

House Bill 2789

Sponsored by COMMITTEE ON AGRICULTURE AND LAND USE (at the request of Representative Brian Clem)

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**.

Discontinues commissions of humane special agents. Becomes operative January 1, 2020.
Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to humane special agents; creating new provisions; amending ORS 131.915, 133.005, 133.525,
3 153.005, 161.015, 167.305, 167.350, 181A.010, 181A.355, 181A.490, 609.652, 659A.320 and 686.450;
4 repealing ORS 181A.340 and 181A.345; and prescribing an effective date.

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

6 **SECTION 1. (1) On January 1, 2020, all commissions issued by the Superintendent of**
7 **State Police to employees of humane investigation agencies as humane special agents shall**
8 **terminate.**

9 **(2) Except as provided in subsection (4) of this section, a humane investigation agency**
10 **that is in possession of an animal seized by a humane special agent shall, no later than**
11 **January 31, 2020, contact a law enforcement agency having jurisdiction over the location**
12 **where the animal was seized. The law enforcement agency, after an opportunity for comment**
13 **by the humane investigation agency, shall determine an appropriate placement for the ani-**
14 **mal. This subsection does not prohibit a law enforcement agency from agreeing to continue**
15 **placement of the animal with the humane investigation agency.**

16 **(3) A person whose commission as a humane special agent terminates under subsection**
17 **(1) of this section may, prior to January 1, 2020, deliver to the Superintendent of State Police**
18 **any investigative materials or records developed by the person while commissioned as a hu-**
19 **mane special agent. The superintendent may take charge of any investigative materials or**
20 **records provided under this subsection and may utilize the investigative materials and re-**
21 **records as the superintendent deems appropriate. Investigative materials and records delivered**
22 **by a humane special agent to the superintendent prior to January 1, 2020, shall retain their**
23 **status as investigative materials and records of a law enforcement agency.**

24 **(4) Subsections (1) to (3) of this section do not affect any special agents employed by the**
25 **Governor under ORS 131.805 to enforce animal welfare laws. If the Governor employs a hu-**
26 **mane investigation agency employee to be a special agent for the purpose of enforcing animal**
27 **welfare laws, and the employment as special agent takes effect prior to January 31, 2020,**
28 **subsection (2) of this section does not apply to the humane investigation agency.**

29 **SECTION 2. ORS 131.915 is amended to read:**

30 131.915. As used in ORS 131.915 to 131.925:

31 (1) "Law enforcement agency" means:

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 (a) The Department of State Police;
- 2 (b) The Department of Justice;
- 3 (c) A district attorney’s office; and
- 4 (d) Any of the following that maintains a law enforcement unit as defined in ORS 181A.355:
- 5 (A) A political subdivision or an instrumentality of the State of Oregon.
- 6 (B) A municipal corporation of the State of Oregon.
- 7 (C) A tribal government.
- 8 (D) A university.
- 9 (2) “Law enforcement officer” means:
- 10 (a) A member of the Oregon State Police;
- 11 (b) A sheriff, constable, marshal, municipal police officer or reserve officer or a police officer
- 12 commissioned by a university under ORS 352.121 or 353.125;
- 13 (c) An investigator of a district attorney’s office if the investigator is or has been certified as
- 14 a law enforcement officer in this or any other state;
- 15 (d) An investigator of the Criminal Justice Division of the Department of Justice;
- 16 [(e) *A humane special agent as defined in ORS 181A.345;*]
- 17 [(f)] (e) A judicial marshal of the Security and Emergency Preparedness Office of the Judicial
- 18 Department who is appointed under ORS 1.177 and trained pursuant to ORS 181A.540;
- 19 [(g)] (f) A regulatory specialist exercising authority described in ORS 471.775 (2); or
- 20 [(h)] (g) An authorized tribal police officer as defined in ORS 181A.680.
- 21 (3) “Profiling” means the targeting of an individual by a law enforcement agency or a law
- 22 enforcement officer, on suspicion of the individual’s having violated a provision of law, based solely
- 23 on the individual’s real or perceived age, race, ethnicity, color, national origin, language, sex, gender
- 24 identity, sexual orientation, political affiliation, religion, homelessness or disability, unless the
- 25 agency or officer is acting on a suspect description or information related to an identified or sus-
- 26 pected violation of a provision of law.
- 27 (4) “Sexual orientation” has the meaning given that term in ORS 174.100.
- 28 **SECTION 3.** ORS 133.005 is amended to read:
- 29 133.005. As used in ORS 133.005 to 133.400 and 133.410 to 133.450, unless the context requires
- 30 otherwise:
- 31 (1) “Arrest” means to place a person under actual or constructive restraint or to take a person
- 32 into custody for the purpose of charging that person with an offense. A “stop” as authorized under
- 33 ORS 131.605 to 131.625 is not an arrest.
- 34 (2) “Federal officer” means a special agent or law enforcement officer employed by a federal
- 35 agency who is empowered to effect an arrest with or without a warrant for violations of the United
- 36 States Code and who is authorized to carry firearms in the performance of duty.
- 37 (3) “Peace officer” means:
- 38 (a) A member of the Oregon State Police;
- 39 (b) A sheriff, constable, marshal, municipal police officer or reserve officer or a police officer
- 40 commissioned by a university under ORS 352.121 or 353.125;
- 41 (c) An investigator of a district attorney’s office if the investigator is or has been certified as
- 42 a peace officer in this or any other state;
- 43 (d) An investigator of the Criminal Justice Division of the Department of Justice of the State
- 44 of Oregon;
- 45 [(e) *A humane special agent as defined in ORS 181A.345;*]

