laws and ordinances referred
17 to in subsection (1) of this section.

18 (4) Any forfeiture or penalty provided for in any law regarding motor carriers or railroads ad-
19 ministered by the department shall be recovered by an action brought thereon in the name of the
20 State of Oregon in any court of appropriate jurisdiction or as provided in ORS 183.745.

21 **SECTION 59.** ORS 830.005 is amended to read:

22 830.005. As used in this chapter, unless the context requires otherwise:

23 (1) "Board" means the State Marine Board.

24 (2) "Boat" means every description of watercraft, including a seaplane on the water and not in
25 flight, used or capable of being used as a means of transportation on the water, but does not include
26 boathouses, floating homes, air mattresses, beach and water toys or single inner tubes.

27 (3) "Boating offense" means violation of any provision of law that is made a crime or violation
28 under the provisions of this chapter.

29 (4) "In flight" means from the moment a seaplane starts its takeoff run until the end of a normal
30 power-off landing run.

31 (5) "Length" means the length of a boat measured from end to end over the deck excluding
32 sheer.

33 (6) "Motorboat" means any boat propelled in whole or in part by machinery, including boats
34 temporarily equipped with detachable motors.

35 (7) "Navigable waters of the United States" means those waters of the United States, including
36 the territorial seas adjacent thereto, the general character of which is navigable, and that, either
37 by themselves or by uniting with other waters, form a continuous waterway on which boats or ves-
38 sels may navigate or travel between two or more states, or to and from foreign nations.

39 (8) "Operate" means to navigate or otherwise use a boat.

40 (9) "Operator of a boat livery" means any person who is engaged wholly or in part in the busi-
41 ness of chartering or renting boats to other persons.

42 (10) "Passenger" means every person on board a boat who is not the master, operator, crew
43 member or other person engaged in any capacity in the business of the boat.

44 (11) "Peace officer" includes a member of the Oregon State Police, a sheriff or deputy sheriff,
45 a city police officer, an authorized tribal police officer as defined in section 1, chapter 644, Oregon

1 Laws 2011, and a police officer commissioned by a university under ORS 352.383 **or section 1 of**
2 **this 2013 Act.**

3 (12) "State waters" means those waters entirely within the confines of this state that have not
4 been declared navigable waters of the United States.

5 (13) "Waters of this state" means all waters within the territorial limits of this state, the mar-
6 ginal sea adjacent to this state and the high seas when navigated as part of a journey or ride to
7 or from the shore of this state.

8 **SECTION 60.** ORS 830.005, as amended by section 57, chapter 644, Oregon Laws 2011, is
9 amended to read:

10 830.005. As used in this chapter, unless the context requires otherwise:

11 (1) "Board" means the State Marine Board.

12 (2) "Boat" means every description of watercraft, including a seaplane on the water and not in
13 flight, used or capable of being used as a means of transportation on the water, but does not include
14 boathouses, floating homes, air mattresses, beach and water toys or single inner tubes.

15 (3) "Boating offense" means violation of any provision of law that is made a crime or violation
16 under the provisions of this chapter.

17 (4) "In flight" means from the moment a seaplane starts its takeoff run until the end of a normal
18 power-off landing run.

19 (5) "Length" means the length of a boat measured from end to end over the deck excluding
20 sheer.

21 (6) "Motorboat" means any boat propelled in whole or in part by machinery, including boats
22 temporarily equipped with detachable motors.

23 (7) "Navigable waters of the United States" means those waters of the United States, including
24 the territorial seas adjacent thereto, the general character of which is navigable, and that, either
25 by themselves or by uniting with other waters, form a continuous waterway on which boats or ves-
26 sels may navigate or travel between two or more states, or to and from foreign nations.

27 (8) "Operate" means to navigate or otherwise use a boat.

28 (9) "Operator of a boat livery" means any person who is engaged wholly or in part in the busi-
29 ness of chartering or renting boats to other persons.

30 (10) "Passenger" means every person on board a boat who is not the master, operator, crew
31 member or other person engaged in any capacity in the business of the boat.

32 (11) "Peace officer" includes a member of the Oregon State Police, a sheriff or deputy sheriff,
33 a city police officer and a police officer commissioned by a university under ORS 352.383 **or section**
34 **1 of this 2013 Act.**

35 (12) "State waters" means those waters entirely within the confines of this state that have not
36 been declared navigable waters of the United States.

37 (13) "Waters of this state" means all waters within the territorial limits of this state, the mar-
38 ginal sea adjacent to this state and the high seas when navigated as part of a journey or ride to
39 or from the shore of this state.

