

**PROPOSED AMENDMENTS TO
HOUSE BILL 2002**

1 On page 1 of the printed bill, line 2, before the period insert “; and de-
2 claring an emergency”.

3 Delete lines 4 through 30 and delete page 2 and insert:

4 **“SECTION 1. As used in sections 1 to 3 of this 2015 Act:**

5 **“(1) ‘Law enforcement agency’ means:**

6 **“(a) The Department of State Police;**

7 **“(b) The Department of Justice;**

8 **“(c) A district attorney’s office; and**

9 **“(d) Any of the following that maintains a law enforcement unit**
10 **as defined in ORS 181.610:**

11 **“(A) A political subdivision or an instrumentality of the State of**
12 **Oregon.**

13 **“(B) A municipal corporation of the State of Oregon.**

14 **“(C) A tribal government.**

15 **“(D) A university.**

16 **“(2) ‘Law enforcement officer’ means:**

17 **“(a) A member of the Oregon State Police;**

18 **“(b) A sheriff, constable, marshal, municipal police officer or re-**
19 **serve officer or a police officer commissioned by a university under**
20 **ORS 352.383 or 353.125;**

21 **“(c) An investigator of a district attorney’s office if the investigator**
22 **is or has been certified as a law enforcement officer in this or any**

1 **other state;**

2 **“(d) An investigator of the Criminal Justice Division of the De-**
3 **partment of Justice;**

4 **“(e) A humane special agent as defined in ORS 181.435;**

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

8 **“(g) A liquor enforcement inspector exercising authority described**
9 **in ORS 471.775 (2); or**

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

12 **“(3)(a) ‘Profiling’ means, with respect to the actions of a law**
13 **enforcement agency or a law enforcement officer, targeting an indi-**
14 **vidual for suspicion of violating a provision of law solely based on the**
15 **real or perceived factor of age, race, ethnicity, color, national origin,**
16 **language, gender, sexual orientation, political affiliation, religion,**
17 **homelessness or disability.**

18 **“(b) ‘Profiling’ does not include:**

19 **“(A) Acting on a suspect description or information related to an**
20 **identified or suspected violation of a provision of law;**

21 **“(B) Taking into account a factor listed in paragraph (a) of this**
22 **subsection for purposes of identifying or reporting the identification**
23 **of an individual; or**

24 **“(C) Engaging in mere conversation, a general welfare check or**
25 **other non-coercive encounter with an individual.**

26 **“(4) ‘Sexual orientation’ has the meaning given that term in ORS**
27 **174.100.**

28 **“SECTION 2. (1) A law enforcement agency shall adopt written**
29 **policies and procedures designed to eliminate profiling. The policies**
30 **and procedures shall, at a minimum, include:**

1 “(a) A prohibition on profiling;

2 “(b) Procedures allowing a complaint alleging profiling to be made
3 to the agency:

4 “(A) In person;

5 “(B) In a writing signed by the complainant and delivered by hand,
6 postal mail, facsimile or electronic mail; or

7 “(C) By telephone, anonymously or through a third party;

8 “(c) The provision of appropriate forms to use for submitting com-
9 plaints alleging profiling;

10 (d) Procedures for submitting a copy of each profiling complaint to
11 the Law Enforcement Contacts Policy and Data Review Committee and
12 for receiving profiling complaints forwarded from the committee; and

13 “(e) Procedures for investigating all complaints alleging profiling.

14 “(2) A law enforcement agency shall:

15 “(a) Investigate all complaints alleging profiling that are received
16 by the agency or forwarded from the committee.

17 “(b) Establish a time frame within which a complaint alleging pro-
18 filing may be made to the agency. The time frame may not be fewer
19 than 90 days or more than 180 days after the alleged commission of
20 profiling.

21 “SECTION 3. (1)(a) A law enforcement agency shall provide to the
22 Law Enforcement Contacts Policy and Data Review Committee a copy
23 of each complaint the agency receives alleging profiling.

24 “(b) The law enforcement agency shall notify the committee of the
25 disposition of the complaint.

26 “(2)(a) A person may submit to the committee a complaint alleging
27 profiling and the committee shall receive the complaints.

28 “(b) The committee also shall receive complaints alleging profiling
29 that are forwarded from a law enforcement agency.

30 “(c) The committee shall forward a copy of each profiling complaint

1 the committee receives to the law enforcement agency employing the
2 officer that is the subject of the complaint. The forwarded complaint
3 must include the name of the complainant unless the complainant
4 requests to remain anonymous, in which case the complainant's name
5 must be redacted.

6 “(3) The personal identifying information of complainants and of
7 law enforcement officers who are the subject of profiling complaints
8 are exempt from public disclosure under ORS 192.502.

9 “SECTION 4. No later than October 1, 2015, the Law Enforcement
10 Contacts Policy and Data Review Committee shall established policies
11 for receiving and forwarding complaints alleging profiling. The policies
12 shall be consistent with the provisions of section 3 of this 2015 Act.

13 “SECTION 5. (1) The Law Enforcement Profiling Work Group is
14 established, consisting of the following 10 members:

15 “(a) Three members appointed by the President of the Senate.

16 “(b) Three members appointed by the Speaker of the House of
17 Representatives.

18 “(c) Three members appointed by the Governor.

19 “(d) The Attorney General, or the Attorney General's designee from
20 the Civil Rights Unit of the Department of Justice, who shall chair the
21 work group.

22 “(2) The work group shall:

23 “(a) Propose a process to identify patterns or practices of profiling
24 as defined in section 1 of this 2015 Act and inherently biased policies
25 adopted by a law enforcement agency that impact groups of persons
26 disproportionately on the basis of any of the factors listed in section
27 1 (3)(a) of this 2015 Act.

28 “(b) Identify methods to address and correct these patterns or
29 practices and biased policies.

30 “(c) Prepare a report identifying any statutory changes needed, in-

1 cluding recommendations for legislation, to the interim committees
2 of the Legislative Assembly related to the judiciary no later than De-
3 cember 1, 2015.

4 “(3) The staff of the Committee Services Office of Legislative Ad-
5 ministration shall provide administrative and technical support to the
6 work group.

7 “SECTION 6. Sections 4 and 5 of this 2015 Act are repealed on July
8 1, 2016.

9 “SECTION 7. Section 3 of this 2015 Act becomes operative on Octo-
10 ber 1, 2015.

11 “SECTION 8. This 2015 Act being necessary for the immediate
12 preservation of the public peace, health and safety, an emergency is
13 declared to exist, and this 2015 Act takes effect on its passage.”.

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