1 [(f)] (e) A regulatory specialist exercising authority described in ORS 471.775 (2);

2 [(g)] (f) An authorized tribal police officer as defined in ORS 181A.680; or

3 [(h)] (g) A judicial marshal appointed under ORS 1.177 who is trained pursuant to ORS 181A.540.

4 (4) "Reserve officer" means an officer or member of a law enforcement agency who is:

5 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,
6 school district, mass transit district, county, county service district authorized to provide law
7 enforcement services under ORS 451.010, the Criminal Justice Division of the Department of Justice,
8 the Oregon State Lottery Commission or the Governor or a member of the Department of State
9 Police;

10 (b) Armed with a firearm; and

11 (c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordi-
12 nances relating to airport security.

13 **SECTION 4.** ORS 133.525 is amended to read:

14 133.525. As used in ORS 133.525 to 133.703, unless the context requires otherwise:

15 (1) "Judge" means any judge of the circuit court, the Court of Appeals, the Supreme Court, any
16 justice of the peace or municipal judge authorized to exercise the powers and perform the duties
17 of a justice of the peace.

18 (2) "Police officer" means:

19 (a) A member of the Oregon State Police;

20 (b) A sheriff or municipal police officer, a police officer commissioned by a university under ORS
21 352.121 or 353.125 or an authorized tribal police officer as defined in ORS 181A.680;

22 (c) An investigator of a district attorney's office if the investigator is or has been certified as
23 a peace officer in this or any other state;

24 (d) An investigator of the Criminal Justice Division of the Department of Justice; **or**

25 [(e) A humane special agent as defined in ORS 181A.345; or]

26 [(f)] (e) A regulatory specialist exercising authority described in ORS 471.775 (2).

27 **SECTION 5.** ORS 153.005 is amended to read:

28 153.005. As used in this chapter:

29 (1) "Enforcement officer" means:

30 (a) A member of the Oregon State Police.

31 (b) A sheriff or deputy sheriff.

32 (c) A city marshal or a member of the police of a city, municipal or quasi-municipal corporation.

33 (d) A police officer commissioned by a university under ORS 352.121 or 353.125.

34 (e) An investigator of a district attorney's office if the investigator is or has been certified as
35 a peace officer in this or any other state.

36 (f) An investigator of the Criminal Justice Division of the Department of Justice of the State
37 of Oregon.

38 (g) A Port of Portland peace officer.

39 [(h) A humane special agent as defined in ORS 181A.345.]

40 [(i)] (h) A regulatory specialist exercising authority described in ORS 471.775 (2).

41 [(j)] (i) An authorized tribal police officer as defined in ORS 181A.680.

42 [(k)] (j) Any other person specifically authorized by law to issue citations for the commission
43 of violations.

