

A-Engrossed
Senate Bill 851

Ordered by the Senate April 26
Including Senate Amendments dated April 26

Sponsored by COMMITTEE ON VETERANS AND EMERGENCY PREPAREDNESS

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.

[Directs Oregon Military Department to submit report to interim legislative committees, no later than July 1, 2018, regarding implementation of Oregon Code of Military Justice.]

Authorizes Oregon Military Department to receive information from agency of federal government and to provide received information to law enforcement agency for purpose of preventing terrorism. Prohibits use of information for purposes of prosecution.

Authorizes military department to accept and manage threat-related information and to redirect received threat-related information to appropriate law enforcement agencies.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the Oregon Military Department; amending ORS 181A.250 and 396.305; and declaring an
3 emergency.

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

5 **SECTION 1.** ORS 181A.250 is amended to read:

6 181A.250. (1) *[No]* **A** law enforcement agency, as defined in ORS 181A.010, may **not** collect or
7 maintain information about the political, religious or social views, associations or activities of any
8 individual, group, association, organization, corporation, business or partnership unless *[such]* **the**
9 information directly relates to an investigation of criminal activities, and there are reasonable
10 grounds to suspect the subject of the information is or may be involved in criminal conduct.

11 **(2) Notwithstanding subsection (1) of this section, to the extent allowed by federal law,**
12 **the Oregon Military Department may receive information described in subsection (1) of this**
13 **section from an agency of the federal government, and the department may provide to a law**
14 **enforcement agency, and a law enforcement agency may receive and maintain, the informa-**
15 **tion for the purpose of preventing terrorism. Information received, provided or received and**
16 **maintained under this subsection may not be used for purposes of prosecution.**

17 **SECTION 2.** ORS 396.305 is amended to read:

18 396.305. (1) The Oregon Military Department is established. The department, under the direc-
19 tion of the Governor, shall be responsible as provided in this chapter and ORS chapters 398 and 399
20 for the supervision of the military affairs of the state.

21 (2) The military department shall prepare and promulgate necessary regulations for the organ-
22 ization, governance, armament, equipment, training and compensation of the militia of the state in
23 conformity with the provisions of this chapter, ORS chapters 398 and 399 and the laws of the United
24 States. Regulations so made shall be subject to the approval of the Governor.

25 (3) The military department shall make such changes in the military organization of the Oregon

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 National Guard as are necessary from time to time to conform to the requirements of the laws of
2 the United States and the directives of the National Guard Bureau.

3 (4) The military department shall fix the location of the units and headquarters of the Oregon
4 National Guard, and shall, subject to the approval of the National Guard Bureau, transfer, attach,
5 consolidate or inactivate any organization or unit when in its judgment the efficiency of the present
6 organization will be increased thereby.

7 (5) The military department shall have the power to establish awards and decorations and to
8 approve the design therefor.

9 **(6) The military department may accept and manage threat-related information, includ-**
10 **ing but not limited to redirecting received threat-related information to appropriate law**
11 **enforcement agencies.**

12 **SECTION 3. This 2017 Act being necessary for the immediate preservation of the public**
13 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
14 **on its passage.**