

House Bill 3388

Sponsored by Representative EVANS

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**.

Authorizes reserve officers sponsored by law enforcement unit to pay for training as police with cash and G.I. Bill education benefits. Requires Department of Public Safety Standards and Training to increase training class sizes by up to 25 percent as necessary to train sponsored reserve officers. Requires reserve officer to remain with law enforcement unit for at least three years after certification and allows Department of Public Safety Standards and Training to suspend or revoke certification if reserve officer fails to comply without good cause.

Requires Department of Public Safety Standards and Training to conduct study of impact of measure on state and local public safety budgets and recruitment and maintenance of public safety and to submit report to interim committees of Legislative Assembly related to public safety.

A BILL FOR AN ACT

1
2 Relating to the training of police officers; creating new provisions; and amending ORS 181.662 and
3 408.020.

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

5 **SECTION 1. (1)(a) A law enforcement unit may sponsor a reserve officer of the law**
6 **enforcement unit under this section for training as a police officer under ORS 181.610 to**
7 **181.712.**

8 **(b)(A) Notwithstanding ORS 181.711, the Department of Public Safety Standards and**
9 **Training shall increase class sizes as necessary to train reserve officers sponsored under this**
10 **section.**

11 **(B) Notwithstanding subparagraph (A) of this paragraph, class sizes may not be increased**
12 **by an amount greater than 25 percent of class sizes as of the effective date of this 2015 Act.**

13 **(2)(a) A reserve officer sponsored under this section may pay for the costs of courses**
14 **required for training as a police officer with, in any combination, cash and any state financial**
15 **aid as provided in ORS 408.010 to 408.090 to which the reserve officer is entitled.**

16 **(b) Upon request, the Department of Veterans' Affairs shall provide assistance to reserve**
17 **officers in obtaining reimbursement for the costs of courses required for training under this**
18 **section.**

19 **(3) When a reserve officer sponsored under this section has completed the courses re-**
20 **quired for training as a police officer, the reserve officer:**

21 **(a) Shall be designated by the reserve officer's law enforcement unit as a certified re-**
22 **serve officer; and**

23 **(b) May be employed by any law enforcement unit in this state as a police officer.**

24 **(4)(a) A reserve officer sponsored under this section who has completed the courses re-**
25 **quired for certification as a police officer must remain with a law enforcement agency as a**
26 **certified reserve officer or a police officer for at least three years after the reserve officer's**
27 **date of certification.**

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 **(b) The certification of a reserve officer who does not comply with paragraph (a) of this**
 2 **subsection may be suspended or revoked pursuant to ORS 181.661, 181.662 and 181.664 if the**
 3 **reserve officer fails to comply without good cause, as defined by the department by rule.**

4 **SECTION 2. (1) Beginning on the date that is four years after the effective date of this**
 5 **2015 Act, the Department of Public Safety Standards and Training shall conduct a study of**
 6 **the impact of this 2015 Act on:**

7 **(a) The budgets of law enforcement units and the department;**

8 **(b) The recruitment of reserve officers, certified reserve officers and police officers; and**

9 **(c) The maintenance of public safety.**

10 **(2) The department shall submit a report in the manner provided in ORS 192.245, and**
 11 **may include recommendations for legislation, to the interim committees of the Legislative**
 12 **Assembly related to public safety no later than September 15, 2020.**

13 **SECTION 3.** ORS 181.662 is amended to read:

14 181.662. (1) The Department of Public Safety Standards and Training may deny the application
 15 for training, or deny, suspend or revoke the certification, of any public safety officer or instructor,
 16 except a youth correction officer or fire service professional, after written notice and hearing con-
 17 sistent with the provisions of ORS 181.661, based upon a finding that:

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

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

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

25 (d) The public safety officer failed to comply with ORS 181.789 (3)(b) **or section 1 (4)(a) of this**
 26 **2015 Act.**

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

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

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

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

39 (4) The department shall deny, suspend or revoke the certification of any public safety officer
 40 or instructor, except a youth correction officer, after written notice and hearing consistent with the
 41 provisions of ORS 181.661, based upon a finding that the public safety officer or instructor has been
 42 discharged for cause from employment as a public safety officer.

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

1 (6) Notwithstanding the lapse, suspension, revocation or surrender of the certification of a public
 2 safety officer or instructor, the department may:

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

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

6 (7) The department shall deny, suspend or revoke the accreditation of a training or educational
 7 program or any course, subject, facility or instruction thereof if the program, course, subject, facility
 8 or instruction is not in compliance with rules adopted or conditions prescribed under ORS 181.640
 9 (1)(g) or 181.650 (3).