44 (2) "Traffic offense" has the meaning given that term in ORS 801.555.

45 (3) "Violation" means an offense described in ORS 153.008.

1 (4) "Violation proceeding" means a judicial proceeding initiated by issuance of a citation that
2 charges a person with commission of a violation.

3 **SECTION 6.** ORS 161.015 is amended to read:

4 161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635, unless the context requires
5 otherwise:

6 (1) "Dangerous weapon" means any weapon, device, instrument, material or substance which
7 under the circumstances in which it is used, attempted to be used or threatened to be used, is
8 readily capable of causing death or serious physical injury.

9 (2) "Deadly weapon" means any instrument, article or substance specifically designed for and
10 presently capable of causing death or serious physical injury.

11 (3) "Deadly physical force" means physical force that under the circumstances in which it is
12 used is readily capable of causing death or serious physical injury.

13 (4) "Peace officer" means:

14 (a) A member of the Oregon State Police;

15 (b) A sheriff, constable, marshal, municipal police officer or reserve officer as defined in ORS
16 133.005, or a police officer commissioned by a university under ORS 352.121 or 353.125;

17 (c) An investigator of the Criminal Justice Division of the Department of Justice or investigator
18 of a district attorney's office;

19 [(d) A humane special agent as defined in ORS 181A.345;]

20 [(e)] (d) A regulatory specialist exercising authority described in ORS 471.775 (2);

21 [(f)] (e) An authorized tribal police officer as defined in ORS 181A.680; and

22 [(g)] (f) Any other person designated by law as a peace officer.

23 (5) "Person" means a human being and, where appropriate, a public or private corporation, an
24 unincorporated association, a partnership, a government or a governmental instrumentality.

25 (6) "Physical force" includes, but is not limited to, the use of an electrical stun gun, tear gas
26 or mace.

27 (7) "Physical injury" means impairment of physical condition or substantial pain.

28 (8) "Serious physical injury" means physical injury which creates a substantial risk of death or
29 which causes serious and protracted disfigurement, protracted impairment of health or protracted
30 loss or impairment of the function of any bodily organ.

31 (9) "Possess" means to have physical possession or otherwise to exercise dominion or control
32 over property.

33 (10) "Public place" means a place to which the general public has access and includes, but is
34 not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting
35 rooms or apartments designed for actual residence, and highways, streets, schools, places of
36 amusement, parks, playgrounds and premises used in connection with public passenger transporta-
37 tion.

38 **SECTION 7.** ORS 167.305 is amended to read:

39 167.305. The Legislative Assembly finds and declares that:

40 (1) Animals are sentient beings capable of experiencing pain, stress and fear;

41 (2) Animals should be cared for in ways that minimize pain, stress, fear and suffering;

42 (3) The suffering of animals can be mitigated by expediting the disposition of abused animals
43 that would otherwise languish in cages while their defendant owners await trial;

44 (4) The suffering of animals at the hands of unlicensed animal rescue organizations that are
45 unable to provide sufficient food and care for the animals can be reduced by requiring such organ-

1 izations to comply with regulations;

2 (5) The State of Oregon has an interest in facilitating the mitigation of costs of care incurred
 3 by a government agency[, *a humane investigation agency or its agent*] or a person that provides
 4 treatment for impounded animals;

5 (6) A government agency[, *a humane investigation agency or its agent*] or a person that provides
 6 care and treatment for impounded or seized animals:

7 (a) Has an interest in mitigating the costs of the care and treatment in order to ensure the swift
 8 and thorough rehabilitation of the animals; and

9 (b) May mitigate the costs of the care and treatment through funding that is separate from, and
 10 in addition to, any recovery of reasonable costs that a court orders a defendant to pay while a
 11 forfeiture proceeding is pending or subsequent to a conviction;

12 (7) Use of preconviction civil remedies is not an affront to the presumption of innocence; and

13 (8) Amendments to current law are needed to ensure that interested parties are afforded ade-
 14 quate notice and an opportunity to be heard and thus cannot unduly delay or impede animal lien
 15 foreclosure and preconviction forfeiture processes through unfounded due process claims.

