

# A-Engrossed House Bill 4201

Ordered by the House June 26  
Including House Amendments dated June 26

Sponsored by Representatives KOTEK, ALONSO LEON, BYNUM, SALINAS; Representatives CLEM, HERNANDEZ, HOLVEY, LEWIS, MITCHELL, PILUSO, SANCHEZ, SCHOUTEN, WILDE (at the request of Joint Committee on the First Special Session of 2020)

## 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.

*[Requires law enforcement agency to notify Attorney General when police officer uses physical force resulting in death or qualifying physical injury. Requires Attorney General to appoint special investigator to lead investigation upon receipt of notification. Directs Attorney General to prosecute violations of law related to use of physical force. Directs Attorney General to release reports from investigation if criminal proceedings are not initiated.]*

**Establishes Joint Committee on Transparent Policing and Use of Force Reform. Directs committee to examine policies related to use of force and transparency in policing and recommend legislation to committees of Legislative Assembly related to judiciary on or before December 31, 2020.**

**Sunsets committee on December 31, 2020.**  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to the use of force by police officers; and declaring an emergency.

3       Whereas Black Lives Matter; and

4       Whereas the lives of Kendra James and Jason Washington mattered; and

5       Whereas there is an inherent conflict of interest in asking local district attorneys to investigate  
6 the officers upon whom they rely to obtain convictions in criminal cases; and

7       Whereas internal investigations and local investigations have resulted in a lack of justice for  
8 communities of color, which breeds distrust of law enforcement and causes both direct and vicarious  
9 trauma upon those communities; and

10       Whereas no matter how late it may come, Black, Indigenous and People of Color communities  
11 deserve justice for the past, and also deserve justice for the present; and

12       Whereas countless protesters, members of the media, medics and legal observers across Oregon  
13 who have been exercising their First Amendment rights have been victimized by a failure of local  
14 civilian oversight to rein in abuses of the use of force by law enforcement; now, therefore,

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

16       **SECTION 1.** (1) **There is established the Joint Committee on Transparent Policing and**  
17 **Use of Force Reform.**

18       (2) **The joint committee consists of members of the Senate appointed by the President**  
19 **of the Senate and members of the House of Representatives appointed by the Speaker of the**  
20 **House of Representatives.**

21       (3) **The President of the Senate shall appoint one cochair for the joint committee and the**  
22 **Speaker of the House of Representatives shall appoint one cochair for the joint committee**

**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 with the duties and powers necessary for the performance of the functions of the offices as  
2 the President and the Speaker determine.

3 (4) The joint committee has a continuing existence and may meet, act and conduct its  
4 business during sessions of the Legislative Assembly or any recess thereof and in the interim  
5 between sessions.

6 (5) If there is a vacancy for any cause, the appointing authority shall make an appoint-  
7 ment to become immediately effective.

8 (6) Members of the joint committee shall receive an amount equal to that authorized  
9 under ORS 171.072 from funds appropriated to the Legislative Assembly for each day spent  
10 in the performance of their duties as members of the joint committee or any subcommittee  
11 thereof in lieu of reimbursement for in-state travel expenses. However, when engaged in  
12 out-of-state travel, members shall be entitled to receive their actual and necessary expenses  
13 therefor in lieu of the amount authorized by this subsection. Payment shall be made from  
14 funds appropriated to the Legislative Assembly.

15 (7) The joint committee may not transact business unless a quorum is present. A quorum  
16 consists of a majority of joint committee members from the House of Representatives and  
17 a majority of joint committee members from the Senate.

18 (8) Action by the joint committee requires the affirmative vote of a majority of joint  
19 committee members from the House of Representatives and a majority of joint committee  
20 members from the Senate.

21 (9) The joint committee may adopt rules necessary for the operation of the joint com-  
22 mittee.

23 (10) The Legislative Policy and Research Director may employ persons necessary for the  
24 performance of the functions of the joint committee. The Legislative Policy and Research  
25 Director shall fix the duties and amounts of compensation of the employees. The joint  
26 committee shall use the services of continuing legislative staff, without employing additional  
27 persons, to the greatest extent practicable.

28 (11) All agencies of state government, as defined in ORS 174.111, are directed to assist  
29 the joint committee in the performance of the duties of the joint committee and, to the ex-  
30 tent permitted by laws relating to confidentiality, to furnish information and advice the  
31 members of the joint committee consider necessary to perform their duties.

32 **SECTION 2. The Joint Committee on Transparent Policing and Use of Force Reform**  
33 **shall:**

34 (1) Examine policies that improve transparency in investigations into and complaints re-  
35 garding the use of force by police officers, and increase transparency in police protocols and  
36 processes to build public trust in policing;

37 (2) Examine policies that reduce the prevalence of serious physical injury or death caused  
38 by the use of force by police officers by analyzing the use of force, the authorization of the  
39 use of force under state law and the disparate impact of the use of force on communities of  
40 color;

41 (3) Determine the most appropriate policy for independent review of the use of deadly  
42 force by police officers, including an analysis of procedures and policies used in other states;

43 (4) Examine any other policies that increase transparency in policing and reform the use  
44 of force by police officers; and

45 (5) Make recommendations for legislation to the committees of the Legislative Assembly

1 related to the judiciary on or before December 31, 2020.

2 **SECTION 3.** Sections 1 and 2 of this 2020 special session Act are repealed on December  
3 31, 2020.

4 **SECTION 4.** This 2020 special session Act being necessary for the immediate preservation  
5 of the public peace, health and safety, an emergency is declared to exist, and this 2020 special  
6 session Act takes effect on its passage.

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