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

12 (9) In cases involving a proposed denial of training or certification of a public safety officer or
 13 instructor by the department, the department has jurisdiction to proceed with any action against the
 14 public safety officer or instructor notwithstanding a subsequent change in the employment status
 15 of the officer or instructor, if:

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

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

18 **SECTION 4.** ORS 181.662, as amended by section 3 of this 2015 Act, is amended to read:

19 181.662. (1) The Department of Public Safety Standards and Training may deny the application
 20 for training, or deny, suspend or revoke the certification, of any public safety officer or instructor,
 21 except a youth correction officer or fire service professional, after written notice and hearing con-
 22 sistent with the provisions of ORS 181.661, based upon a finding that:

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

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

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

30 (d) The public safety officer failed to comply with ORS 181.789 (3)(b) [*or section 1 (4)(a) of this*
 31 *2015 Act*].

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

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

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

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

44 (4) The department shall deny, suspend or revoke the certification of any public safety officer
 45 or instructor, except a youth correction officer, after written notice and hearing consistent with the

1 provisions of ORS 181.661, based upon a finding that the public safety officer or instructor has been
2 discharged for cause from employment as a public safety officer.

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

6 (6) Notwithstanding the lapse, suspension, revocation or surrender of the certification of a pub-
7 lic safety officer or instructor, the department may:

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

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

11 (7) The department shall deny, suspend or revoke the accreditation of a training or educational
12 program or any course, subject, facility or instruction thereof if the program, course, subject, facility
13 or instruction is not in compliance with rules adopted or conditions prescribed under ORS 181.640
14 (1)(g) or 181.650 (3).

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

17 (9) In cases involving a proposed denial of training or certification of a public safety officer or
18 instructor by the department, the department has jurisdiction to proceed with any action against the
19 public safety officer or instructor notwithstanding a subsequent change in the employment status
20 of the officer or instructor, if:

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

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

23 **SECTION 5.** ORS 408.020 is amended to read:

24 408.020. (1) Beneficiaries who desire to pursue an approved course of study or professional
25 training in or in connection with any accredited state or other public school or accredited private
26 school or accredited college **or training as a police officer under ORS 181.610 to 181.712 pur-**
27 **suant to section 1 of this 2015 Act** shall have the right and privilege of state financial aid as
28 provided in ORS 408.010 to 408.090.

29 (2) State financial aid is payable at the rate of \$150 per month for each month of full-time study
30 or training and \$100 per month for each month of part-time study or training.

31 (3) The total number of monthly payments under subsection (2) of this section may not exceed
32 the total number of months served in the Armed Forces of the United States or 36, whichever is less.

33 (4) The Director of Veterans' Affairs may permit a beneficiary to attend a school or college
34 outside of this state upon a satisfactory showing that the training required is not available in an
35 accredited institution within this state.

36 (5) A beneficiary may not receive payments or benefits under ORS 408.010 to 408.090 at the same
37 time that the beneficiary is receiving educational aid under any federal Act based upon prior service
38 in the Armed Forces. Time spent by a person who applies for benefits under ORS 408.010 to 408.090
39 in the army specialized training program, the Navy V-12 program or other like training program
40 may not be counted as service in the Armed Forces within the purview of ORS 408.010.

41 **SECTION 6.** ORS 408.020, as amended by section 5 of this 2015 Act, is amended to read:

42 408.020. (1) Beneficiaries who desire to pursue an approved course of study or professional
43 training in or in connection with any accredited state or other public school or accredited private
44 school or accredited college [*or training as a police officer under ORS 181.610 to 181.712 pursuant*
45 *to section 1 of this 2015 Act*] shall have the right and privilege of state financial aid as provided in

1 ORS 408.010 to 408.090.

2 (2) State financial aid is payable at the rate of \$150 per month for each month of full-time study
3 or training and \$100 per month for each month of part-time study or training.

4 (3) The total number of monthly payments under subsection (2) of this section may not exceed
5 the total number of months served in the Armed Forces of the United States or 36, whichever is less.

6 (4) The Director of Veterans' Affairs may permit a beneficiary to attend a school or college
7 outside of this state upon a satisfactory showing that the training required is not available in an
8 accredited institution within this state.

9 (5) A beneficiary may not receive payments or benefits under ORS 408.010 to 408.090 at the same
10 time that the beneficiary is receiving educational aid under any federal Act based upon prior service
11 in the Armed Forces. Time spent by a person who applies for benefits under ORS 408.010 to 408.090
12 in the army specialized training program, the Navy V-12 program or other like training program
13 may not be counted as service in the Armed Forces within the purview of ORS 408.010.

14 **SECTION 7. (1) Section 1 of this 2015 Act is repealed on January 2, 2022.**

15 **(2) The amendments to ORS 181.662 and 408.020 by sections 4 and 6 of this 2015 Act be-**
16 **come operative on January 2, 2022.**

17 **(3) Section 2 of this 2015 Act is repealed on December 31, 2020.**

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