16 **SECTION 8.** ORS 167.350 is amended to read:

17 167.350. (1)(a) In addition to and not in lieu of any other sentence it may impose, a court may
 18 require a defendant convicted under ORS 167.315 to 167.333, 167.340, 167.355 or 167.365 to forfeit
 19 any rights of the defendant in the animal subjected to the violation, and to repay the reasonable
 20 costs incurred by a government agency[, *a humane investigation agency or its agent*] or a person
 21 prior to judgment in caring for each animal associated with the criminal proceeding.

22 (b) If a government agency [*or a humane investigation agency or its agent*] provides care and
 23 treatment for impounded or seized animals, a court that orders a defendant to repay reasonable
 24 costs of care under paragraph (a) of this subsection may not reduce the incurred cost amount based
 25 on the agency having received donations or other funding for the care.

26 (2)(a) When the court orders the defendant's rights in the animal to be forfeited, the court may
 27 further order that those rights be given over to an appropriate person or agency demonstrating a
 28 willingness to accept and care for the animal or to the county or an appropriate animal care agency
 29 for further disposition in accordance with accepted practices for humane treatment of animals. The
 30 court may not transfer the defendant's rights in the animal to any person who resides with the de-
 31 fendant.

32 (b) This subsection does not limit the right of the person or agency to whom rights are granted
 33 to resell or otherwise make disposition of the animal. A transfer of rights under this subsection
 34 constitutes a transfer of ownership. The court shall require a person to whom rights are granted to
 35 execute an agreement to provide minimum care to the animal. The agreement must indicate that
 36 allowing the defendant to possess the animal constitutes a crime.

37 (3) In addition to and not in lieu of any other sentence it may impose, a court may order the
 38 owner or person having custody of an animal to repay any reasonable costs incurred by a govern-
 39 ment agency[, *a humane investigation agency or its agent*] or a person in providing minimum care to
 40 the animal that are not included in a repayment order under subsection (1) of this section.

41 (4) A court may order a person convicted under ORS 167.315 to 167.333, 167.340, 167.355, 167.365
 42 or 167.428 to participate in available animal cruelty prevention programs or education programs, or
 43 both, or to obtain psychological counseling for treatment of mental health disorders that, in the
 44 court's judgment, contributed to the commission of the crime. The person shall bear any costs in-
 45 curred by the person for participation in counseling or treatment programs under this subsection.

1 (5) ORS 131.550 to 131.600 do not apply to the forfeiture of an animal subjected to a violation
 2 of ORS 167.315 to 167.333, 167.340, 167.355, 167.365 or 167.428. Any such animal is subject to forfei-
 3 ture as provided in subsections (1) to (3) of this section or, if the animal is a fighting bird, as pro-
 4 vided in ORS 167.435.

5 **SECTION 9.** ORS 181A.010 is amended to read:

6 181A.010. As used in ORS 181A.010 to 181A.350, unless the context requires otherwise:

7 (1) "Criminal justice agency" means:

8 (a) The Governor;

9 (b) Courts of criminal jurisdiction;

10 (c) The Attorney General;

11 (d) District attorneys, city attorneys with criminal prosecutorial functions, attorney employees
 12 of the office of public defense services and nonprofit public defender organizations established under
 13 contract with the Public Defense Services Commission;

14 (e) Law enforcement agencies;

15 (f) The Department of Corrections;

16 (g) The Oregon Youth Authority;

17 (h) The State Board of Parole and Post-Prison Supervision;

18 (i) The Department of Public Safety Standards and Training;

19 (j) The enforcement division of the Oregon Liquor Control Commission in performing duties re-
 20 lated to investigating and enforcing the criminal laws of this state that the commission is charged
 21 to enforce;

22 (k) Regional information systems that share programs to track, identify and remove cross-
 23 jurisdictional criminal and terrorist conspiracies; and

24 (L) Any other state or local agency with law enforcement authority.

25 (2) "Criminal offender information" includes records and related data as to physical description
 26 and vital statistics, fingerprints received and compiled for purposes of identifying criminal offenders
 27 and alleged offenders, records of arrests and the nature and disposition of criminal charges, includ-
 28 ing sentencing, confinement, parole and release.

29 (3) "Department" means the Department of State Police established under ORS 181A.015.

