

HB 2162-4
(LC 469)
4/2/21 (JLM/ps)

Requested by Representative BYNUM

**PROPOSED AMENDMENTS TO
HOUSE BILL 2162**

1 In line 2 of the printed bill, after the semicolon delete the rest of the line
2 and delete line 3 and insert “creating new provisions; amending ORS
3 181A.360, 181A.375 and 181A.640; and prescribing an effective date.”.

4 Delete lines 5 through 12 and insert:

5 **“SECTION 1. Section 2 of this 2021 Act is added to and made a part**
6 **of ORS 181A.355 to 181A.670.**

7 **“SECTION 2. (1) The Department of Public Safety Standards and**
8 **Training shall by rule designate one or more accrediting bodies for law**
9 **enforcement agencies in this state with 35 or more sworn police offi-**
10 **cers.**

11 **“(2)(a) No later than July 1, 2025, each law enforcement agency in**
12 **this state with 100 or more sworn police officers must be accredited**
13 **by an accrediting body designated by the department under subsection**
14 **(1) of this section.**

15 **“(b) No later than July 1, 2026, each law enforcement agency in this**
16 **state with 35 or more sworn police officers must be accredited by an**
17 **accrediting body designated by the department under subsection (1)**
18 **of this section.**

19 **“SECTION 3. Section 2 of this 2021 Act is amended to read:**

20 **“Sec. 2. (1) The Department of Public Safety Standards and Training**
21 **shall by rule designate one or more accrediting bodies for law enforcement**

1 agencies in this state with 35 or more sworn police officers.

2 “[*(2)(a)*] *No later than July 1, 2025, each law enforcement agency in this*
3 *state with 100 or more sworn police officers must be accredited by an accred-*
4 *iting body designated by the department under subsection (1) of this section.*]

5 “[*(b)*] **(2)** [*No later than July 1, 2026,*] Each law enforcement agency in this
6 state with 35 or more sworn police officers must be accredited by an ac-
7 crediting body designated by the department under subsection (1) of this
8 section.

9 **“SECTION 4. The amendments to section 2 of this 2021 Act by sec-**
10 **tion 3 of this 2021 Act become operative on January 1, 2027.**

11 **“SECTION 5. No later than January 1, 2022, the Department of**
12 **Public Safety Standards and Training shall report to the Legislative**
13 **Assembly, in the manner provided under ORS 192.245, on the amount**
14 **of additional instruction hours necessary to provide expanded equity**
15 **training as part of the basic training course for police officers.**

16 **“SECTION 6. Section 5 of this 2021 Act is repealed on July 1, 2022.**

17 **“SECTION 7. ORS 181A.360 is amended to read:**

18 “181A.360. (1) The Governor shall appoint a Board on Public Safety
19 Standards and Training consisting of [24] **26** members as follows:

20 “(a) Two members who are chiefs of police recommended to the Governor
21 by the Oregon Association Chiefs of Police;

22 “(b) One member who is a sheriff recommended to the Governor by the
23 Oregon State Sheriffs’ Association;

24 “(c) One member who is a fire chief recommended to the Governor by the
25 Oregon Fire Chiefs Association;

26 “(d) One member who is a representative of the fire service recommended
27 to the Governor by the Oregon Fire District Directors Association;

28 “(e) One member who is a member of the Oregon State Fire Fighters
29 Council recommended to the Governor by the executive body of the council;

30 “(f) One member who is a representative of corrections personnel recom-

1 mended to the Governor by the Oregon State Sheriffs' Association;

2 “(g) One member who is a representative of the fire service recommended
3 to the Governor by the Oregon Volunteer Firefighters Association;

4 “(h) One member who is a representative of public safety telecommu-
5 nicators;

6 “(i) One member who is a district attorney recommended to the Governor
7 by the Oregon District Attorneys Association;

8 “(j) One member who is the Superintendent of State Police;

9 “(k) One member who is the Chief of the Portland Police Bureau;

10 “(L) One member who is the State Fire Marshal;

11 “(m) One member who is the Chief of the Portland Fire Bureau;

12 “(n) One member who is the Director of the Department of Corrections;

13 “(o) One nonvoting member who is the Special Agent in Charge of the
14 Federal Bureau of Investigation for Oregon;

