

A-Engrossed
House Bill 4008

Ordered by the House February 15
Including House Amendments dated February 15

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for Representative Janelle Bynum)

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.

[Directs Oregon Criminal Justice Commission to study effect of payment of restitution on rates of recidivism, and to provide results of study to interim committees of Legislative Assembly no later than December 31, 2022.]

[Sunsets January 2, 2023.]

[Takes effect on 91st day following adjournment sine die.]

Authorizes Commission on Statewide Law Enforcement Standards of Conduct and Discipline to hire executive director and support staff, and to enter into interagency or intergovernmental agreement for provision of support staff.

Corrects operative date section reference for certain existing provisions of law.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to public safety; amending ORS 243.812 and section 10, chapter 541, Oregon Laws 2021; and
3 declaring an emergency.

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

5 **SECTION 1.** ORS 243.812 is amended to read:

6 243.812. (1) The Commission on Statewide Law Enforcement Standards of Conduct and Discipline
7 is established for the purpose of adopting rules that prescribe uniform:

8 (a) Standards of conduct, including guidelines and procedures, to which law enforcement officers
9 shall adhere; and

10 (b) Disciplinary standards and procedures, including a range of disciplinary actions that may
11 include consideration of aggravating or mitigating circumstances, by which a law enforcement
12 agency, a civilian or community oversight board, agency or review body, and an arbitrator who
13 serves in an arbitration proceeding described under ORS 243.706 (3) shall make determinations re-
14 garding alleged misconduct by a law enforcement officer, and shall make recommendations for and
15 impose disciplinary action in response to such determinations.

16 (2) The commission consists of 15 members as follows:

17 (a) The Director of the Department of Public Safety Standards and Training or a designee from
18 the department.

19 (b) The Attorney General or a designee from the Attorney General's office.

20 (c) The President of the Senate shall appoint one nonvoting member, acting in an advisory ca-
21 pacity only, from among members of the Senate.

22 (d) The Speaker of the House of Representatives shall appoint one nonvoting member, acting in
23 an advisory capacity only, from among members of the House of Representatives.

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 (e) The Director of the Department of Public Safety Standards and Training and the Attorney
2 General shall jointly appoint 11 members of the commission consistent with the following:

3 (A) Two members who are chief law enforcement officers.

4 (B) Two members who represent labor organizations who represent law enforcement officers.

5 (C) Two members who represent historically marginalized groups or community-based organiza-
6 tions that represent communities impacted by policing.

7 (D) One member who represents a federally recognized Indian tribe or association of tribes
8 within this state.

9 (E) Two members who are representatives of local government to represent the interests of
10 cities and counties.

11 (F) One member who represents public defender organizations established under ORS chapter
12 151 or the Oregon Criminal Defense Lawyers Association.

13 (G) One member who represents the interests of prosecutors in this state.

14 (3) At a minimum, the uniform standards described under subsection (1) of this section must
15 address standards of conduct and discipline regarding:

16 (a) Unjustified or excessive use of physical or deadly force;

17 (b) Sexual harassment;

18 (c) Sexual assault;

19 (d) Assault;

20 (e) Conduct that is motivated by or based on a real or perceived factor of an individual's race,
21 ethnicity, national origin, sex, gender identity, sexual orientation, religion or homelessness;

22 (f) Moral character; and

23 (g) The use of drugs or alcohol while on duty.

24 (4) On or before October 1, 2022, the commission shall adopt and publish rules pursuant to ORS
25 chapter 183 to establish the uniform standards described under subsection (1) of this section.

26 (5) The commission shall review the standards described under subsection (1) of this section at
27 least once every two years.

28 (6) The meetings of the commission shall be open to the public in accordance with state law.
29 Records of the commission shall be open and available to the public in accordance with state law.

30 (7) The commission shall establish and implement an open hearing process for public input and
31 deliberation before the commission adopts rules that establish the standards described under sub-
32 section (1) of this section, including:

33 (a) Public notice;

34 (b) Public outreach to solicit broad public participation; and

35 (c) Public hearings to receive public comment.

36 (8) A majority of the members of the commission constitutes a quorum for the transaction of
37 business.

38 (9) Official action by the commission requires the approval of a majority of the commission.

39 (10) The term of a member appointed under subsection (2)(e) of this section shall be two years.
40 If there is a vacancy on the commission for any reason, the Director of the Department of Public
41 Safety Standards and Training and the Attorney General shall appoint a person to the unexpired
42 term.

43 (11) The members of the commission shall elect one person from the Department of Public Safety
44 Standards and Training and one person from the Department of Justice from among the members
45 of the commission to serve as cochairpersons of the commission who shall preside over meetings and

1 execute the duties determined by the commission to be necessary.

2 **(12) The commission may hire an executive director and support staff, and may enter**
3 **into an interagency or intergovernmental agreement to have another state agency or gov-**
4 **ernmental agency provide support staff.**

5 [(12)] **(13)** The commission may adopt rules necessary for the operation of the commission.

6 [(13)] **(14)** A member of the commission who is not a member of the Legislative Assembly is
7 entitled to compensation and expenses as provided in ORS 292.495.

8 [(14)(a)] **(15)(a)** The commission shall prepare and submit a report in the manner provided by
9 ORS 192.245 to the House Committee on Judiciary or an interim committee of the Legislative As-
10 sembly related to the judiciary no later than September 1, 2022, and September 1 every year there-
11 after.

12 (b) The initial report must describe the development and adoption of the uniform standards de-
13 scribed under subsection (1) of this section, including the methodology used to apprise each law
14 enforcement agency in this state and each civilian or community oversight board, agency or review
15 body, of the standards. The commission shall include in reports submitted after September 1, 2022,
16 information regarding the progress of each law enforcement agency and civilian or community
17 oversight board, agency or review body, towards implementing and applying the uniform standards
18 and the commission's recommendations on updates to the standards, as are considered necessary.

19 [(15)] **(16)** As used in this section:

20 (a) "Assault" has the meaning given that term in ORS 163.115.

21 (b) "Civilian or community oversight board, agency or review body" means a board, an agency
22 or a body:

23 (A) Designated by a municipality or a law enforcement agency in performing duties related to
24 investigating allegations of officer misconduct or reviewing police policies and practices; or

25 (B) Created to oversee disciplinary matters concerning law enforcement officers pursuant to a
26 city charter or ordinance for which a measure that included the question of whether to establish the
27 board, agency or body was referred to and approved by the people of the city at an election held
28 on or after July 1, 2020.

29 (c) "Law enforcement agency" and "law enforcement officer" have the meanings given those
30 terms in ORS 131.930.

31 (d) "Sexual assault" has the meaning given that term in ORS 243.317.

32 **SECTION 2.** Section 10, chapter 541, Oregon Laws 2021, is amended to read:

33 **Sec. 10.** Section 3, **chapter 541, Oregon Laws 2021**, [of this 2021 Act] and the amendments to
34 ORS 243.650 and 243.706 by sections 5 to 7, **chapter 541, Oregon Laws 2021**, [of this 2021 Act] apply
35 to collective bargaining agreements entered into or renewed on or after the operative date specified
36 in section 11, **chapter 541, Oregon Laws 2021** [10 of this 2021 Act].

37 **SECTION 3. This 2022 Act being necessary for the immediate preservation of the public**
38 **peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect**
39 **on its passage.**

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