

# House Bill 2806

Sponsored by Representative WILLIAMSON; Representatives BARKER, BARNHART, KRIEGER, NOSSE, Senators DEMBROW, FERRIOLI, MONNES ANDERSON, ROSENBAUM, SHIELDS, WINTERS (at the request of Oregon AFSCME)

## 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**.

Provides that Department of Public Safety Standards and Training may not deny, suspend or revoke certification of corrections officer because corrections officer seeks help with mental health issues, substance abuse or other counseling needs.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to corrections officers; amending ORS 181.662; and declaring an emergency.

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

4 **SECTION 1.** ORS 181.662 is amended to read:

5 181.662. (1) The Department of Public Safety Standards and Training may deny the application  
6 for training, or deny, suspend or revoke the certification, of any public safety officer or instructor,  
7 except a youth correction officer or fire service professional, after written notice and hearing con-  
8 sistent with the provisions of ORS 181.661, based upon a finding that:

9 (a) The public safety officer or instructor falsified any information submitted on the application  
10 for certification or on any documents submitted to the Board on Public Safety Standards and  
11 Training or the department.

12 (b) The public safety officer or instructor has been convicted of a crime or violation in this state  
13 or any other jurisdiction.

14 (c) The public safety officer or instructor does not meet the applicable minimum standards,  
15 minimum training or the terms and conditions established under ORS 181.640 (1)(a) to (d).

16 (d) The public safety officer failed to comply with ORS 181.789 (3)(b).

17 (2) The department shall deny, suspend or revoke the certification of a fire service professional,  
18 after written notice and hearing consistent with the provisions of ORS 181.661, based upon a finding  
19 that the fire service professional has been convicted in this state of a crime listed in ORS 137.700  
20 or in any other jurisdiction of a crime that, if committed in this state, would constitute a crime  
21 listed in ORS 137.700.

22 (3) The department may deny, suspend or revoke the certification of any fire service professional  
23 after written notice and hearing consistent with the provisions of ORS 181.661, based upon a finding:

24 (a) That the fire service professional falsified any information submitted on the application for  
25 certification or on any documents submitted to the board or the department; or

26 (b) Consistent with ORS 670.280, that the fire service professional is not fit to receive or hold  
27 the certification as a result of conviction of a crime in this state, or in any other jurisdiction, other  
28 than a crime described in subsection (2) of this section.

29 (4) The department shall deny, suspend or revoke the certification of any public safety officer

**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 or instructor, except a youth correction officer, after written notice and hearing consistent with the  
2 provisions of ORS 181.661, based upon a finding that the public safety officer or instructor has been  
3 discharged for cause from employment as a public safety officer.

4 (5) The department, in consultation with the board, shall adopt rules specifying those crimes and  
5 violations for which a conviction requires the denial, suspension or revocation of the certification  
6 of a public safety officer or instructor.

7 **(6) The department may not deny, suspend or revoke the certification of a corrections**  
8 **officer because the corrections officer seeks help with mental health issues, substance abuse**  
9 **or other counseling needs.**

10 [(6)] (7) Notwithstanding the lapse, suspension, revocation or surrender of the certification of a  
11 public safety officer or instructor, the department may:

12 (a) Proceed with any investigation of, or any action or disciplinary proceedings against, the  
13 public safety officer or instructor; or

14 (b) Revise or render void an order suspending or revoking the certification.

15 [(7)] (8) The department shall deny, suspend or revoke the accreditation of a training or educa-  
16 tional program or any course, subject, facility or instruction thereof if the program, course, subject,  
17 facility or instruction is not in compliance with rules adopted or conditions prescribed under ORS  
18 181.640 (1)(g) or 181.650 (3).

19 [(8)] (9) When the department completes an investigation relating to a person's qualifications for  
20 employment, training or certification under this section, the department shall issue a report.

21 [(9)] (10) In cases involving a proposed denial of training or certification of a public safety offi-  
22 cer or instructor by the department, the department has jurisdiction to proceed with any action  
23 against the public safety officer or instructor notwithstanding a subsequent change in the employ-  
24 ment status of the officer or instructor, if:

25 (a) The department has issued a notice of intent to deny training or certification; and

26 (b) The officer or instructor has requested a hearing.

27 **SECTION 2. This 2015 Act being necessary for the immediate preservation of the public**  
28 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
29 **on its passage.**

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