30 (4) "Deputy superintendent" means the Deputy Superintendent of State Police appointed under
 31 ORS 181A.035.

32 (5) "Designated agency" means any state, county or municipal government agency where Oregon
 33 criminal offender information is required to implement a federal or state statute, executive order
 34 or administrative rule that expressly refers to criminal conduct and contains requirements or ex-
 35 clusions expressly based on such conduct or for agency employment purposes, licensing purposes or
 36 other demonstrated and legitimate needs when designated by order of the Governor.

37 (6) "Disposition report" means a form or process prescribed or furnished by the department,
 38 containing a description of the ultimate action taken subsequent to an arrest.

39 (7) "Law enforcement agency" means:

40 (a) County sheriffs, municipal police departments, police departments established by a university
 41 under ORS 352.121 or 353.125 and state police;

42 (b) Other police officers of this state or another state[, *including humane special agents as de-*
 43 *defined in ORS 181A.345*];

44 (c) A tribal government as defined in ORS 181A.680 that employs authorized tribal police officers
 45 as defined in ORS 181A.680; and

1 (d) Law enforcement agencies of the federal government.

2 (8) "State police" means the sworn members of the state police force appointed under ORS
3 181A.050.

4 (9) "Superintendent" means the Superintendent of State Police appointed under ORS 181A.030.

5 **SECTION 10.** ORS 181A.355 is amended to read:

6 181A.355. As used in ORS 181A.355 to 181A.670, unless the context requires otherwise:

7 (1) "Abuse" has the meaning given that term in ORS 107.705.

8 (2) "Board" means the Board on Public Safety Standards and Training appointed pursuant to
9 ORS 181A.360.

10 (3) "Certified reserve officer" means a reserve officer who has been designated by a local law
11 enforcement unit, has received training necessary for certification and has met the minimum stan-
12 dards and training requirements established under ORS 181A.410.

13 (4) "Commissioned" means being authorized to perform various acts or duties of a police officer,
14 certified reserve officer or reserve officer and acting under the supervision and responsibility of a
15 county sheriff or as otherwise provided by law.

16 (5) "Corrections officer" means an officer or member employed full-time by a law enforcement
17 unit who:

18 (a) Is charged with and primarily performs the duty of custody, control or supervision of indi-
19 viduals convicted of or arrested for a criminal offense and confined in a place of incarceration or
20 detention other than a place used exclusively for incarceration or detention of juveniles; or

21 (b) Has been certified as a corrections officer described in paragraph (a) of this subsection and
22 has supervisory or management authority for corrections officers described in paragraph (a) of this
23 subsection.

24 (6) "Department" means the Department of Public Safety Standards and Training.

25 (7) "Director" means the Director of the Department of Public Safety Standards and Training.

26 (8) "Domestic violence" means abuse between family or household members.

27 (9) "Emergency medical dispatcher" means a person who has responsibility to process requests
28 for medical assistance from the public or to dispatch medical care providers.

29 (10) "Family or household members" has the meaning given that term in ORS 107.705.

30 (11) "Fire service professional" means a paid or volunteer firefighter, an officer or a member
31 of a public or private fire protection agency that is engaged primarily in fire investigation, fire
32 prevention, fire safety, fire control or fire suppression or providing emergency medical services, light
33 and heavy rescue services, search and rescue services or hazardous materials incident response.
34 "Fire service professional" does not mean forest fire protection agency personnel.

35 (12) "Law enforcement unit" means:

36 (a) A police force or organization of the state, a city, university that has established a police
37 department under ORS 352.121 or 353.125, port, school district, mass transit district, county, county
38 service district authorized to provide law enforcement services under ORS 451.010, tribal govern-
39 ment as defined in ORS 181A.680 that employs authorized tribal police officers as defined in ORS
40 181A.680, the Criminal Justice Division of the Department of Justice, the Department of Corrections,
41 the Oregon State Lottery Commission, the Security and Emergency Preparedness Office of the Ju-
42 dicial Department or common carrier railroad the primary duty of which, as prescribed by law, or-
43 dinance or directive, is one or more of the following:

44 (A) Detecting crime and enforcing the criminal laws of this state or laws or ordinances relating
45 to airport security;

