

HB 4008-10
(LC 101)
2/10/22 (JLM/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Representative Janelle Bynum)

**PROPOSED AMENDMENTS TO
HOUSE BILL 4008**

1 In line 2 of the printed bill, after the semicolon delete the rest of the line
2 and insert “amending ORS 243.812 and section 10, chapter 541, Oregon Laws
3 2021; and declaring an emergency.”.

4 Delete lines 4 through 11 and insert:

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

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

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

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

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

20 “(a) The Director of the Department of Public Safety Standards and
21 Training or a designee from the department.

1 “(b) The Attorney General or a designee from the Attorney General’s of-
2 fice.

3 “(c) The President of the Senate shall appoint one nonvoting member,
4 acting in an advisory capacity only, from among members of the Senate.

5 “(d) The Speaker of the House of Representatives shall appoint one non-
6 voting member, acting in an advisory capacity only, from among members
7 of the House of Representatives.

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

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

12 “(B) Two members who represent labor organizations who represent law
13 enforcement officers.

14 “(C) Two members who represent historically marginalized groups or
15 community-based organizations that represent communities impacted by po-
16 licing.

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

19 “(E) Two members who are representatives of local government to repre-
20 sent the interests of cities and counties.

21 “(F) One member who represents public defender organizations estab-
22 lished under ORS chapter 151 or the Oregon Criminal Defense Lawyers As-
23 sociation.

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

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

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

28 “(b) Sexual harassment;

29 “(c) Sexual assault;

30 “(d) Assault;

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

4 “(f) Moral character; and

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

6 “(4) On or before October 1, 2022, the commission shall adopt and publish
7 rules pursuant to ORS chapter 183 to establish the uniform standards de-
8 scribed under subsection (1) of this section.

9 “(5) The commission shall review the standards described under sub-
10 section (1) of this section at least once every two years.

11 “(6) The meetings of the commission shall be open to the public in ac-
12 cordance with state law. Records of the commission shall be open and
13 available to the public in accordance with state law.

14 “(7) The commission shall establish and implement an open hearing pro-
15 cess for public input and deliberation before the commission adopts rules
16 that establish the standards described under subsection (1) of this section,
17 including:

18 “(a) Public notice;

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

20 “(c) Public hearings to receive public comment.

21 “(8) A majority of the members of the commission constitutes a quorum
22 for the transaction of business.

23 “(9) Official action by the commission requires the approval of a majority
24 of the commission.

25 “(10) The term of a member appointed under subsection (2)(e) of this sec-
26 tion shall be two years. If there is a vacancy on the commission for any
27 reason, the Director of the Department of Public Safety Standards and
28 Training and the Attorney General shall appoint a person to the unexpired
29 term.

30 “(11) The members of the commission shall elect one person from the

1 Department of Public Safety Standards and Training and one person from the
2 Department of Justice from among the members of the commission to serve
3 as cochairpersons of the commission who shall preside over meetings and
4 execute the duties determined by the commission to be necessary.

5 **“(12) The commission may hire an executive director and support
6 staff, and may enter into an interagency or intergovernmental agree-
7 ment to have another state agency or governmental agency provide
8 support staff.”**

9 “[~~(12)~~] **(13)** The commission may adopt rules necessary for the operation
10 of the commission.

11 “[~~(13)~~] **(14)** A member of the commission who is not a member of the
12 Legislative Assembly is entitled to compensation and expenses as provided
13 in ORS 292.495.

14 “[~~(14)(a)~~] **(15)(a)** The commission shall prepare and submit a report in the
15 manner provided by ORS 192.245 to the House Committee on Judiciary or
16 an interim committee of the Legislative Assembly related to the judiciary
17 no later than September 1, 2022, and September 1 every year thereafter.

18 **“(b)** The initial report must describe the development and adoption of the
19 uniform standards described under subsection (1) of this section, including
20 the methodology used to apprise each law enforcement agency in this state
21 and each civilian or community oversight board, agency or review body, of
22 the standards. The commission shall include in reports submitted after Sep-
23 tember 1, 2022, information regarding the progress of each law enforcement
24 agency and civilian or community oversight board, agency or review body,
25 towards implementing and applying the uniform standards and the
26 commission’s recommendations on updates to the standards, as are consid-
27 ered necessary.

28 “[~~(15)~~] **(16)** As used in this section:

29 **“(a)** ‘Assault’ has the meaning given that term in ORS 163.115.

30 **“(b)** ‘Civilian or community oversight board, agency or review body’

1 means a board, an agency or a body:

2 “(A) Designated by a municipality or a law enforcement agency in per-
3 forming duties related to investigating allegations of officer misconduct or
4 reviewing police policies and practices; or

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

10 “(c) ‘Law enforcement agency’ and ‘law enforcement officer’ have the
11 meanings given those terms in ORS 131.930.

12 “(d) ‘Sexual assault’ has the meaning given that term in ORS 243.317.

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

15 **“Sec. 10.** Section 3, **chapter 541, Oregon Laws 2021**, [*of this 2021 Act*]
16 and the amendments to ORS 243.650 and 243.706 by sections 5 to 7, **chapter**
17 **541, Oregon Laws 2021**, [*of this 2021 Act*] apply to collective bargaining
18 agreements entered into or renewed on or after the operative date specified
19 in section 11, **chapter 541, Oregon Laws 2021** [*10 of this 2021 Act*].

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

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