

Senate Bill 239

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber, M.D., for Department of Public Safety Standards and Training)

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**.

Includes reserve officers in definition of "public safety personnel" and "public safety officer" subject to rules governing standards and training determinations by employing agencies.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to reserve officers; amending ORS 181.610, 181.645, 181.660 and 181.860; and declaring an
3 emergency.

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

5 **SECTION 1.** ORS 181.610 is amended to read:

6 181.610. As used in ORS 181.610 to 181.712, unless the context requires otherwise:

7 (1) "Abuse" has the meaning given that term in ORS 107.705.

8 (2) "Board" means the Board on Public Safety Standards and Training appointed pursuant to
9 ORS 181.620.

10 (3) "Certified reserve officer" means a reserve officer who has been designated by a local law
11 enforcement unit, has received training necessary for certification and has met the minimum stan-
12 dards and training requirements established under ORS 181.640.

13 (4) "Commissioned" means being authorized to perform various acts or duties of a police officer
14 [*or*], certified reserve officer **or reserve officer** and acting under the supervision and responsibility
15 of a county sheriff or as otherwise provided by law.

16 (5) "Corrections officer" means an officer or member employed full-time by a law enforcement
17 unit who:

18 (a) Is charged with and primarily performs the duty of custody, control or supervision of indi-
19 viduals convicted of or arrested for a criminal offense and confined in a place of incarceration or
20 detention other than a place used exclusively for incarceration or detention of juveniles; or

21 (b) Has been certified as a corrections officer described in paragraph (a) of this subsection and
22 has supervisory or management authority for corrections officers described in paragraph (a) of this
23 subsection.

24 (6) "Department" means the Department of Public Safety Standards and Training.

25 (7) "Director" means the Director of the Department of Public Safety Standards and Training.

26 (8) "Domestic violence" means abuse between family or household members.

27 (9) "Emergency medical dispatcher" means a person who has responsibility to process requests
28 for medical assistance from the public or to dispatch medical care providers.

29 (10) "Family or household members" has the meaning given that term in ORS 107.705.

30 (11) "Fire service professional" means a paid or volunteer firefighter, an officer or a member

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 of a public or private fire protection agency that is engaged primarily in fire investigation, fire
 2 prevention, fire safety, fire control or fire suppression or providing emergency medical services, light
 3 and heavy rescue services, search and rescue services or hazardous materials incident response.
 4 “Fire service professional” does not mean forest fire protection agency personnel.

5 (12) “Law enforcement unit” means:

6 (a) A police force or organization of the state, a city, university that has established a police
 7 department under ORS 352.383 or 353.125, port, school district, mass transit district, county, county
 8 service district authorized to provide law enforcement services under ORS 451.010, tribal govern-
 9 ment as defined in section 1, chapter 644, Oregon Laws 2011, that employs authorized tribal police
 10 officers as defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the
 11 Department of Justice, the Department of Corrections, the Oregon State Lottery Commission, the
 12 Security and Emergency Preparedness Office of the Judicial Department or common carrier railroad
 13 the primary duty of which, as prescribed by law, ordinance or directive, is one or more of the fol-
 14 lowing:

15 (A) Detecting crime and enforcing the criminal laws of this state or laws or ordinances relating
 16 to airport security;

17 (B) The custody, control or supervision of individuals convicted of or arrested for a criminal
 18 offense and confined to a place of incarceration or detention other than a place used exclusively for
 19 incarceration or detention of juveniles; or

20 (C) The control, supervision and reformation of adult offenders placed on parole or sentenced
 21 to probation and investigation of adult offenders on parole or probation or being considered for
 22 parole or probation;

23 (b) A police force or organization of a private entity with a population of more than 1,000 resi-
 24 dents in an unincorporated area the employees of which are commissioned by a county sheriff;

25 (c) A district attorney’s office;

26 (d) The Oregon Liquor Control Commission with regard to liquor enforcement inspectors; or

27 (e) A humane investigation agency as defined in ORS 181.433.