1 (B) The custody, control or supervision of individuals convicted of or arrested for a criminal
2 offense and confined to a place of incarceration or detention other than a place used exclusively for
3 incarceration or detention of juveniles; or

4 (C) The control, supervision and reformation of adult offenders placed on parole or sentenced
5 to probation and investigation of adult offenders on parole or probation or being considered for
6 parole or probation;

7 (b) A police force or organization of a private entity with a population of more than 1,000 resi-
8 dents in an unincorporated area the employees of which are commissioned by a county sheriff;

9 (c) A district attorney's office; **or**

10 (d) The Oregon Liquor Control Commission with regard to regulatory specialists.]; *or*]

11 [(e) *A humane investigation agency as defined in ORS 181A.340.*]

12 (13) "Parole and probation officer" means:

13 (a) An officer who is employed full-time by the Department of Corrections, a county or a court
14 and who is charged with and performs the duty of:

15 (A) Community protection by controlling, investigating, supervising and providing or making
16 referrals to reformatory services for adult parolees or probationers or offenders on post-prison
17 supervision; or

18 (B) Investigating adult offenders on parole or probation or being considered for parole or pro-
19 bation; or

20 (b) An officer who:

21 (A) Is certified and has been employed as a full-time parole and probation officer for more than
22 one year;

23 (B) Is employed part-time by the Department of Corrections, a county or a court; and

24 (C) Is charged with and performs the duty of:

25 (i) Community protection by controlling, investigating, supervising and providing or making re-
26 ferrals to reformatory services for adult parolees or probationers or offenders on post-prison super-
27 vision; or

28 (ii) Investigating adult offenders on parole or probation or being considered for parole or pro-
29 bation.

30 (14) "Police officer" means:

31 (a) An officer, member or employee of a law enforcement unit employed full-time as a peace of-
32 ficer who is:

33 (A) Commissioned by a city, port, school district, mass transit district, county, county service
34 district authorized to provide law enforcement services under ORS 451.010, tribal government as
35 defined in ORS 181A.680, the Criminal Justice Division of the Department of Justice, the Oregon
36 State Lottery Commission, a university that has established a police department under ORS 352.121
37 or 353.125, the Governor or the Department of State Police; and

38 (B) Responsible for enforcing the criminal laws of this state or laws or ordinances relating to
39 airport security;

40 (b) An investigator of a district attorney's office if the investigator is or has been certified as
41 a peace officer in this or another state;

42 [(c) *A humane special agent commissioned under ORS 181A.340;*]

43 [(d)] (c) A judicial marshal appointed under ORS 1.177 who is trained pursuant to ORS 181A.540;

44 or

45 [(e)] (d) An authorized tribal police officer as defined in ORS 181A.680.

1 (15) "Public or private safety agency" means a unit of state or local government, a special pur-
 2 pose district or a private firm that provides, or has authority to provide, fire fighting, police, am-
 3 bulance or emergency medical services.

4 (16) "Public safety personnel" and "public safety officer" include corrections officers, youth
 5 correction officers, emergency medical dispatchers, parole and probation officers, police officers,
 6 certified reserve officers, reserve officers, telecommunicators, regulatory specialists and fire service
 7 professionals.

8 (17) "Regulatory specialist" has the meaning given that term in ORS 471.001.

9 (18) "Reserve officer" means an officer or member of a law enforcement unit who is:

10 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,
 11 school district, mass transit district, county, county service district authorized to provide law
 12 enforcement services under ORS 451.010, tribal government as defined in ORS 181A.680, the Crimi-
 13 nal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a univer-
 14 sity that has established a police department under ORS 352.121 or 353.125, the Governor or the
 15 Department of State Police;

16 (b) Armed with a firearm; and

17 (c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordi-
 18 nances relating to airport security.

19 (19) "Telecommunicator" means a person employed as an emergency communications worker as
 20 defined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing
 21 and transmitting public safety information received through the emergency communications system
 22 as defined in ORS 403.105.

23 (20) "Youth correction officer" means an employee of the Oregon Youth Authority who is
 24 charged with and primarily performs the duty of custody, control or supervision of youth offenders
 25 confined in a youth correction facility.

