

House Bill 3369

Sponsored by Representative SANCHEZ

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**.

Directs law enforcement agency to notify Attorney General when police officer's use of deadly physical force causes death of person.

Directs Attorney General to appoint special investigator to investigate use of deadly physical force. Requires that subsequent prosecution, if any, occur using preliminary hearing.

A BILL FOR AN ACT

1
2 Relating to public safety.

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

4 **SECTION 1. (1) A law enforcement agency shall immediately notify the Attorney General**
5 **when the use of deadly physical force during the course of official duty by a police officer**
6 **employed by the law enforcement agency was a cause in fact of the death of a person.**

7 **(2) Upon receiving the notification described in subsection (1) of this section, the Attor-**
8 **ney General shall appoint a special investigator to lead the investigation of the use of deadly**
9 **physical force. The special investigator may not be employed by the office of the district at-**
10 **torney in the county in which the incident occurred or by any other public office in the**
11 **county in which the incident occurred.**

12 **(3) If, after the investigation described in subsection (2) of this section, the Attorney**
13 **General believes that the use of deadly physical force constitutes a crime punishable as a**
14 **felony, the Attorney General shall file an information against the involved police officer in**
15 **circuit court and shall proceed to charge the offense in a preliminary hearing as described**
16 **in ORS 135.070 to 135.225.**

17 **(4) The Attorney General shall have all the powers of a district attorney when acting**
18 **under this section, including the power to issue or cause to be issued subpoenas or other**
19 **process.**

20 **(5) As used in this section:**

21 **(a) "Deadly physical force" has the meaning given that term in ORS 161.015.**

22 **(b) "Law enforcement agency" means an agency employing police officers to enforce**
23 **criminal laws.**

24 **(c) "Police officer" means an officer employed to enforce criminal laws by:**

25 **(A) This state or a municipal government within this state;**

26 **(B) A political subdivision, agency, department or bureau of the governments described**
27 **in subparagraph (A) of this paragraph; or**

28 **(C) A police department established by a university under ORS 352.121 or 353.125.**

29 **SECTION 2. Section 1 of this 2017 Act applies to use of deadly physical force by a police**
30 **officer occurring on or after the effective date of this 2017 Act.**

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.

