

# Senate Bill 297

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Chief Justice Martha L. Walters for Oregon Judicial Department)

## 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**.

Provides that judicial marshal certified by Department of Public Safety Standards and Training qualifies as police officer under Public Employees Retirement System.

Provides that judicial marshal employed on effective date of Act is entitled to service in retirement system as police officer for all service performed as certified judicial marshal.

Changes references to Security and Emergency Preparedness Office of the Judicial Department to Marshal's Office of the Judicial Department.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to judicial marshals; creating new provisions; amending ORS 1.177, 131.915, 181A.355,  
3 181A.540 and 238.005; and prescribing an effective date.

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

5 **SECTION 1.** ORS 238.005 is amended to read:

6 238.005. For purposes of this chapter:

7 (1) "Active member" means a member who is presently employed by a participating public em-  
8 ployer in a qualifying position and who has completed the six-month period of service required by  
9 ORS 238.015.

10 (2) "Annuity" means payments for life derived from contributions made by a member as provided  
11 in this chapter.

12 (3) "Board" means the Public Employees Retirement Board.

13 (4) "Calendar year" means 12 calendar months commencing on January 1 and ending on De-  
14 cember 31 following.

15 (5) "Continuous service" means service not interrupted for more than five years, except that  
16 such continuous service shall be computed without regard to interruptions in the case of:

17 (a) An employee who had returned to the service of the employer as of January 1, 1945, and  
18 who remained in that employment until having established membership in the Public Employees  
19 Retirement System.

20 (b) An employee who was in the armed services on January 1, 1945, and returned to the service  
21 of the employer within one year of the date of being otherwise than dishonorably discharged and  
22 remained in that employment until having established membership in the Public Employees Retire-  
23 ment System.

24 (6) "Creditable service" means any period of time during which an active member is being paid  
25 a salary by a participating public employer and for which benefits under this chapter are funded by  
26 employer contributions and earnings on the fund. For purposes of computing years of "creditable  
27 service," full months and major fractions of a month shall be considered to be one-twelfth of a year

**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 and shall be added to all full years. "Creditable service" includes all retirement credit received by  
2 a member.

3 (7) "Earliest service retirement age" means the age attained by a member when the member  
4 could first make application for retirement under the provisions of ORS 238.280.

5 (8) "Employee" includes, in addition to employees, public officers, but does not include:

6 (a) Persons engaged as independent contractors.

7 (b) Seasonal, emergency or casual workers whose periods of employment with any public em-  
8 ployer or public employers do not total 600 hours in any calendar year.

9 (c) Persons provided sheltered employment or made-work by a public employer in an employment  
10 or industries program maintained for the benefit of such persons.

11 (d) Persons employed and paid from federal funds received under a federal program intended  
12 primarily to alleviate unemployment. However, any such person shall be considered an "employee"  
13 if not otherwise excluded by paragraphs (a) to (c) of this subsection and the public employer elects  
14 to have the person so considered by an irrevocable written notice to the board.

15 (e) Persons who are employees of a railroad, as defined in ORS 824.020, and who, as such em-  
16 ployees, are included in a retirement plan under federal railroad retirement statutes. This paragraph  
17 shall be deemed to have been in effect since the inception of the system.

18 (f) Persons employed in positions classified as post-doctoral scholar positions by a public uni-  
19 versity listed in ORS 352.002, or by the Oregon Health and Science University, under ORS 350.370.

20 (9) "Final average salary" means whichever of the following is greater:

21 (a) The average salary per calendar year paid by one or more participating public employers to  
22 an employee who is an active member of the system in three of the calendar years of membership  
23 before the effective date of retirement of the employee, in which three years the employee was paid  
24 the highest salary. The three calendar years in which the employee was paid the largest total salary  
25 may include calendar years in which the employee was employed for less than a full calendar year.  
26 If the number of calendar years of active membership before the effective date of retirement of the  
27 employee is three or fewer, the final average salary for the employee is the average salary per cal-  
28 endar year paid by one or more participating public employers to the employee in all of those years,  
29 without regard to whether the employee was employed for the full calendar year.

30 (b) One-third of the total salary paid by a participating public employer to an employee who is  
31 an active member of the system in the last 36 calendar months of active membership before the ef-  
32 fective date of retirement of the employee.

33 (10) "Firefighter" does not include a volunteer firefighter, but does include:

34 (a) The State Fire Marshal, the chief deputy fire marshal and deputy state fire marshals;

35 (b) An employee of the State Forestry Department who is certified by the State Forester as a  
36 professional wildland firefighter and whose primary duties include the abatement of uncontrolled  
37 fires as described in ORS 477.064; and

38 (c) An employee of the Oregon Military Department whose primary duties include fighting  
39 structural, aircraft, wildland or other fires.