15 “(p) One member who is an administrator of a municipality recommended
16 to the Governor by the executive body of the League of Oregon Cities;

17 “(q) Two members who are nonmanagement representatives of law
18 enforcement;

19 “(r) [*One member who is a public member. A person appointed as a public*
20 *member*] **Three members who are public members. Of the three public**
21 **members appointed** under this section:

22 “(A) [*May have no*] **None may have** personal interest or occupational
23 responsibilities in the area of responsibility given to the board; [*and*]

24 “(B) **All** must represent the interests of the public in general;

25 “(C) **At least one member must be part of a marginalized or his-**
26 **torically underrepresented community;**

27 “(D) **One member must be recommended to the Governor by the**
28 **President of the Senate; and**

29 “(E) **One member must be recommended to the Governor by the**
30 **Speaker of the House of Representatives;**

1 “(s) Two members recommended by and representing the private security
2 industry;

3 “(t) One member who is a representative of the collective bargaining unit
4 that represents the largest number of individual workers in the Department
5 of Corrections; and

6 “(u) One member who is a nonmanagement parole and probation officer
7 employed by a community corrections program.

8 “(2) The term of office of a member is three years, and no member may
9 be removed from office except for cause. Before the expiration of the term
10 of a member, the Governor shall appoint the member’s successor to assume
11 the member’s duties on July 1 next following. In case of a vacancy for any
12 cause, the Governor shall make an appointment, effective immediately, for
13 the unexpired term.

14 “(3) Except for members who serve by virtue of office, no member shall
15 serve more than two terms. For purposes of this subsection, a person ap-
16 pointed to fill a vacancy consisting of an unexpired term of at least one and
17 one-half years has served a full term.

18 “(4) Appointments of members of the board by the Governor, except for
19 those members who serve by virtue of office, are subject to confirmation by
20 the Senate in the manner provided in ORS 171.562 and 171.565.

21 “(5) A member of the board is entitled to compensation and expenses as
22 provided in ORS 292.495.

23 **“SECTION 8.** ORS 181A.375 is amended to read:

24 “181A.375. (1) The Board on Public Safety Standards and Training shall
25 establish the following policy committees:

26 “(a) Corrections Policy Committee;

27 “(b) Fire Policy Committee;

28 “(c) Police Policy Committee;

29 “(d) Telecommunications Policy Committee; and

30 “(e) Private Security Policy Committee.

1 “(2) The members of each policy committee shall select a chairperson and
2 vice chairperson for the policy committee. Only members of the policy com-
3 mittee who are also members of the board are eligible to serve as a chair-
4 person or vice chairperson. The vice chairperson may act as chairperson in
5 the absence of the chairperson.

6 “(3) The Corrections Policy Committee consists of:

7 “(a) All of the board members who represent the corrections discipline;

8 “(b) The chief administrative officer of the training division of the De-
9 partment of Corrections;

10 “(c) A security manager from the Department of Corrections recommended
11 by the Director of the Department of Corrections; and

12 “(d) The following, who may not be current board members, appointed by
13 the chairperson of the board:

14 “(A) One person recommended by and representing the Oregon State
15 Sheriffs’ Association;

16 “(B) Two persons recommended by and representing the Oregon Sheriff’s
17 Jail Command Council;

18 “(C) One person recommended by and representing a statewide association
19 of community corrections directors;

20 “(D) One nonmanagement corrections officer employed by the Department
21 of Corrections;

22 “(E) One corrections officer who is employed by the Department of Cor-
23 rections at a women’s correctional facility and who is a member of a bar-
24 gaining unit;

25 “(F) Two nonmanagement corrections officers; and

26 “(G) One person representing the public who:

27 “(i) Has never been employed or utilized as a corrections officer or as a
28 parole and probation officer; and

29 “(ii) Is not related within the second degree by affinity or consanguinity
30 to a person who is employed or utilized as a corrections officer or parole and

1 probation officer.

