

Senate Bill 1531

Sponsored by Senators FREDERICK, MANNING JR, Representative PILUSO; Senators BURDICK, DEMBROW, GELSER, MONNES ANDERSON, MONROE, RILEY, STEINER HAYWARD, Representatives KENNEMER, SANCHEZ (Presession filed.)

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**.

Requires law enforcement officers to meet with mental health professional.

A BILL FOR AN ACT

1
2 Relating to law enforcement officers; creating new provisions; and amending ORS 181A.790.

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

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

5 (a) **“Law enforcement agency” means an agency employing law enforcement officers to**
6 **enforce criminal laws.**

7 (b) **“Law enforcement officer” means an officer employed to enforce criminal laws by:**

8 (A) **The state or a municipal government in this state;**

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

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

12 (2)(a) **A law enforcement officer shall meet with a mental health professional at least**
13 **once every two years.**

14 (b) **A session with a mental health professional under this subsection is not a mental**
15 **health evaluation.**

16 (3) **A law enforcement agency shall pay the costs of any session with a mental health**
17 **professional required under subsection (2) of this section that a law enforcement officer**
18 **employed by the law enforcement agency attends.**

19 **SECTION 2. ORS 181A.790 is amended to read:**

20 181A.790. (1) As used in this section, “involved officer” means:

21 (a) A police officer whose official conduct, or official order to use deadly physical force, was a
22 cause in fact of the death of a person. As used in this paragraph, “order to use deadly physical
23 force” means an order issued to another officer to use deadly physical force in a specific incident
24 or an order or directive establishing rules of engagement for the use of deadly physical force for a
25 specific incident.

26 (b) A police officer whose official conduct was not a cause in fact of the death of a person but
27 whose official involvement in an incident in which the use of deadly physical force by a police offi-
28 cer resulted in the death of a person:

29 (A) **Began before or during the use of the deadly physical force; and**

30 (B) **Was reasonably likely to have exposed the police officer to greater stresses or trauma than**
31 **other police officers experienced as a result of their involvement in the incident before or during**

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 the use of the deadly physical force.

2 (2) A law enforcement agency shall adopt a policy dealing with the use of deadly physical force
 3 by its police officers. At a minimum, the policy must include guidelines for the use of deadly physical
 4 force.

5 (3)(a) For each involved officer employed by a law enforcement agency, the law enforcement
 6 agency shall pay the costs of at least two sessions with a mental health professional that are at-
 7 tended by the officer. The sessions must be held within six months after the incident in which the
 8 officer was involved.

9 (b) An involved officer shall attend at least one of the sessions described in paragraph (a) of this
 10 subsection.

11 (c) Sessions with a mental health professional under this subsection may not be substituted for
 12 a fitness for duty examination required or requested as a condition of employment by the law
 13 enforcement agency that employs the involved officer.

14 **(d) Sessions with a mental health professional under this subsection are in addition to**
 15 **any session with a mental health professional required under section 1 of this 2018 Act.**

16 (4) For at least 72 hours immediately following an incident in which the use of deadly physical
 17 force by a police officer resulted in the death of a person, a law enforcement agency may not return
 18 an involved officer to duties that might place the officer in a situation in which the officer has to
 19 use deadly physical force. A law enforcement agency may not reduce an involved officer's pay or
 20 benefits as a result of the law enforcement agency's compliance with this subsection.
 21 Notwithstanding ORS 181A.805 (1), a personnel cost incurred in complying with this subsection by
 22 a law enforcement agency employing 40 or fewer police officers is an expense for purposes of ORS
 23 181A.805.

24 (5)(a) A law enforcement agency employing an involved officer shall include at least one police
 25 officer from a different law enforcement agency in the investigation of the incident in which the
 26 involved officer was involved.

27 (b) The failure of a law enforcement agency to comply with paragraph (a) of this subsection is
 28 not grounds for suppressing evidence obtained in the investigation.

29 (6)(a) A law enforcement agency shall collect at least the following information relating to in-
 30 cidents in which a police officer's use of deadly physical force resulted in the death of a person:

31 (A) The name, gender, race, ethnicity and age of the decedent.

32 (B) The date, time and location of the incident.

33 (C) A brief description of the circumstances surrounding the incident.

34 (b) A law enforcement agency shall promptly submit the information collected under paragraph
 35 (a) of this subsection to the Department of Justice.

36 (7) The department shall compile and periodically publish information submitted under sub-
 37 section (6) of this section. The department, by rule, may specify a form to be used by law enforce-
 38 ment agencies in submitting information under subsection (6) of this section.

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