40 (11) "Fiscal year" means 12 calendar months commencing on July 1 and ending on June 30 fol-  
41 lowing.

42 (12) "Fund" means the Public Employees Retirement Fund.

43 (13) "Inactive member" means a member who is not employed in a qualifying position, whose  
44 membership has not been terminated in the manner described by ORS 238.095 and who is not retired  
45 for service or disability.

1 (14) "Institution of higher education" means a public university listed in ORS 352.002, the  
2 Oregon Health and Science University and a community college, as defined in ORS 341.005.

3 (15) "Member" means a person who has established membership in the system and whose mem-  
4 bership has not been terminated as described in ORS 238.095. "Member" includes active, inactive  
5 and retired members.

6 (16) "Member account" means the regular account and the variable account.

7 (17) "Normal retirement age" means:

8 (a) For a person who establishes membership in the system before January 1, 1996, as described  
9 in ORS 238.430, 55 years of age if the employee retires at that age as a police officer or firefighter  
10 or 58 years of age if the employee retires at that age as other than a police officer or firefighter.

11 (b) For a person who establishes membership in the system on or after January 1, 1996, as de-  
12 scribed in ORS 238.430, 55 years of age if the employee retires at that age as a police officer or  
13 firefighter or 60 years of age if the employee retires at that age as other than a police officer or  
14 firefighter.

15 (18) "Pension" means annual payments for life derived from contributions by one or more public  
16 employers.

17 (19) "Police officer" includes:

18 (a) Employees of institutions defined in ORS 421.005 as Department of Corrections institutions  
19 whose duties, as assigned by the Director of the Department of Corrections, include the custody of  
20 persons committed to the custody of or transferred to the Department of Corrections and employees  
21 of the Department of Corrections who were classified as police officers on or before July 27, 1989,  
22 whether or not such classification was authorized by law.

23 (b) Employees of the Department of State Police who are classified as police officers by the  
24 Superintendent of State Police.

25 (c) Employees of the Oregon Liquor Control Commission who are classified as regulatory spe-  
26 cialists by the administrator of the commission.

27 (d) Sheriffs and those deputy sheriffs or other employees of a sheriff whose duties, as classified  
28 by the sheriff, are the regular duties of police officers or corrections officers.

29 (e) Police chiefs and police personnel of a city who are classified as police officers by the  
30 council or other governing body of the city.

31 (f) Police officers who are commissioned by a university under ORS 352.121 or 353.125 and who  
32 are classified as police officers by the university.

33 (g) Parole and probation officers employed by the Department of Corrections, parole and pro-  
34 bation officers who are transferred to county employment under ORS 423.549 and adult parole and  
35 probation officers, as defined in ORS 181A.355, who are classified as police officers for the purposes  
36 of this chapter by the county governing body. If a county classifies adult parole and probation offi-  
37 cers as police officers for the purposes of this chapter, and the employees so classified are repres-  
38 ented by a labor organization, any proposal by the county to change that classification or to cease  
39 to classify adult parole and probation officers as police officers for the purposes of this chapter is  
40 a mandatory subject of bargaining.

41 (h) Police officers appointed under ORS 276.021 or 276.023.

42 (i) Employees of the Port of Portland who are classified as airport police by the Board of Com-  
43 missioners of the Port of Portland.

44 (j) Employees of the State Department of Agriculture who are classified as livestock police of-  
45 ficers by the Director of Agriculture.

1 (k) Employees of the Department of Public Safety Standards and Training who are classified by  
2 the department as other than secretarial or clerical personnel.

3 (L) Investigators of the Criminal Justice Division of the Department of Justice.

4 (m) Corrections officers as defined in ORS 181A.355.

5 (n) Employees of the Oregon State Lottery Commission who are classified by the Director of the  
6 Oregon State Lottery as enforcement agents pursuant to ORS 461.110.

7 (o) The Director of the Department of Corrections.

8 (p) An employee who for seven consecutive years has been classified as a police officer as de-  
9 fined by this section, and who is employed or transferred by the Department of Corrections to fill  
10 a position designated by the Director of the Department of Corrections as being eligible for police  
11 officer status.

12 (q) An employee of the Department of Corrections classified as a police officer on or prior to  
13 July 27, 1989, whether or not that classification was authorized by law, as long as the employee  
14 remains in the position held on July 27, 1989. The initial classification of an employee under a sys-  
15 tem implemented pursuant to ORS 240.190 does not affect police officer status.