2 “(4) The Fire Policy Committee consists of:

3 “(a) All of the board members who represent the fire service discipline;
4 and

5 “(b) The following, who may not be current board members, appointed by
6 the chairperson of the board:

7 “(A) One person recommended by and representing a statewide association
8 of fire instructors;

9 “(B) One person recommended by and representing a statewide association
10 of fire marshals;

11 “(C) One person recommended by and representing community college fire
12 programs;

13 “(D) One nonmanagement firefighter recommended by a statewide organ-
14 ization of firefighters;

15 “(E) One person representing the forest protection agencies and recom-
16 mended by the State Forestry Department; and

17 “(F) One person representing the public who:

18 “(i) Has never been employed or utilized as a fire service professional; and

19 “(ii) Is not related within the second degree by affinity or consanguinity
20 to a person who is employed or utilized as a fire service professional.

21 “(5) The Police Policy Committee consists of:

22 “(a) All of the board members who represent the law enforcement disci-
23 pline; and

24 “(b) The following, who may not be current board members, appointed by
25 the chairperson of the board:

26 “(A) One person recommended by and representing the Oregon Associ-
27 ation Chiefs of Police;

28 “(B) Two persons recommended by and representing the Oregon State
29 Sheriffs’ Association;

30 “(C) One command officer recommended by and representing the Oregon

1 State Police;

2 “(D) Three nonmanagement law enforcement officers; and

3 “(E) [*One person*] **Two persons** representing the public [*who*]:

4 “(i) [*Has*] **Who have** never been employed or utilized as a police officer,

5 certified reserve officer, reserve officer or regulatory specialist; [*and*]

6 “(ii) [*Is*] **Who are** not related within the second degree by affinity or

7 consanguinity to a person who is employed or utilized as a police officer,

8 certified reserve officer, reserve officer or regulatory specialist[.]; **and**

9 “(iii) **One of whom is a member of a marginalized or historically**

10 **underrepresented community.**

11 “(6) The Telecommunications Policy Committee consists of:

12 “(a) All of the board members who represent the telecommunications dis-

13 cipline; and

14 “(b) The following, who may not be current board members, appointed by

15 the chairperson of the board:

16 “(A) Two persons recommended by and representing a statewide associ-

17 ation of public safety communications officers;

18 “(B) One person recommended by and representing the Oregon Associ-

19 ation Chiefs of Police;

20 “(C) One person recommended by and representing the Oregon State Po-

21 lice;

22 “(D) Two persons representing telecommunicators;

23 “(E) One person recommended by and representing the Oregon State

24 Sheriffs’ Association;

25 “(F) One person recommended by and representing the Oregon Fire Chiefs

26 Association;

27 “(G) One person recommended by and representing the Emergency Med-

28 ical Services and Trauma Systems Program of the Oregon Health Authority;

29 “(H) One person representing emergency medical services providers and

30 recommended by a statewide association dealing with fire medical issues; and

1 “(I) One person representing the public who:
2 “(i) Has never been employed or utilized as a telecommunicator or an
3 emergency medical dispatcher; and
4 “(ii) Is not related within the second degree by affinity or consanguinity
5 to a person who is employed or utilized as a telecommunicator or an emer-
6 gency medical dispatcher.
7 “(7) The Private Security Policy Committee consists of:
8 “(a) All of the board members who represent the private security industry;
9 and
10 “(b) The following, who may not be current board members, appointed by
11 the chairperson of the board:
12 “(A) One person representing unarmed private security professionals;
13 “(B) One person representing armed private security professionals;
14 “(C) One person representing the health care industry;
15 “(D) One person representing the manufacturing industry;
16 “(E) One person representing the retail industry;
17 “(F) One person representing the hospitality industry;
18 “(G) One person representing private business or a governmental entity
19 that utilizes private security services;
20 “(H) One person representing persons who monitor alarm systems;
21 “(I) Two persons who are investigators licensed under ORS 703.430, one
22 of whom is recommended by the Oregon State Bar and one of whom is in
23 private practice; and
24 “(J) One person representing the public who:
25 “(i) Has never been employed or utilized as a private security provider,
26 as defined in ORS 181A.840, or an investigator, as defined in ORS 703.401;
27 and
28 “(ii) Is not related within the second degree by affinity or consanguinity
29 to a person who is employed or utilized as a private security provider, as
30 defined in ORS 181A.840, or an investigator, as defined in ORS 703.401.

