

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
Senate Committee On Judiciary

MEASURE: SB 238
CARRIER: Sen. Kruse

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 02/03/15

Action: Do Pass.

Meeting Dates: 02/03

Senate

Yeas: 5 - Burdick, Gelser, Thatcher, Prozanski, Kruse

Prepared By: Laura Handzel, Committee Administrator

WHAT THE MEASURE DOES:

Requires private safety agencies to comply with certain personnel record requests from Department of Public Safety Standards and Training (DPSST). Authorizes DPSST Director to apply for court order compelling compliance. Clarifies internal use of public safety officer's photograph permitted without written consent. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Current personnel record access
- Low occurrence of noncompliance
- Need for oversight and corrective action when agencies are noncompliant
- Checks and balances of system
- Due process

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

The Department of Public Safety Standards and Training (DPSST) serves over 35,000 public safety constituents throughout Oregon. DPSST's mission is to promote excellence in public safety by: 1) providing training; 2) developing professional standards; and 3) upholding professional standards for police, fire, corrections, parole and probation, and telecommunications personnel. Additionally, DPSST licenses private security providers as well as private investigators in the state.

Under current Oregon law, public safety agencies must provide DPSST with personnel records of present or past employees for the purpose of investigating the individual's qualifications for employment, training or certification as a public safety officer. (ORS 181.675.) The statute does not currently include private safety agents.

Senate Bill 238 includes private safety agencies in the requirements of ORS 181.675. The bill also authorizes the Director of DPSST to apply for a court order to compel compliance with the personnel record request whether it is to a private or public safety agency. Senate Bill 238 also clarifies that the internal use of a public safety officer's photograph is permitted without the written consent of the public safety officer or his or her employer.