

D R A F T

SUMMARY

Imposes certain requirements related to private security providers who contract with institutions of higher education to provide private security services on campus and special campus security officers commissioned by governing boards of public universities.

Provides that private security professionals who provide private security services on campus and special campus security officers commissioned by governing board of public university do not have stop and frisk authority.

Exempts retired member of Public Employees Retirement System from limitations on reemployment if member is reemployed by public university as special campus security officer.

A BILL FOR AN ACT

1
2 Relating to campus security officers; creating new provisions; and amending
3 ORS 238.082 and 352.118.

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

5 **SECTION 1. Section 2 of this 2019 Act shall be known and may be**
6 **cited as “Kaylee’s Law.”**

7 **SECTION 2. (1) As used in this section:**

8 **(a) “Institution of higher education” has the meaning given that**
9 **term in ORS 163A.005.**

10 **(b) “Private security professional” and “private security provider”**
11 **have the meanings given those terms in ORS 181A.840.**

12 **(2) An institution of higher education that contracts with a private**
13 **security provider, or the governing board of a public university listed**
14 **in ORS 352.002 that commissions special campus security officers un-**
15 **der ORS 352.118 to provide security services on campus, shall ensure**

1 that a nationwide criminal records check is conducted for each private
2 security professional or special campus security officer providing se-
3 curity services on campus.

4 (3) A law enforcement agency may share information about appli-
5 cants for employment with the agency with an institution of higher
6 education. An institution of higher education may use information
7 shared under this subsection for purposes of hiring private security
8 professionals or special campus security officers.

9 (4) A private security provider that provides security services on the
10 campus of an institution of higher education or the governing board
11 of a public university listed in ORS 352.002 that commissions special
12 campus security officers to provide security services on campus shall
13 ensure that:

14 (a) Vehicles used by private security professionals or special campus
15 security officers in the course of their duties on campus:

16 (A) Conform to the standards established by the Board on Public
17 Safety Standards and Training under subsection (5) of this section; and

18 (B) Are equipped with a global positioning system device, as defined
19 in ORS 163.715, and a video camera that records the scene within the
20 vehicle.

21 (b) Uniforms worn by private security professionals or special
22 campus police officers in the course of their duties on campus conform
23 to the standards established by the board by rule to distinguish private
24 security professionals or special campus security officers from police
25 officers certified by the Department of Public Safety Standards and
26 Training.

27 (5) The Board on Public Safety Standards and Training shall adopt
28 by rule standards for vehicles used by private security professionals
29 and special campus security officers in the course of their duties on
30 campus, including but not limited to standards:

31 (a) Requiring a vehicle to be clearly identified as a campus vehicle

1 **on the front of the vehicle;**

2 **(b) Prohibiting the use of red and blue light bars;**

3 **(c) Prohibiting the use of bumpers intended to ram another vehicle**
4 **in order to cause a stall; and**

5 **(d) Prohibiting the use of cages.**

6 **(6) The institution of higher education or governing board of the**
7 **public university listed in ORS 352.002 shall retain, for at least 90 days:**

8 **(a) The data obtained from the global positioning system device**
9 **described in subsection (4)(a)(B) of this section; or**

10 **(b) The video recordings obtained from the video camera described**
11 **in subsection (4)(a)(B) of this section.**

12 **(7) When a private security professional or special campus security**
13 **officer makes a probable cause arrest or an arrest under ORS 133.225**
14 **in the course of the individual's duties on campus, the institution of**
15 **higher education or governing board of the public university listed in**
16 **ORS 352.002 for whom the individual provides security services:**

17 **(a) Shall promptly notify a law enforcement agency with jurisdic-**
18 **tion over the area in which the arrest took place.**

19 **(b) May not retain evidence related to the arrest except for the**
20 **purpose of providing the evidence to a law enforcement agency with**
21 **jurisdiction over the area in which the arrest took place.**

22 **(8) Private security professionals and special campus security offi-**
23 **cers who provide security services on campus do not have stop and**
24 **frisk authority as set forth in ORS 131.605 to 131.625.**

25 **SECTION 3.** ORS 352.118 is amended to read:

26 352.118. (1) A governing board may, in its sole discretion, do all of the
27 following:

28 (a) Police, control and regulate traffic and parking of vehicles on uni-
29 versity property.

30 (b) Establish a police department and commission one or more employees
31 as police officers in the manner and with all of the privileges and immunities

1 set forth in ORS 352.121. When a governing board establishes a police de-
2 partment and commissions one or more employees as police officers, the
3 president of the university, in cooperation with the chief of the police de-
4 partment, shall establish a process by which the university will receive and
5 respond to complaints involving the policies of the police department and the
6 conduct of the police officers.

7 (c) Commission special campus security officers who, when acting in the
8 scope of their employment, shall have [*stop and frisk authority as set forth*
9 *in ORS 131.605 to 131.625 and*] probable cause arrest authority and the ac-
10 companying immunities as set forth in ORS 133.310 and 133.315. Special
11 campus security officers may not be authorized to carry firearms as police
12 officers and, except as provided in subsection (2) of this section, may not be
13 considered police officers for purposes of ORS 181A.355, 238.005, 243.005 or
14 243.736.