1 “(8) In making appointments to the policy committees under this section,
2 the chairperson of the board shall seek to reflect the diversity of the state’s
3 population. An appointment made by the chairperson of the board must be
4 ratified by the board before the appointment is effective. The chairperson of
5 the board may remove an appointed member for just cause. An appointment
6 to a policy committee that is based on the member’s employment is auto-
7 matically revoked if the member changes employment. The chairperson of the
8 board shall fill a vacancy in the same manner as making an initial appoint-
9 ment. The term of an appointed member is two years. An appointed member
10 may be appointed to a second term.

11 “(9) A policy committee may meet at such times and places as determined
12 by the policy committee in consultation with the Department of Public
13 Safety Standards and Training. A majority of a policy committee constitutes
14 a quorum to conduct business. A policy committee may create subcommittees
15 if needed.

16 “(10)(a) Each policy committee shall develop policies, requirements, stan-
17 dards and rules relating to its specific discipline. A policy committee shall
18 submit its policies, requirements, standards and rules to the board for the
19 board’s consideration. When a policy committee submits a policy, require-
20 ment, standard or rule to the board for the board’s consideration, the board
21 shall:

22 “(A) Approve the policy, requirement, standard or rule;

23 “(B) Disapprove the policy, requirement, standard or rule; or

24 “(C) Defer a decision and return the matter to the policy committee for
25 revision or reconsideration.

26 “(b) The board may defer a decision and return a matter submitted by a
27 policy committee under paragraph (a) of this subsection only once. If a pol-
28 icy, requirement, standard or rule that was returned to a policy committee
29 is resubmitted to the board, the board shall take all actions necessary to
30 implement the policy, requirement, standard or rule unless the board disap-

1 proves the policy, requirement, standard or rule.

2 “(c) Disapproval of a policy, requirement, standard or rule under para-
3 graph (a) or (b) of this subsection requires a two-thirds vote by the members
4 of the board.

5 “(11) At any time after submitting a matter to the board, the chairperson
6 of the policy committee may withdraw the matter from the board’s consid-
7 eration.

8 **“SECTION 9. Section 10 of this 2021 Act is added to and made a part
9 of ORS 181A.355 to 181A.670.**

10 **“SECTION 10. (1) The Department of Public Safety Standards and
11 Training shall develop, and the Board on Public Safety Standards and
12 Training shall establish by rule, a statewide equity training program
13 for police officers.**

14 **“(2) The department shall include the equity training described in
15 subsection (1) of this section in the minimum training required to ob-
16 tain and maintain basic certification as a police officer under ORS
17 181A.490.**

18 **“SECTION 11. ORS 181A.640, as amended by section 6, chapter 7, Oregon
19 Laws 2020 (first special session), is amended to read:**

20 “181A.640. (1) The Department of Public Safety Standards and Training
21 may deny the application for training, or deny, suspend or revoke the certi-
22 fication, of any public safety officer or instructor, except a youth correction
23 officer or fire service professional, after written notice and hearing consist-
24 ent with the provisions of ORS 181A.630, based upon a finding that:

25 “(a) The public safety officer or instructor falsified any information sub-
26 mitted on the application for certification or on any documents submitted to
27 the Board on Public Safety Standards and Training or the department.

28 “(b) The public safety officer or instructor has been convicted of a crime
29 or violation in this state or any other jurisdiction.

30 “(c) The public safety officer or instructor does not meet the applicable

1 minimum standards, minimum training or the terms and conditions estab-
2 lished under ORS 181A.410 (1)(a) to (d).

3 “(d) The public safety officer failed to comply with ORS 181A.790 (3)(b).

4 “(2) The department shall deny the application for training or deny, sus-
5 pend or revoke the certification of a police officer, after written notice and
6 hearing consistent with the provisions of ORS 181A.630, based upon a finding
7 that:

8 “(a) The officer has a conviction for any offense designated under the law
9 of the jurisdiction where the conviction occurred as being punishable as a
10 felony or as a crime for which a maximum term of imprisonment of more
11 than one year may be imposed;

12 “(b) The officer has a conviction in any jurisdiction for any offense in-
13 volving the unlawful use, possession, delivery or manufacture of a controlled
14 substance, narcotic or dangerous drug, except for offenses involving the use
15 or possession of marijuana;

16 “(c) The officer has a conviction in any jurisdiction for any offense in-
17 volving domestic violence, as defined in ORS 135.230;