40 **SECTION 61.** ORS 353.050 is amended to read:

41 353.050. Except as otherwise provided in this chapter, the Oregon Health and Science University
42 Board of Directors, or university officials acting under the authority of the board, shall exercise all
43 the powers of the Oregon Health and Science University and shall govern the university. In carrying
44 out its powers, rights and privileges, the university shall be a governmental entity performing gov-
45 ernmental functions and exercising governmental powers. The university or the board may either

1 within or outside the state:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 [(16) *Commission special campus security officers to be known as university police. University po-*
7 *lice commissioned under this subsection have all the powers and authority given by statute to peace*
8 *officers and police officers of this state. University police shall complete training necessary for certif-*
9 *ication as police officers at an academy operated or authorized by the Department of Public Safety*
10 *Standards and Training at the expense of the Oregon Health and Science University Board of Direc-*
11 *tors. University police are not authorized to carry firearms as police officers and are not police officers*
12 *for purposes of ORS 238.005, 243.005 or 243.736. The university is a criminal justice agency for pur-*
13 *poses of ORS 181.715 and 181.720 and a law enforcement unit within the meaning of ORS 181.610*
14 *(12).]*

15 [(17)] **(16)** Enforce and recover for payment to the university any fines that are authorized by
16 this chapter.

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

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

22 [(20)] **(19)** Purchase, receive, subscribe for or otherwise acquire, own, hold, vote, use, sell,
23 mortgage, lend, pledge, invest in or otherwise dispose of and deal in or with the shares, stock or
24 other equity or interests in or obligations of any other entity. Separate funds may be established for
25 such investments. The State of Oregon shall have no proprietary or other interest in such invest-
26 ments or such funds.

27 [(21)] **(20)** Make available, by lease or otherwise, or control access to any health care facilities
28 or services or other of its properties and assets to such persons, firms, partnerships, associations
29 or corporations and on such terms as considered appropriate, charge and collect rent or other fees
30 or charges therefor and terminate or deny any such access or any such lease or other agreement
31 for such reasons as considered appropriate and as may be consistent with its obligations under any
32 such lease or other agreement.

33 [(22)] **(21)** Contract for the operation of any department, section, equipment or holdings of the
34 university and enter into any agreements with any person, firm or corporation for the management
35 by said person, firm or corporation on behalf of the university of any of its properties or for the
36 more efficient or economical performance of clerical, accounting, administrative and other functions
37 relating to its health care facilities.

38 [(23)] **(22)** Select and appoint faculty as medical and dental staff members and others licensed
39 to practice the healing arts, delineate and define the privileges granted each such individual, adopt
40 and direct a plan for faculty clinical income and set the terms and conditions of that plan (including
41 such modifications to any such existing plan as considered necessary or appropriate upon expiration
42 of the term of such plan), and determine the extent to which and the terms upon which each such
43 individual may provide teaching, research, consulting or other services at the university or any
44 other health care facility.

45 [(24)] **(23)** Enter into affiliation, cooperation, territorial, management or other similar agree-

1 ments with other public or private universities or health care providers for the sharing, division,
 2 allocation or furnishing of services on an exclusive or a nonexclusive basis, referral of patients,
 3 management of facilities, formation of health care delivery systems and other similar activities.

4 [(25)] (24) Perform any other acts that in the judgment of the board or university are requisite,
 5 necessary or appropriate in accomplishing the purposes described in or carrying out the powers
 6 granted by this chapter.

7 [(26)] (25) Exercise these powers, notwithstanding that as a consequence of the exercise of such
 8 powers, the university engages in activities that might otherwise be deemed anticompetitive within
 9 the contemplation of state or federal antitrust laws.

10 **SECTION 62. (1) Section 1 of this 2013 Act and the amendments to ORS 40.275, 44.550,**
 11 **90.440, 124.050, 133.005, 133.525, 133.721, 133.726, 136.595, 146.003, 147.425, 153.005, 161.015,**
 12 **163.730, 165.535, 181.010, 181.610, 181.715, 181.860, 236.350, 348.270, 353.050, 414.805, 419B.005,**
 13 **419B.902, 420.905, 430.735, 441.630, 506.521, 609.652, 659A.320, 686.450, 756.160, 801.395, 811.720,**
 14 **811.745, 811.747, 823.081 and 830.005 by sections 2 to 61 of this 2013 Act become operative on**
 15 **January 1, 2014.**

16 (2) The Oregon Health and Science University may adopt rules or take any other action
 17 necessary to enable the university to exercise, on and after the operative date specified in
 18 subsection (1) of this section, all the duties, functions and powers conferred on the university
 19 by this 2013 Act.

20 **SECTION 63. This 2013 Act being necessary for the immediate preservation of the public**
 21 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
 22 **on its passage.**

23 _____