

D R A F T

SUMMARY

Directs law enforcement agency to notify Attorney General when police officer's use of deadly physical force causes death of person.

Directs Attorney General to appoint special investigator to investigate use of deadly physical force. Requires that subsequent prosecution, if any, occur using preliminary hearing.

A BILL FOR AN ACT

Relating to use of deadly physical force by police officers.

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

SECTION 1. (1) A law enforcement agency shall immediately notify the Attorney General when the use of deadly physical force during the course of official duty by a police officer employed by the law enforcement agency was a cause in fact of the death of a person.

(2) Upon receiving the notification described in subsection (1) of this section, the Attorney General shall appoint a special investigator to lead the investigation of the use of deadly physical force. The special investigator may not be employed by the office of the district attorney in the county in which the incident occurred or by any other public office in the county in which the incident occurred.

(3) If, after the investigation described in subsection (2) of this section, the Attorney General believes that the use of deadly physical force constitutes a crime punishable as a felony, the Attorney General shall file an information against the involved police officer in circuit court and shall proceed to charge the offense in a preliminary hearing as described in ORS 135.070 to 135.225.

1 **(4) The Attorney General shall have all the powers of a district at-**
2 **torney when acting under this section, including the power to issue**
3 **or cause to be issued subpoenas or other process.**

4 **(5) As used in this section:**

5 **(a) “Deadly physical force” has the meaning given that term in ORS**
6 **161.015.**

7 **(b) “Law enforcement agency” means an agency employing police**
8 **officers to enforce criminal laws.**

9 **(c) “Police officer” means an officer employed to enforce criminal**
10 **laws by:**

11 **(A) This state or a municipal government within this state;**

12 **(B) A political subdivision, agency, department or bureau of the**
13 **governments described in subparagraph (A) of this paragraph; or**

14 **(C) A police department established by a university under ORS**
15 **352.383 or 353.125.**

16 **SECTION 2.** **Section 1 of this 2015 Act applies to use of deadly**
17 **physical force by a police officer occurring on or after the effective**
18 **date of this 2015 Act.**

19