

# House Bill 2003

Sponsored by Representative FREDERICK; Representatives BUCKLEY, KENY-GUYER, SMITH WARNER (Presession filed.)

## 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**.

Prohibits law enforcement agencies and law enforcement officers from profiling based on specified personal characteristics or circumstances of individuals, except when characteristics or circumstances are tied to specific suspect description or credible information related to criminal incident or activity.

### A BILL FOR AN ACT

Relating to profiling in law enforcement investigatory activity.

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

#### **SECTION 1. (1) As used in this section:**

(a) **"Law enforcement agency" means the Department of State Police, the Department of Justice or a district attorney's office, or any political subdivision or instrumentality of the State of Oregon, municipal corporation of the State of Oregon, tribal government or university that maintains a law enforcement unit as defined in ORS 181.610.**

(b) **"Law enforcement officer" means:**

(A) **A member of the Oregon State Police;**

(B) **A sheriff, constable, marshal, municipal police officer or reserve officer or a police officer commissioned by a university under ORS 352.383 or 353.125;**

(C) **An investigator of a district attorney's office if the investigator is or has been certified as a law enforcement officer in this or any other state;**

(D) **An investigator of the Criminal Justice Division of the Department of Justice;**

(E) **A humane special agent as defined in ORS 181.435;**

(F) **A judicial marshal of the Security and Emergency Preparedness Office of the Judicial Department who is appointed under ORS 1.177 and trained pursuant to ORS 181.647;**

(G) **A liquor enforcement inspector exercising authority described in ORS 471.775 (2); or**

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

(c) **"Routine or spontaneous investigatory activity" includes an interview, a detention, a traffic stop, a pedestrian stop, a frisk or other type of bodily search and a search of personal or real property.**

(d) **"Sexual orientation" has the meaning given that term in ORS 174.100.**

(2) **In conducting a routine or spontaneous investigatory activity or in determining the scope, substance or duration of the routine or spontaneous investigatory activity, a law enforcement agency or a law enforcement officer may not rely on age, race, ethnicity, color, national origin, language, gender, sexual orientation, political affiliation, religion, homelessness or mental disability to select an individual for or subject an individual to the**

**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 routine or spontaneous investigatory activity, except when using a specific suspect de-  
2 scription related to an identified criminal incident or suspected criminal activity.

3 (3) In conducting an investigatory activity in connection with an investigation, a law  
4 enforcement agency or a law enforcement officer may not rely on age, race, ethnicity, color,  
5 national origin, language, gender, sexual orientation, political affiliation, religion,  
6 homelessness or mental disability as an identifying characteristic or circumstance of an in-  
7 dividual, unless credible information relevant to the locality or time frame links the individ-  
8 ual to an identified criminal incident or criminal activity.

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