26 **SECTION 11.** ORS 609.652 is amended to read:

27 609.652. As used in ORS 609.654:

28 (1)(a) "Aggravated animal abuse" means any animal abuse as described in ORS 167.322.

29 (b) "Aggravated animal abuse" does not include:

30 (A) Good animal husbandry, as defined in ORS 167.310; or

31 (B) Any exemption listed in ORS 167.335.

32 (2) "Law enforcement agency" means:

33 (a) Any city or municipal police department.

34 (b) A police department established by a university under ORS 352.121 or 353.125.

35 (c) Any county sheriff's office.

36 (d) The Oregon State Police.

37 (e) A law enforcement division of a county or municipal animal control agency that employs
 38 sworn officers.

39 *[(f) A humane investigation agency as defined in ORS 181A.340 that employs humane special
 40 agents commissioned under ORS 181A.340.]*

41 (3) "Public or private official" means:

42 (a) A physician, including any intern or resident.

43 (b) A dentist.

44 (c) A school employee.

45 (d) A licensed practical nurse or registered nurse.

1 (e) An employee of the Department of Human Services, Oregon Health Authority, Early Learn-
 2 ing Division, Youth Development Division, Office of Child Care, the Oregon Youth Authority, a local
 3 health department, a community mental health program, a community developmental disabilities
 4 program, a county juvenile department, a child-caring agency as defined in ORS 418.205 or an alco-
 5 hol and drug treatment program.

6 (f) A peace officer.

7 (g) A psychologist.

8 (h) A member of the clergy.

9 (i) A regulated social worker.

10 (j) An optometrist.

11 (k) A chiropractor.

12 (L) A certified provider of foster care, or an employee thereof.

13 (m) An attorney.

14 (n) A naturopathic physician.

15 (o) A licensed professional counselor.

16 (p) A licensed marriage and family therapist.

17 (q) A firefighter or emergency medical services provider.

18 (r) A court appointed special advocate, as defined in ORS 419A.004.

19 (s) A child care provider registered or certified under ORS 329A.030 and 329A.250 to 329A.450.

20 (t) A member of the Legislative Assembly.

21 **SECTION 12.** ORS 659A.320 is amended to read:

22 659A.320. (1) Except as provided in subsection (2) of this section, it is an unlawful employment
 23 practice for an employer to obtain or use for employment purposes information contained in the
 24 credit history of an applicant for employment or an employee, or to refuse to hire, discharge, de-
 25 mote, suspend, retaliate or otherwise discriminate against an applicant or an employee with regard
 26 to promotion, compensation or the terms, conditions or privileges of employment based on informa-
 27 tion in the credit history of the applicant or employee.

28 (2) Subsection (1) of this section does not apply to:

29 (a) Employers that are federally insured banks or credit unions;

30 (b) Employers that are required by state or federal law to use individual credit history for em-
 31 ployment purposes;

32 (c) The application for employment or the employment of a public safety officer who will be or
 33 who is:

34 (A) A member of a law enforcement unit;

35 (B) Employed as a peace officer commissioned by a city, port, school district, mass transit dis-
 36 trict, county, university under ORS 352.121 or 353.125, Indian reservation, [*the Superintendent of*
 37 *State Police under ORS 181A.340,*] the Criminal Justice Division of the Department of Justice, the
 38 Oregon State Lottery Commission or the Governor or employed as a regulatory specialist by the
 39 Oregon Liquor Control Commission; and

40 (C) Responsible for enforcing the criminal laws of this state or laws or ordinances related to
 41 airport security; or

42 (d) The obtainment or use by an employer of information in the credit history of an applicant
 43 or employee because the information is substantially job-related and the employer's reasons for the
 44 use of such information are disclosed to the employee or prospective employee in writing.

45 (3) An employee or an applicant for employment may file a complaint under ORS 659A.820 for

1 violations of this section and may bring a civil action under ORS 659A.885 and recover the relief
 2 as provided by ORS 659A.885 (1) and (2).

3 (4) As used in this section, “credit history” means any written or other communication of any
 4 information by a consumer reporting agency that bears on a consumer’s creditworthiness, credit
 5 standing or credit capacity.