16 (r) Employees of a school district who are appointed and duly sworn members of a law  
17 enforcement agency of the district as provided in ORS 332.531 or otherwise employed full-time as  
18 police officers commissioned by the district.

19 (s) Employees at youth correction facilities and juvenile detention facilities under ORS 419A.050,  
20 419A.052 and 420.005 to 420.915 who are required to hold valid Oregon teaching licenses and who  
21 have supervisory, control or teaching responsibilities over juveniles committed to the custody of the  
22 Department of Corrections or the Oregon Youth Authority.

23 (t) Employees at youth correction facilities as defined in ORS 420.005 whose primary job de-  
24 scription involves the custody, control, treatment, investigation or supervision of juveniles placed  
25 in such facilities.

26 (u) Employees of the Oregon Youth Authority who are classified as juvenile parole and pro-  
27 bation officers.

28 (v) Employees of the Department of Human Services who are prohibited from striking under ORS  
29 243.726 and whose duties include the care of residents of residential facilities, as defined in ORS  
30 443.400, that house individuals with intellectual or developmental disabilities.

31 **(w) Employees appointed as judicial marshals under ORS 1.177 who are certified under**  
32 **ORS 181A.540.**

33 (20) "Prior service credit" means credit provided under ORS 238.442 or under ORS 238.225 (2)  
34 to (6) (1999 Edition).

35 (21) "Public employer" means the state, one of its agencies, any city, county, or municipal or  
36 public corporation, any political subdivision of the state or any instrumentality thereof, or an agency  
37 created by one or more such governmental organizations to provide governmental services. For  
38 purposes of this chapter, such agency created by one or more governmental organizations is a gov-  
39 ernmental instrumentality and a legal entity with power to enter into contracts, hold property and  
40 sue and be sued.

41 (22) "Qualifying position" means one or more jobs with one or more participating public em-  
42 ployers in which an employee performs 600 or more hours of service in a calendar year, excluding  
43 any service in a job for which a participating public employer does not provide benefits under this  
44 chapter pursuant to an application made under ORS 238.035.

45 (23) "Regular account" means the account established for each active and inactive member un-

1 der ORS 238.250.

2 (24) "Retired member" means a member who is retired for service or disability.

3 (25) "Retirement credit" means a period of time that is treated as creditable service for the  
4 purposes of this chapter.

5 (26)(a) "Salary" means the remuneration paid an employee in cash out of the funds of a public  
6 employer in return for services to the employer, plus the monetary value, as determined by the  
7 Public Employees Retirement Board, of whatever living quarters, board, lodging, fuel, laundry and  
8 other advantages the employer furnishes the employee in return for services.

9 (b) "Salary" includes but is not limited to:

10 (A) Payments of employee and employer money into a deferred compensation plan, which are  
11 deemed salary paid in each month of deferral;

12 (B) The amount of participation in a tax-sheltered or deferred annuity, which is deemed salary  
13 paid in each month of participation;

14 (C) Retroactive payments described in ORS 238.008; and

15 (D) Wages of a deceased member paid to a surviving spouse or dependent children under ORS  
16 652.190.

17 (c) "Salary" or "other advantages" does not include:

18 (A) Travel or any other expenses incidental to employer's business which is reimbursed by the  
19 employer;

20 (B) Payments for insurance coverage by an employer on behalf of employee or employee and  
21 dependents, for which the employee has no cash option;

22 (C) Payments made on account of an employee's death;

23 (D) Any lump sum payment for accumulated unused sick leave;

24 (E) Any accelerated payment of an employment contract for a future period or an advance  
25 against future wages;

26 (F) Any retirement incentive, retirement severance pay, retirement bonus or retirement  
27 gratuitous payment;

28 (G) Payments for periods of leave of absence after the date the employer and employee have  
29 agreed that no future services qualifying pursuant to ORS 238.015 (3) will be performed, except for  
30 sick leave and vacation;

31 (H) Payments for instructional services rendered to public universities listed in ORS 352.002 or  
32 the Oregon Health and Science University when such services are in excess of full-time employment  
33 subject to this chapter. A person employed under a contract for less than 12 months is subject to  
34 this subparagraph only for the months to which the contract pertains;

35 (I) Payments made by an employer for insurance coverage provided to a domestic partner of an  
36 employee;

37 (J) Compensation described and authorized under ORS 341.556 that is not paid by the community  
38 college employing the faculty member;

39 (K) Compensation described and authorized under ORS 352.232 that is not paid by the public  
40 university employing the officer or employee;

41 (L) Compensation described and authorized under ORS 353.270 that is not paid by Oregon Health  
42 and Science University; or

43 (M) For years beginning on or after January 1, 2020, any amount in excess of \$195,000 for a  
44 calendar year. If any period over which salary is determined is less than 12 months, the \$195,000  
45 limitation for that period shall be multiplied by a fraction, the numerator of which is the number

1 of months in the determination period and the denominator of which is 12. On January 1 of each  
 2 year, the board shall adjust the dollar limit provided by this subparagraph to reflect any percentage  
 3 changes in the Consumer Price Index for All Urban Consumers, West Region (All Items), as pub-  
 4 lished by the Bureau of Labor Statistics of the United States Department of Labor.

