

# House Bill 2846

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 training of police officers; creating new provisions; and amending ORS 181A.640 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 181A.355 to**  
7 **181A.670.**

8 **(b)(A) Notwithstanding ORS 181A.425, 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 2017 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 181A.630, 181A.640 and 181A.650 if**  
 3 **the 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 **2017 Act, the Department of Public Safety Standards and Training shall conduct a study of**  
 6 **the impact of this 2017 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, 2022.**

13       **SECTION 3.** ORS 181A.640 is amended to read:

14       181A.640. (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 181A.630, 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 181A.410 (1)(a) to (d).

25       (d) The public safety officer failed to comply with ORS 181A.790 (3)(b) **or section 1 (4)(a) of this**  
 26 **2017 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 181A.630, based upon a  
 29 finding that the fire service professional has been convicted in this state of a crime listed in ORS  
 30 137.700 or in any other jurisdiction of a crime that, if committed in this state, would constitute a  
 31 crime 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 181A.630, based upon a  
 34 finding:

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

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

40       (4) The department shall deny, suspend or revoke the certification of any public safety officer  
 41 or instructor, except a youth correction officer, after written notice and hearing consistent with the  
 42 provisions of ORS 181A.630, based upon a finding that the public safety officer or instructor has  
 43 been discharged for cause from employment as a public safety officer.

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

1 of a public safety officer or instructor.

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

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

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

7 (7) The department shall deny, suspend or revoke the accreditation of a training or educational  
8 program or any course, subject, facility or instruction thereof if the program, course, subject, facility  
9 or instruction is not in compliance with rules adopted or conditions prescribed under ORS 181A.410  
10 (1)(g) or 181A.590 (3).

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

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

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

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

19 **SECTION 4.** ORS 181A.640, as amended by section 3 of this 2017 Act, is amended to read:

20 181A.640. (1) The Department of Public Safety Standards and Training may deny the application  
21 for training, or deny, suspend or revoke the certification, of any public safety officer or instructor,  
22 except a youth correction officer or fire service professional, after written notice and hearing con-  
23 sistent with the provisions of ORS 181A.630, based upon a finding that:

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

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

29 (c) The public safety officer or instructor does not meet the applicable minimum standards,  
30 minimum training or the terms and conditions established under ORS 181A.410 (1)(a) to (d).

31 (d) The public safety officer failed to comply with ORS 181A.790 (3)(b) [*or section 1 (4)(a) of this*  
32 *2017 Act*].

33 (2) The department shall deny, suspend or revoke the certification of a fire service professional,  
34 after written notice and hearing consistent with the provisions of ORS 181A.630, based upon a  
35 finding that the fire service professional has been convicted in this state of a crime listed in ORS  
36 137.700 or in any other jurisdiction of a crime that, if committed in this state, would constitute a  
37 crime listed in ORS 137.700.

38 (3) The department may deny, suspend or revoke the certification of any fire service professional  
39 after written notice and hearing consistent with the provisions of ORS 181A.630, based upon a  
40 finding:

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

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

1 (4) The department shall deny, suspend or revoke the certification of any public safety officer  
 2 or instructor, except a youth correction officer, after written notice and hearing consistent with the  
 3 provisions of ORS 181A.630, based upon a finding that the public safety officer or instructor has  
 4 been discharged for cause from employment as a public safety officer.

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

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

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

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

13 (7) The department shall deny, suspend or revoke the accreditation of a training or educational  
 14 program or any course, subject, facility or instruction thereof if the program, course, subject, facility  
 15 or instruction is not in compliance with rules adopted or conditions prescribed under ORS 181A.410  
 16 (1)(g) or 181A.590 (3).

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

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

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

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

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

26 408.020. (1) The Department of Veterans' Affairs may provide financial aid to beneficiaries who  
 27 desire to pursue an approved course of study or professional training, **including training as a po-**  
 28 **lice officer under ORS 181A.355 to 181A.670 pursuant to section 1 of this 2017 Act**, in or in  
 29 connection with any accredited state or other public school or accredited private school or accred-  
 30 ited college consistent with ORS 408.010 to 408.090.

31 (2) Financial aid under this section may not exceed \$150 per month for each month of full-time  
 32 study or training or \$100 per month for each month of part-time study or training.

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

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

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

43 **SECTION 6.** ORS 408.020, as amended by section 5 of this 2017 Act, is amended to read:

44 408.020. (1) The Department of Veterans' Affairs may provide financial aid to beneficiaries who  
 45 desire to pursue an approved course of study or professional training[, *including training as a police*

1 *officer under ORS 181A.355 to 181A.670 pursuant to section 1 of this 2017 Act,]* in or in connection  
2 with any accredited state or other public school or accredited private school or accredited college  
3 consistent with ORS 408.010 to 408.090.

4 (2) Financial aid under this section may not exceed \$150 per month for each month of full-time  
5 study or training or \$100 per month for each month of part-time study or training.

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

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

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

16 **SECTION 7. (1) Section 1 of this 2017 Act is repealed on January 2, 2024.**

17 **(2) The amendments to ORS 181A.640 and 408.020 by sections 4 and 6 of this 2017 Act**  
18 **become operative on January 2, 2024.**

19 **(3) Section 2 of this 2017 Act is repealed on December 31, 2022.**

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