28 (13) “Liquor enforcement inspector” has the meaning given that term in ORS 471.001.

29 (14) “Parole and probation officer” means:

30 (a) An officer who is employed full-time by the Department of Corrections, a county or a court
 31 and who is charged with and performs the duty of:

32 (A) Community protection by controlling, investigating, supervising and providing or making
 33 referrals to reformative services for adult parolees or probationers or offenders on post-prison
 34 supervision; or

35 (B) Investigating adult offenders on parole or probation or being considered for parole or pro-
 36 bation; or

37 (b) An officer who:

38 (A) Is certified and has been employed as a full-time parole and probation officer for more than
 39 one year;

40 (B) Is employed part-time by the Department of Corrections, a county or a court; and

41 (C) Is charged with and performs the duty of:

42 (i) Community protection by controlling, investigating, supervising and providing or making re-
 43 ferrals to reformative services for adult parolees or probationers or offenders on post-prison super-
 44 vision; or

45 (ii) Investigating adult offenders on parole or probation or being considered for parole or pro-

1 bation.

2 (15) "Police officer" means:

3 (a) An officer, member or employee of a law enforcement unit employed full-time as a peace of-
4 ficer who is:

5 (A) Commissioned by a city, port, school district, mass transit district, county, county service
6 district authorized to provide law enforcement services under ORS 451.010, tribal government as
7 defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the Depart-
8 ment of Justice, the Oregon State Lottery Commission, a university that has established a police
9 department under ORS 352.383 or 353.125, the Governor or the Department of State Police; and

10 (B) Responsible for enforcing the criminal laws of this state or laws or ordinances relating to
11 airport security;

12 (b) An investigator of a district attorney's office if the investigator is or has been certified as
13 a peace officer in this or another state;

14 (c) A humane special agent commissioned under ORS 181.433;

15 (d) A judicial marshal appointed under ORS 1.177 who is trained pursuant to ORS 181.647; or

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

17 (16) "Public or private safety agency" means a unit of state or local government, a special pur-
18 pose district or a private firm that provides, or has authority to provide, fire fighting, police, am-
19 bulance or emergency medical services.

20 (17) "Public safety personnel" and "public safety officer" include corrections officers, youth
21 correction officers, emergency medical dispatchers, parole and probation officers, police officers,
22 certified reserve officers, **reserve officers**, telecommunicators, liquor enforcement inspectors and
23 fire service professionals.

24 (18) "Reserve officer" means an officer or member of a law enforcement unit who is:

25 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,
26 school district, mass transit district, county, county service district authorized to provide law
27 enforcement services under ORS 451.010, tribal government as defined in section 1, chapter 644,
28 Oregon Laws 2011, the Criminal Justice Division of the Department of Justice, the Oregon State
29 Lottery Commission, a university that has established a police department under ORS 352.383 or
30 353.125, the Governor or the Department of State Police;

31 (b) Armed with a firearm; and

32 (c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordi-
33 nances relating to airport security.

34 (19) "Telecommunicator" means a person employed as an emergency telephone worker as de-
35 fined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing
36 and transmitting public safety information received through a 9-1-1 emergency reporting system as
37 defined in ORS 403.105.

38 (20) "Youth correction officer" means an employee of the Oregon Youth Authority who is
39 charged with and primarily performs the duty of custody, control or supervision of youth offenders
40 confined in a youth correction facility.