15 (2) A public university listed in ORS 352.002, acting by and through its
16 special campus security officers, is a criminal justice agency for purposes of
17 rules adopted pursuant to ORS 181A.280 (3).

18 **SECTION 4.** ORS 238.082 is amended to read:

19 238.082. (1) Subject to the limitations in this section, any public employer
20 may employ any member who is retired for service if the administrative head
21 of the public employer is satisfied that such employment is in the public in-
22 terest.

23 (2) Except as provided in this section, the period or periods of employment
24 by one or more public employers of a retired member who is reemployed
25 under this section may not total 1,040 hours or more in any calendar year.

26 (3) A retired member who is receiving old-age, survivors or disability in-
27 surance benefits under the federal Social Security Act may be employed un-
28 der this section for the number of hours permitted by subsection (2) of this
29 section, or for the number of hours for which the salary equals the maximum
30 allowed for receipt of the full amount of those benefits to which the person
31 is entitled, whichever is greater.

1 (4) Except as provided in subsection (9) of this section, the limitations on
2 employment imposed by subsections (2) and (3) of this section do not apply
3 to a retired member who is employed as a teacher or as an administrator,
4 as those terms are defined in ORS 342.120, if the retired member is employed
5 by a school district or community college district located within a county
6 with a population of not more than 35,000 inhabitants according to the latest
7 federal decennial census, or is employed by an education service district and
8 the retired member's primary work duties are performed in a county with a
9 population of not more than 35,000 inhabitants according to the latest federal
10 decennial census. A retired member who is employed under this subsection
11 as a teacher, as defined in ORS 342.120, by the same public employer that
12 employed the member at the time of retirement remains in the same collec-
13 tive bargaining unit that included the member before retirement.

14 (5) Except as provided in subsection (9) of this section, the limitations on
15 employment imposed by subsections (2) and (3) of this section do not apply
16 to a retired member who is employed:

17 (a) By the sheriff of a county with a population of fewer than 75,000 in-
18 habitants, according to the latest federal decennial census;

19 (b) By the municipal police department of a city with a population of
20 fewer than 15,000 inhabitants, according to the latest federal decennial cen-
21 sus;

22 (c) By the state or a county for work in a correctional institution located
23 in a county with a population of fewer than 75,000 inhabitants, according to
24 the latest federal decennial census;

25 (d) By the Black Butte Ranch Rural Fire Protection District, the Black
26 Butte Ranch Service District or the Sunriver Service District;

27 (e) By the Oregon State Police for work in a county with a population
28 of fewer than 75,000 inhabitants, according to the latest federal decennial
29 census;

30 (f) As a deputy director or assistant director of the Department of Human
31 Services, if the Governor approves the exemption for the person from the

1 limitations on employment imposed in subsections (2) and (3) of this section;
2 [or]

3 (g) As a deputy director or assistant director of the Oregon Health Au-
4 thority, if the Governor approves the exemption for the person from the
5 limitations on employment imposed in subsections (2) and (3) of this
6 section[.]; or

7 **(h) As a special campus security officer by the governing board of**
8 **a public university listed in ORS 352.002.**

9 (6) Except as provided in subsection (9) of this section, the limitations on
10 employment imposed by subsections (2) and (3) of this section do not apply
11 to a retired member who is employed to temporarily replace an employee who
12 serves in the National Guard or in a reserve component of the Armed Forces
13 of the United States and who is called to federal active duty.

14 (7) Except as provided in subsection (9) of this section, the limitations on
15 employment imposed by subsections (2) and (3) of this section do not apply
16 to a retired member who is employed by a road assessment district organized
17 under ORS 371.405 to 371.535.

18 (8) Except as provided in subsection (9) of this section, the limitations on
19 employment imposed by subsections (2) and (3) of this section do not apply
20 to a retired member who is a nurse and is employed by a public employer
21 as a nurse or for the purpose of teaching nursing during the period in which
22 a nursing workforce shortage declared by the Legislative Assembly or the
23 Governor is in effect.

24 (9)(a) Except as provided in paragraph (b) of this subsection, subsections
25 (4) to (8) of this section do not apply to any member who retires under the
26 provisions of ORS 238.280 (1), (2) or (3).

27 (b) Subsection (4) of this section applies to a person who retires under the
28 provisions of ORS 238.280 (1), (2) or (3) as long as the person's date of re-
29 tirement is more than six months before the date the person is employed
30 under subsection (4) of this section.

31 (10) Employment under this section does not affect the status of a person

1 as a retired member of the system and a recipient of retirement benefits un-
2 der this chapter.

3 (11) Hours worked by a person employed under subsections (4) to (8) of
4 this section shall not be counted for the purpose of the limitations on em-
5 ployment imposed by subsections (2) and (3) of this section.

6 **SECTION 5. The amendments to ORS 238.082 by section 4 of this**
7 **2019 Act apply only to retired members who are employed as special**
8 **campus security officers by the governing board of a public university**
9 **listed in ORS 352.002 on or after the effective date of this 2019 Act.**

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