5 (27) "School year" means the period beginning July 1 and ending June 30 next following.

6 (28) "System" means the Public Employees Retirement System.

7 (29) "Variable account" means the account established for a member who participates in the  
 8 Variable Annuity Account under ORS 238.260.

9 (30) "Vested" means being an active member of the system in each of five calendar years.

10 (31) "Volunteer firefighter" means a firefighter whose position normally requires less than 600  
 11 hours of service per year.

12 **SECTION 2.** ORS 1.177 is amended to read:

13 1.177. (1) The Chief Justice of the Supreme Court may adopt state standards, and a state plan,  
 14 for:

15 (a) State court security, emergency preparedness and business continuity for facilities used by  
 16 the judges or staff of a court operating under the Judicial Department or the staff of the office of  
 17 the State Court Administrator; and

18 (b) The physical security of the judges or staff of a court operating under the Judicial Depart-  
 19 ment or the staff of the office of the State Court Administrator.

20 (2)(a) The Chief Justice may appoint a Chief Judicial Marshal and other deputy judicial marshals  
 21 charged with:

22 (A) Implementing a state plan adopted under subsection (1) of this section;

23 (B) Ensuring the physical security and safety of judges of a court operating under the Judicial  
 24 Department;

25 (C) Ensuring the physical security and safety of the staff of a court operating under the Judicial  
 26 Department, the staff of the office of the State Court Administrator and the public in and around  
 27 court facilities as defined in ORS 166.360; and

28 (D) Ensuring the security of the real and personal property owned, controlled, occupied or used  
 29 by the Judicial Department.

30 (b) Persons appointed as judicial marshals under this section are subject to the personnel rules  
 31 and policies established by the Chief Justice under ORS 1.002.

32 (c) When appointed and duly sworn by the Chief Justice, judicial marshals appointed under this  
 33 section who are trained pursuant to ORS 181A.540 have the authority given to peace officers of this  
 34 state for the purposes of carrying out the duties of their employment.

35 (d) The Chief Justice may define the duties of judicial marshals appointed under this section.

36 (e) Judicial marshals granted the authority of a peace officer under this section who detain any  
 37 person in accordance with the marshal's duties retain the authority until the law enforcement  
 38 agency having general jurisdiction over the area in which the person is detained assumes responsi-  
 39 bility for the person.

40 *[(f) Persons appointed as judicial marshals under this section are not police officers for purposes*  
 41 *of the Public Employees Retirement System.]*

42 (3) Except as provided in this subsection, a plan adopted under this section and all documents  
 43 related to development of the plan are confidential and need not be disclosed under the provisions  
 44 of ORS 192.311 to 192.478. The Chief Justice may authorize the disclosure of all or part of a plan  
 45 prepared under this section if the Chief Justice determines that the interest of the public would be

1 served by the disclosure and that the disclosure will not impair the integrity of the plan. Records  
 2 of expenditures for a plan adopted under this section and records of equipment purchased under the  
 3 plan are not confidential under the provisions of this subsection, and are subject to disclosure as  
 4 public records under the provisions of ORS 192.311 to 192.478.

5 **SECTION 3.** ORS 131.915 is amended to read:

6 131.915. As used in ORS 131.915 to 131.925:

7 (1) "Law enforcement agency" means:

8 (a) The Department of State Police;

9 (b) The Department of Justice;

10 (c) A district attorney's office; and

11 (d) Any of the following that maintains a law enforcement unit as defined in ORS 181A.355:

12 (A) A political subdivision or an instrumentality of the State of Oregon.

13 (B) A municipal corporation of the State of Oregon.

14 (C) A tribal government.

15 (D) A university.