41 **SECTION 2.** ORS 181.610, as amended by section 50, chapter 644, Oregon Laws 2011, section
42 23, chapter 54, Oregon Laws 2012, section 14, chapter 67, Oregon Laws 2012, section 5, chapter 88,
43 Oregon Laws 2012, section 18, chapter 1, Oregon Laws 2013, section 7, chapter 154, Oregon Laws
44 2013, and section 32, chapter 180, Oregon Laws 2013, is amended to read:

45 181.610. As used in ORS 181.610 to 181.712, unless the context requires otherwise:

- 1 (1) "Abuse" has the meaning given that term in ORS 107.705.
- 2 (2) "Board" means the Board on Public Safety Standards and Training appointed pursuant to
3 ORS 181.620.
- 4 (3) "Certified reserve officer" means a reserve officer who has been designated by a local law
5 enforcement unit, has received training necessary for certification and has met the minimum stan-
6 dards and training requirements established under ORS 181.640.
- 7 (4) "Commissioned" means being authorized to perform various acts or duties of a police officer
8 [or], certified reserve officer **or reserve officer** and acting under the supervision and responsibility
9 of a county sheriff or as otherwise provided by law.
- 10 (5) "Corrections officer" means an officer or member employed full-time by a law enforcement
11 unit who:
- 12 (a) Is charged with and primarily performs the duty of custody, control or supervision of indi-
13 viduals convicted of or arrested for a criminal offense and confined in a place of incarceration or
14 detention other than a place used exclusively for incarceration or detention of juveniles; or
- 15 (b) Has been certified as a corrections officer described in paragraph (a) of this subsection and
16 has supervisory or management authority for corrections officers described in paragraph (a) of this
17 subsection.
- 18 (6) "Department" means the Department of Public Safety Standards and Training.
- 19 (7) "Director" means the Director of the Department of Public Safety Standards and Training.
- 20 (8) "Domestic violence" means abuse between family or household members.
- 21 (9) "Emergency medical dispatcher" means a person who has responsibility to process requests
22 for medical assistance from the public or to dispatch medical care providers.
- 23 (10) "Family or household members" has the meaning given that term in ORS 107.705.
- 24 (11) "Fire service professional" means a paid or volunteer firefighter, an officer or a member
25 of a public or private fire protection agency that is engaged primarily in fire investigation, fire
26 prevention, fire safety, fire control or fire suppression or providing emergency medical services, light
27 and heavy rescue services, search and rescue services or hazardous materials incident response.
28 "Fire service professional" does not mean forest fire protection agency personnel.
- 29 (12) "Law enforcement unit" means:
- 30 (a) A police force or organization of the state, a city, university that has established a police
31 department under ORS 352.383 or 353.125, port, school district, mass transit district, county, county
32 service district authorized to provide law enforcement services under ORS 451.010, tribal govern-
33 ment, the Criminal Justice Division of the Department of Justice, the Department of Corrections, the
34 Oregon State Lottery Commission, the Security and Emergency Preparedness Office of the Judicial
35 Department or common carrier railroad the primary duty of which, as prescribed by law, ordinance
36 or directive, is one or more of the following:
- 37 (A) Detecting crime and enforcing the criminal laws of this state or laws or ordinances relating
38 to airport security;
- 39 (B) The custody, control or supervision of individuals convicted of or arrested for a criminal
40 offense and confined to a place of incarceration or detention other than a place used exclusively for
41 incarceration or detention of juveniles; or
- 42 (C) The control, supervision and reformation of adult offenders placed on parole or sentenced
43 to probation and investigation of adult offenders on parole or probation or being considered for
44 parole or probation;
- 45 (b) A police force or organization of a private entity with a population of more than 1,000 resi-

1 dents in an unincorporated area the employees of which are commissioned by a county sheriff;

2 (c) A district attorney's office;

3 (d) The Oregon Liquor Control Commission with regard to liquor enforcement inspectors; or

4 (e) A humane investigation agency as defined in ORS 181.433.

5 (13) "Liquor enforcement inspector" has the meaning given that term in ORS 471.001.

