

Requested by Representative NOBLE

**PROPOSED AMENDMENTS TO
HOUSE BILL 2929**

1 On page 1 of the printed bill, delete lines 5 through 30 and delete page
2 2 and insert:

3 **“SECTION 1.** Section 2, chapter 5, Oregon Laws 2020 (first special ses-
4 sion), is amended to read:

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

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

9 “(b) Sexual harassment or sexual misconduct;

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

12 “(d) A crime[; or]

13 “[e] *A violation of the minimum standards for physical, emotional, intel-*
14 *lectual and moral fitness for public safety personnel established under ORS*
15 *181A.410*].

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

20 “(3)(a) A police officer or reserve officer who witnesses another police
21 officer or reserve officer engaging in misconduct **or a violation of the**

1 **minimum standards for physical, emotional, intellectual and moral**
2 **fitness for public safety personnel established under ORS 181A.410** shall
3 report the misconduct [*to a supervisor*] **or violation** as soon as practicable,
4 but no later than 72 hours after witnessing the misconduct **or violation, to:**

5 **“(A) A direct supervisor of the reporting officer;**

6 **“(B) A person in the reporting officer’s chain of command; or**

7 **“(C) The Department of Public Safety Standards and Training.**

8 **“(b) If the person to whom a police officer reports misconduct or a**
9 **violation under this subsection does not have the authority to direct**
10 **an investigation into the alleged misconduct or violation, the person**
11 **shall forward the report of misconduct or violation to a person who**
12 **has the authority to direct an investigation into the alleged miscon-**
13 **duct or violation as soon as practicable, but no later than 72 hours**
14 **after receiving the report.**

15 **“(c) A law enforcement unit that receives a report of misconduct**
16 **or violation under this subsection shall complete an investigation of**
17 **the misconduct or violation within three months after the date of the**
18 **report unless circumstances prevent the investigation from being**
19 **completed. The law enforcement unit shall notify the Department of**
20 **Public Safety Standards and Training when an investigation results in**
21 **a finding that sustains a report of misconduct, but need not notify the**
22 **department when an investigation results only in a finding that sus-**
23 **tains a report of a violation of the minimum standards for physical,**
24 **emotional, intellectual and moral fitness for public safety personnel**
25 **established under ORS 181A.410.**

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

1 181A.650.

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

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

11 **“SECTION 2. (1) The Department of Public Safety Standards and**
12 **Training shall establish and maintain a form for reports under section**
13 **2, chapter 5, Oregon Laws 2020 (first special session), of misconduct**
14 **or violation of the minimum standards for physical, emotional, intel-**
15 **lectual and moral fitness for public safety personnel established under**
16 **ORS 181A.410. The form must be available on the department’s**
17 **website.**

18 **“(2) When the department receives a report of misconduct or vio-**
19 **lation of the minimum standards for physical, emotional, intellectual**
20 **and moral fitness for public safety personnel established under ORS**
21 **181A.410 directly from a police officer or reserve officer under section**
22 **2 (3)(a)(C), chapter 5, Oregon Laws 2020 (first special session), the de-**
23 **partment shall forward the report to the law enforcement unit em-**
24 **ploying the subject of the report for investigation.”.**

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