

HB 4205-4
(LC 80)
6/24/20 (MNJ/ps)

Requested by JOINT COMMITTEE ON THE FIRST SPECIAL SESSION OF 2020 (at the request of
People of Color Caucus)

**PROPOSED AMENDMENTS TO
HOUSE BILL 4205**

1 Delete lines 4 through 17 of the printed bill and insert:

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

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

5 **“(a) Unjustified or excessive force that is objectively unreasonable**
6 **under the circumstances or in violation of the use of force policy for**
7 **the law enforcement unit employing the offending officer;**

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

9 **“(c) Discrimination against a person based on race, color, religion,**
10 **sex, sexual orientation, national origin, disability or age;**

11 **“(d) A crime; or**

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

15 **“(2) Without regard to rank or assignment, a police officer or re-**
16 **serve officer shall intervene to prevent or stop another police officer**
17 **or reserve officer engaged in any act the intervening officer knows or**
18 **reasonably should know is misconduct, unless the intervening officer**
19 **cannot intervene safely.**

20 **“(3) A police officer or reserve officer who witnesses another police**
21 **officer or reserve officer engaging in misconduct shall report the**

1 **misconduct to a supervisor as soon as practicable, but no later than**
2 **72 hours after witnessing the misconduct.**

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

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

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

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

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