6 (14) "Parole and probation officer" means:

7 (a) An officer who is employed full-time by the Department of Corrections, a county or a court
8 and who is charged with and performs the duty of:

9 (A) Community protection by controlling, investigating, supervising and providing or making
10 referrals to reformative services for adult parolees or probationers or offenders on post-prison
11 supervision; or

12 (B) Investigating adult offenders on parole or probation or being considered for parole or pro-
13 bation; or

14 (b) An officer who:

15 (A) Is certified and has been employed as a full-time parole and probation officer for more than
16 one year;

17 (B) Is employed part-time by the Department of Corrections, a county or a court; and

18 (C) Is charged with and performs the duty of:

19 (i) Community protection by controlling, investigating, supervising and providing or making re-
20 ferrals to reformative services for adult parolees or probationers or offenders on post-prison super-
21 vision; or

22 (ii) Investigating adult offenders on parole or probation or being considered for parole or pro-
23 bation.

24 (15) "Police officer" means:

25 (a) An officer, member or employee of a law enforcement unit employed full-time as a peace of-
26 ficer who is:

27 (A) Commissioned by a city, port, school district, mass transit district, county, county service
28 district authorized to provide law enforcement services under ORS 451.010, tribal government, the
29 Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a
30 university that has established a police department under ORS 352.383 or 353.125, the Governor or
31 the Department of State Police; and

32 (B) Responsible for enforcing the criminal laws of this state or laws or ordinances relating to
33 airport security;

34 (b) An investigator of a district attorney's office if the investigator is or has been certified as
35 a peace officer in this or another state;

36 (c) A humane special agent commissioned under ORS 181.433; or

37 (d) A judicial marshal appointed under ORS 1.177 who is trained pursuant to ORS 181.647.

38 (16) "Public or private safety agency" means a unit of state or local government, a special pur-
39 pose district or a private firm that provides, or has authority to provide, fire fighting, police, am-
40 bulance or emergency medical services.

41 (17) "Public safety personnel" and "public safety officer" include corrections officers, youth
42 correction officers, emergency medical dispatchers, parole and probation officers, police officers,
43 certified reserve officers, **reserve officers**, telecommunicators, liquor enforcement inspectors and
44 fire service professionals.

45 (18) "Reserve officer" means an officer or member of a law enforcement unit who is:

1 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,
 2 school district, mass transit district, county, county service district authorized to provide law
 3 enforcement services under ORS 451.010, tribal government, the Criminal Justice Division of the
 4 Department of Justice, the Oregon State Lottery Commission, a university that has established a
 5 police department under ORS 352.383 or 353.125, the Governor or the Department of State Police;

6 (b) Armed with a firearm; and

7 (c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordi-
 8 nances relating to airport security.

9 (19) “Telecommunicator” means a person employed as an emergency telephone worker as de-
 10 fined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing
 11 and transmitting public safety information received through a 9-1-1 emergency reporting system as
 12 defined in ORS 403.105.

13 (20) “Youth correction officer” means an employee of the Oregon Youth Authority who is
 14 charged with and primarily performs the duty of custody, control or supervision of youth offenders
 15 confined in a youth correction facility.

16 **SECTION 3.** ORS 181.645 is amended to read:

17 181.645. A law enforcement unit in this state may not employ as a police officer, corrections
 18 officer, parole and probation officer or liquor enforcement inspector, or utilize as a certified reserve
 19 officer **or reserve officer**, any person who has not yet attained the age of 21 years.

20 **SECTION 4.** ORS 181.660 is amended to read:

21 181.660. (1) The minimum standards and minimum training requirements established pursuant to
 22 ORS 181.640 (1) do not apply to:

23 (a) The Superintendent of State Police.

24 (b) Any individual who is a constable of the justice court.

25 (c) Any sheriff’s deputy appointed with authority only to receive and serve summons and civil
 26 process.

27 (d) Any municipal parole officer.

28 (e) Any dog control officer commissioned by a city or county.

29 *[(f) An individual performing the duties of a reserve officer who has not been required by the law*
 30 *enforcement unit utilizing the individual to receive training for certification as a certified reserve offi-*
 31 *cer.]*

32 (2) The Department of Public Safety Standards and Training may, upon application of an indi-
 33 vidual public safety officer, except a youth correction officer, at its discretion, certify the public
 34 safety officer as provided in ORS 181.640 (1)(d) upon a finding that the public safety officer’s pro-
 35 fessional experience, education or training meets the standards required for certification.

