

HOUSE AMENDMENTS TO HOUSE BILL 4205

By JOINT COMMITTEE ON THE FIRST SPECIAL SESSION OF 2020

June 26

1 After line 2 of the printed bill, insert:

2 “Whereas Black Lives Matter; and

3 “Whereas the three other police officers present at George Floyd’s arrest had 8 minutes and 46
4 seconds to save his life; and

5 “Whereas the history of racial violence in America, including public lynchings, deeply implicates
6 police officers that did not intervene to stop extrajudicial murders of Black Americans, creating a
7 culture of distrust between law enforcement and the Black community that persists to this day; and

8 “Whereas police officers swear an oath to serve the public; and

9 “Whereas police officers need to be trusted to step in when lives are endangered; and

10 “Whereas two-thirds of Black Americans do not trust that they will be treated equally by the
11 police; and

12 “Whereas Black youth experience hypervigilance, a symptom of post-traumatic stress disorder,
13 in the presence of police officers; and

14 “Whereas Black children deserve to feel safe around the police; and

15 “Whereas we all deserve to feel safe around the police; and

16 “Whereas restoring trust in the police is not possible without real accountability measures; and

17 “Whereas the United States Department of Justice’s October 2018 Special Report found that
18 Black people and Latinx people are twice as likely to experience the threat or use of force compared
19 to white people; and

20 “Whereas intervening and reporting misconduct protects the reputation of police officers who
21 are acting in good faith and within the bounds of the law; now, therefore,”.

22 Delete lines 4 through 17 and insert:

23 “**SECTION 1. Section 2 of this 2020 special session Act is added to and made a part of**
24 **ORS 181A.355 to 181A.670.**

25 “**SECTION 2. (1) As used in this section, ‘misconduct’ means:**

26 “(a) **Unjustified or excessive force that is objectively unreasonable under the circum-**
27 **stances or in violation of the use of force policy for the law enforcement unit employing the**
28 **offending officer;**

29 “(b) **Sexual harassment or sexual misconduct;**

30 “(c) **Discrimination against a person based on race, color, religion, sex, sexual orien-**
31 **tation, national origin, disability or age;**

32 “(d) **A crime; or**

33 “(e) **A violation of the minimum standards for physical, emotional, intellectual and moral**
34 **fitness for public safety personnel established under ORS 181A.410.**

35 “(2) **Without regard to rank or assignment, a police officer or reserve officer shall in-**

1 **tervene to prevent or stop another police officer or reserve officer engaged in any act the**
2 **intervening officer knows or reasonably should know is misconduct, unless the intervening**
3 **officer cannot intervene safely.**

4 **“(3) A police officer or reserve officer who witnesses another police officer or reserve**
5 **officer engaging in misconduct shall report the misconduct to a supervisor as soon as prac-**
6 **ticable, but no later than 72 hours after witnessing the misconduct.**

7 **“(4) Failure to intervene or report as required by subsections (2) and (3) of this section**
8 **is grounds for disciplinary action against a police officer or reserve officer by the law**
9 **enforcement unit employing the officer or for the Department of Public Safety Standards and**
10 **Training to suspend or revoke the officer’s certification as provided in ORS 181A.630,**
11 **181A.640 and 181A.650.**

12 **“(5) An employer may not discharge, demote, suspend or in any manner discriminate or**
13 **retaliate against a police officer or reserve officer with regard to promotion, compensation**
14 **or other terms, conditions or privileges of employment for the reason that the officer in-**
15 **tervened or reported as required by subsections (2) and (3) of this section. Violation of this**
16 **subsection is an unlawful employment practice as provided in ORS 659A.199.**

17 **“(6) The Department of Public Safety Standards and Training shall report at least annu-**
18 **ally to an appropriate committee of the Legislative Assembly on any rules adopted by the**
19 **department implementing this section.**

20 **“SECTION 3. This 2020 special session Act being necessary for the immediate preserva-**
21 **tion of the public peace, health and safety, an emergency is declared to exist, and this 2020**
22 **special session Act takes effect on its passage.”.**

23