6 **SECTION 13.** ORS 686.450 is amended to read:

7 686.450. As used in ORS 686.450 to 686.465 and 686.990 (3):

8 (1)(a) “Aggravated animal abuse” means any animal abuse as described in ORS 167.322.

9 (b) “Aggravated animal abuse” does not include:

10 (A) Good animal husbandry, as defined in ORS 167.310; or

11 (B) Any exemption listed in ORS 167.335.

12 (2) “Law enforcement agency” means:

13 (a) Any city or municipal police department.

14 (b) A police department established by a university under ORS 352.121 or 353.125.

15 (c) Any county sheriff’s office.

16 (d) The Oregon State Police.

17 *[(e) A law enforcement division of a humane society in Oregon that employs special agents au-*
 18 *thorized under ORS 131.805 or humane special agents commissioned under ORS 181A.340.]*

19 *[(f)] (e)* A law enforcement division of a county or municipal animal control agency that employs
 20 sworn officers.

21 (3) “Veterinarian” means a person licensed to practice veterinary medicine under ORS chapter
 22 686.

23 **SECTION 14.** ORS 181A.490 is amended to read:

24 181A.490. (1) Except for a person who has requested and obtained an extension from the De-
 25 partment of Public Safety Standards and Training pursuant to subsection (2) of this section, a person
 26 may not be employed as a police officer, or utilized as a certified reserve officer, by a law enforce-
 27 ment unit for more than 18 months unless the person:

28 (a)(A) Is a citizen of the United States; or

29 (B) Is a nonimmigrant legally admitted to the United States under a Compact of Free Associ-
 30 ation; and

31 (b) Has been certified as being qualified as a police officer or certified reserve officer under the
 32 provisions of ORS 181A.355 to 181A.670 and the certification has not lapsed or been revoked pur-
 33 suant to ORS 181A.630, 181A.640 and 181A.650 (1) and not been reissued under ORS 181A.650 (2).

34 (2) The department, upon the facts contained in an affidavit accompanying the request for an
 35 extension, may find good cause for failure to obtain certification within the time period described
 36 in subsection (1) of this section. If the department finds that there is good cause for failure to timely
 37 obtain certification, the department may extend for up to one year the period that a person may
 38 serve as a police officer or reserve officer without certification. The grant or denial of an extension
 39 is within the sole discretion of the department.

40 (3) Except as provided in subsection (4) of this section, a person employed as a police officer
 41 by a law enforcement unit shall commence the training necessary for certification under ORS
 42 181A.355 to 181A.670 at an academy operated by the department not later than the 90th day after
 43 the date of the officer’s employment by the law enforcement unit.

44 (4) A law enforcement unit may delay the commencement of training of a police officer for up
 45 to 120 days from the date of the officer’s employment when it considers the delay necessary. When

1 a law enforcement unit delays commencement of a police officer's training under this subsection, the
2 law enforcement unit shall file a written statement of the law enforcement unit's reasons with the
3 department.

4 (5) When a delay in the commencement of training necessary for certification under ORS
5 181A.355 to 181A.670 at an academy operated by the department is caused by the inability of the
6 department, for any reason, to provide that training, the period of the delay may not be counted as
7 part of the periods set forth in subsections (3) and (4) of this section within which the training must
8 be commenced.

9 (6) A person utilized as a certified reserve officer by a law enforcement unit must complete the
10 training necessary for certification under ORS 181A.355 to 181A.670 at a site approved by the de-
11 partment.

12 *[(7) Notwithstanding any other provision of law, the law enforcement unit described in ORS*
13 *181A.355 (12)(e) shall bear the expense of training necessary for certification under ORS 181A.355 to*
14 *181A.670.]*

15 **SECTION 15. ORS 181A.340 and 181A.345 are repealed.**

16 **SECTION 16. The repeal of ORS 181A.340 and 181A.345 by section 15 of this 2019 Act and**
17 **the amendments to ORS 131.915, 133.005, 133.525, 153.005, 161.015, 167.305, 167.350, 181A.010,**
18 **181A.355, 181A.490, 609.652, 659A.320 and 686.450 by sections 2 to 14 of this 2019 Act become**
19 **operative on January 1, 2020.**

20 **SECTION 17. This 2019 Act takes effect on the 91st day after the date on which the 2019**
21 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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