18 “(d) The officer has a conviction in any jurisdiction for any offense in-
19 volving abuse, as defined in ORS 107.705, of a child who is under 18 years
20 of age and is a natural child, adopted child, stepchild, a child under the
21 guardianship of, or a child who regularly resides or formerly resided in the
22 same household as, the officer;

23 “(e) The officer is a sex offender as defined in ORS 163A.005; or

24 “(f) The officer has been discharged for cause from employment as a police
25 officer as a result of intentional conduct performed under the color of office
26 to:

27 “(A) Obtain false confessions;

28 “(B) Make false arrests;

29 “(C) Create or use falsified evidence, including false testimony, or to de-
30 stroy evidence to create a false impression;

1 “(D) Compel a person to abstain from doing, or to do, any act that the
2 person has a legal right to do or abstain from doing;

3 “(E) Deprive, or attempt to deprive, another person or persons of their
4 legal rights; [or]

5 “(F) Gain advantage for a public or private safety agency or for personal
6 gain[.];

7 **“(G) Use force that was determined to be excessive or without jus-**
8 **tification;**

9 **“(H) Engage in the abuse of lawful authority; or**

10 **“(I) Engage in policing indicative of bias or discriminatory intent**
11 **against an individual based on the individual’s real or perceived age,**
12 **race, ethnicity, color, national origin, language, sex, gender identity,**
13 **sexual orientation, political affiliation, religion, homelessness or disa-**
14 **bility.**

15 “(3) The department shall deny, suspend or revoke the certification of a
16 fire service professional, after written notice and hearing consistent with the
17 provisions of ORS 181A.630, based upon a finding that the fire service pro-
18 fessional has been convicted in this state of a crime listed in ORS 137.700
19 or in any other jurisdiction of a crime that, if committed in this state, would
20 constitute a crime listed in ORS 137.700.

21 “(4) The department may deny, suspend or revoke the certification of any
22 fire service professional after written notice and hearing consistent with the
23 provisions of ORS 181A.630, based upon a finding:

24 “(a) That the fire service professional falsified any information submitted
25 on the application for certification or on any documents submitted to the
26 board or the department; or

27 “(b) Consistent with ORS 670.280, that the fire service professional is not
28 fit to receive or hold the certification as a result of conviction of a crime
29 in this state, or in any other jurisdiction, other than a crime described in
30 subsection (3) of this section.

1 “(5) The department shall deny, suspend or revoke the certification of any
2 public safety officer or instructor, except a youth correction officer, after
3 written notice and hearing consistent with the provisions of ORS 181A.630,
4 based upon a finding that the public safety officer or instructor has been
5 discharged for cause from employment as a public safety officer.

6 “(6) The department, in consultation with the board, shall adopt rules
7 specifying those crimes and violations for which a conviction requires the
8 denial, suspension or revocation of the certification of a public safety officer
9 or instructor.

10 “(7) Notwithstanding the lapse, suspension, revocation or surrender of the
11 certification of a public safety officer or instructor, the department may:

12 “(a) Proceed with any investigation of, or any action or disciplinary pro-
13 ceedings against, the public safety officer or instructor; or

14 “(b) Revise or render void an order suspending or revoking the certifica-
15 tion.

16 “(8) The department shall deny, suspend or revoke the accreditation of a
17 training or educational program or any course, subject, facility or instruc-
18 tion thereof if the program, course, subject, facility or instruction is not in
19 compliance with rules adopted or conditions prescribed under ORS 181A.410
20 (1)(g) or 181A.590 (3).

21 “(9) When the department completes an investigation relating to a
22 person’s qualifications for employment, training or certification under this
23 section, the department shall issue a report.

24 “(10) In cases involving a proposed denial of training or certification of
25 a public safety officer or instructor by the department, the department has
26 jurisdiction to proceed with any action against the public safety officer or
27 instructor notwithstanding a subsequent change in the employment status
28 of the officer or instructor, if:

29 “(a) The department has issued a notice of intent to deny training or
30 certification; and

1 “(b) The officer or instructor has requested a hearing.

2 “**SECTION 12. This 2021 Act takes effect on the 91st day after the**
3 **date on which the 2021 regular session of the Eighty-first Legislative**
4 **Assembly adjourns sine die.”**

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