16 (2) "Law enforcement officer" means:

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

18 (b) A sheriff, constable, marshal, municipal police officer or reserve officer or a police officer  
 19 commissioned by a university under ORS 352.121 or 353.125;

20 (c) An investigator of a district attorney's office if the investigator is or has been certified as  
 21 a law enforcement officer in this or any other state;

22 (d) An investigator of the Criminal Justice Division of the Department of Justice;

23 (e) A humane special agent as defined in ORS 181A.345;

24 (f) A judicial marshal of the [*Security and Emergency Preparedness Office*] **Marshal's Office** of  
 25 the Judicial Department who is appointed under ORS 1.177 and trained pursuant to ORS 181A.540;

26 (g) A regulatory specialist exercising authority described in ORS 471.775 (2); or

27 (h) An authorized tribal police officer as defined in ORS 181A.680.

28 (3) "Profiling" means the targeting of an individual by a law enforcement agency or a law  
 29 enforcement officer, on suspicion of the individual's having violated a provision of law, based solely  
 30 on the individual's real or perceived age, race, ethnicity, color, national origin, language, sex, gender  
 31 identity, sexual orientation, political affiliation, religion, homelessness or disability, unless the  
 32 agency or officer is acting on a suspect description or information related to an identified or sus-  
 33 pected violation of a provision of law.

34 (4) "Sexual orientation" has the meaning given that term in ORS 174.100.

35 **SECTION 4.** ORS 181A.355 is amended to read:

36 181A.355. As used in ORS 181A.355 to 181A.670, unless the context requires otherwise:

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (12) "Law enforcement unit" means:

21 (a) A police force or organization of the state, a city, university that has established a police  
22 department under ORS 352.121 or 353.125, port, school district, mass transit district, county, county  
23 service district authorized to provide law enforcement services under ORS 451.010, tribal govern-  
24 ment as defined in ORS 181A.680 that employs authorized tribal police officers as defined in ORS  
25 181A.680, the Criminal Justice Division of the Department of Justice, the Department of Corrections,  
26 the Oregon State Lottery Commission, the [*Security and Emergency Preparedness Office*] **Marshal's**  
27 **Office** of the Judicial Department or common carrier railroad the primary duty of which, as pre-  
28 scribed by law, ordinance or directive, is one or more of the following:

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

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

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

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

39 (c) A district attorney's office;

40 (d) The Oregon Liquor Control Commission with regard to regulatory specialists; or

41 (e) A humane investigation agency as defined in ORS 181A.340.

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

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

45 (A) Community protection by controlling, investigating, supervising and providing or making



1 referrals to reformatory services for adult parolees or probationers or offenders on post-prison  
2 supervision; or

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

5 (b) An officer who:

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

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

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

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

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

15 (14) "Police officer" means:

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

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

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

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

27 (c) A humane special agent commissioned under ORS 181A.340;

28 (d) A judicial marshal appointed under ORS 1.177 who is trained pursuant to ORS 181A.540; or

29 (e) An authorized tribal police officer as defined in ORS 181A.680.

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

33 (16) "Public safety personnel" and "public safety officer" include corrections officers, youth  
34 correction officers, emergency medical dispatchers, parole and probation officers, police officers,  
35 certified reserve officers, reserve officers, telecommunicators, regulatory specialists and fire service  
36 professionals.

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

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

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

45 (b) Armed with a firearm; and

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

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

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

10 **SECTION 5.** ORS 181A.540 is amended to read:

11 181A.540. (1) Upon request of the [*Security and Emergency Preparedness Office*] **Marshal's Of-**  
12 **ice** of the Judicial Department, the Department of Public Safety Standards and Training shall cer-  
13 tify individual judicial marshals appointed under ORS 1.177 as being qualified in the same manner  
14 as police officers pursuant to ORS 181A.410.

15 (2) The provisions of ORS 181A.355 to 181A.670 relating to the training and certification of po-  
16 lice officers apply to individual judicial marshals trained pursuant to subsection (1) of this section.

17 (3) Notwithstanding any other provision of law, the [*Security and Emergency Preparedness*  
18 *Office*] **Marshal's Office** of the Judicial Department shall bear the expense of training pursuant to  
19 subsection (1) of this section.

20 **SECTION 6.** (1) **The amendments to ORS 238.005 by section 1 of this 2021 Act apply only**  
21 **to a person who:**

22 (a) **Is employed as a judicial marshal on the effective date of this 2021 Act; or**

23 (b) **Becomes employed as a judicial marshal after the effective date of this 2021 Act.**

24 (2) **Any person who is employed as a judicial marshal on the effective date of this 2021**  
25 **Act is entitled to service in the Public Employees Retirement System as a police officer for**  
26 **all service performed as a judicial marshal while certified under ORS 181A.540, whether per-**  
27 **formed before, on or after the effective date of this 2021 Act.**

28 **SECTION 7.** **This 2021 Act takes effect on the 91st day after the date on which the 2021**  
29 **regular session of the Eight-first Legislative Assembly adjourns sine die.**

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