36 **SECTION 5.** ORS 181.860 is amended to read:

37 181.860. (1) For the purposes of this section:

38 (a) “Emergency services provider” means any public employer that employs persons to provide
 39 firefighting services.

40 (b) “Emergency services personnel” means any employee of an emergency services provider who
 41 is engaged in providing firefighting services.

42 (c) “Employee assistance program” means a program established by a law enforcement agency
 43 or emergency services provider to provide counseling or support services to employees of the law
 44 enforcement agency or emergency services provider.

45 (d) “Law enforcement agency” means any county sheriff, municipal police department, police

1 department established by a university under ORS 352.383 or 353.125, the Oregon State Police and
2 any state or local public body that employs **or utilizes** public safety personnel.

3 (e) "Public safety personnel" means a sheriff, deputy sheriff, municipal police officer, police of-
4 ficer commissioned by a university under ORS 352.383 or 353.125, state police officer, parole and
5 probation officer, corrections employee, certified reserve officer, **reserve officer**, telecommunicator
6 or emergency medical dispatcher.

7 (2) Any communication made by a participant or counselor in a peer support counseling session
8 conducted by a law enforcement agency or by an emergency services provider for public safety
9 personnel or emergency services personnel, and any oral or written information conveyed in the
10 peer support counseling session, is confidential and may not be disclosed by any person participating
11 in the peer support counseling session.

12 (3) Any communication relating to a peer support counseling session made confidential under
13 subsection (2) of this section that is made between counselors, between counselors and the supervi-
14 sors or staff of an employee assistance program, or between the supervisors or staff of an employee
15 assistance program, is confidential and may not be disclosed.

16 (4) The provisions of this section apply only to peer support counseling sessions conducted by
17 an employee or other person who:

18 (a) Has been designated by a law enforcement agency or emergency services provider, or by an
19 employee assistance program, to act as a counselor; and

20 (b) Has received training in counseling and in providing emotional and moral support to public
21 safety personnel or emergency services personnel who have been involved in emotionally traumatic
22 incidents by reason of their employment.

23 (5) The provisions of this section apply to all oral communications, notes, records and reports
24 arising out of a peer support counseling session. Any notes, records or reports arising out of a peer
25 support counseling session are not public records for the purpose of ORS 192.410 to 192.505.

26 (6) Any communication made by a participant or counselor in a peer support counseling session
27 subject to this section, and any oral or written information conveyed in a peer support counseling
28 session subject to this section, is not admissible in any judicial proceeding, administrative proceed-
29 ing, arbitration proceeding or other adjudicatory proceeding. Communications and information made
30 confidential under this section may not be disclosed by the participants in any judicial proceeding,
31 administrative proceeding, arbitration proceeding or other adjudicatory proceeding. The limitations
32 on disclosure imposed by this subsection include disclosure during any discovery conducted as part
33 of an adjudicatory proceeding.

34 (7) Nothing in this section limits the discovery or introduction in evidence of knowledge ac-
35 quired by any public safety personnel or emergency services personnel from observation made dur-
36 ing the course of employment, or material or information acquired during the course of employment,
37 that is otherwise subject to discovery or introduction in evidence.

38 (8) This section does not apply to:

39 (a) Any threat of suicide or homicide made by a participant in a peer support counseling session,
40 or any information conveyed in a peer support counseling session relating to a threat of suicide or
41 homicide;

42 (b) Any information relating to abuse of children or of the elderly, or other information that is
43 required to be reported by law; or

44 (c) Any admission of criminal conduct.

45 (9) This section does not prohibit any communications between counselors who conduct peer

1 support counseling sessions, or any communications between counselors and the supervisors or staff
2 of an employee assistance program.

3 **SECTION 6. This 2015 Act being necessary for the immediate preservation of the public**
4 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
5 **on its passage.**

6
