

D R A F T

SUMMARY

Modifies membership and other provisions relating to the Commission on Statewide Law Enforcement Standards of Conduct and Discipline.

A BILL FOR AN ACT

Relating to the Commission on Statewide Law Enforcement Standards of Conduct and Discipline; amending ORS 243.812.

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

SECTION 1. ORS 243.812, as amended by section 1, chapter 40, Oregon Laws 2022, is amended to read:

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

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

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

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

(a) The Director of the Department of Public Safety Standards and

1 Training or a designee from the department.

2 (b) The Attorney General or a designee from the Attorney General's of-
3 fice.

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

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

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

12 (A) [*Two members who are chief law enforcement officers*] **One member**
13 **who is a chief law enforcement officer.**

14 (B) [*Two members who represent*] **One member who represents** labor
15 organizations who represent law enforcement officers.

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

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

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

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

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

26 (H) **Two members who represent community-based organizations to**
27 **represent the interests of the public.**

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

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

31 (b) Sexual harassment;

1 (c) Sexual assault;

2 (d) Assault;

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

6 (f) Moral character; and

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

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

11 [(5)] (4) The commission shall review the standards described under sub-
12 section (1) of this section at least once every two years.

13 [(6)] (5) The meetings of the commission shall be open to the public in
14 accordance with state law. Records of the commission shall be open and
15 available to the public in accordance with state law.

16 [(7)] (6) The commission shall establish and implement an open hearing
17 process for public input and deliberation before the commission adopts rules
18 that establish the standards described under subsection (1) of this section,
19 including:

20 (a) Public notice **pursuant to ORS chapter 183**;

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

22 (c) Public hearings to receive public comment.

23 [(8)] (7) A majority of the **voting** members of the commission constitutes
24 a quorum for the transaction of business.

25 [(9)] (8) Official action by the commission requires the approval of a ma-
26 jority of [*the commission*] **voting members present**.

27 [(10)] (9) The term of a member appointed under subsection (2)(e) of this
28 section shall be two years. If there is a vacancy on the commission for any
29 reason, [*the Director of the Department of Public Safety Standards and*
30 *Training and*] the Attorney General shall appoint a person to the unexpired
31 term.

1 [(11) *The members of the commission shall elect one person from the De-*
2 *partment of Public Safety Standards and Training and one person from the*
3 *Department of Justice from among the members of the commission to serve as*
4 *cochairpersons of the commission who shall preside over meetings and execute*
5 *the duties determined by the commission to be necessary.*]

6 **(10) The Attorney General or a designee from the Attorney**
7 **General's office shall serve as the chairperson of the commission who**
8 **shall preside over meetings and execute the duties determined by the**
9 **commission to be necessary.**

10 [(12)] **(11)** The commission may hire an executive director and support
11 staff, and may enter into an interagency or intergovernmental agreement to
12 have another state agency or governmental agency provide support staff.

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

15 [(14)] **(13)** A member of the commission who is not a member of the Leg-
16 islative Assembly is entitled to compensation and expenses as provided in
17 ORS 292.495.

18 [(15)(a)] **(14)** The commission shall prepare and submit [a] **an annual** re-
19 port in the manner provided by ORS 192.245 to the House Committee on Ju-
20 diciary or an interim committee of the Legislative Assembly related to the
21 judiciary no later than September 1[, 2022, and September 1 every year
22 thereafter] **of each year.**

23 [(b) *The initial report must describe the development and adoption of the*
24 *uniform standards described under subsection (1) of this section, including the*
25 *methodology used to apprise each law enforcement agency in this state and*
26 *each civilian or community oversight board, agency or review body, of the*
27 *standards.*] The commission shall include in [reports submitted after Septem-
28 ber 1, 2022,] **its annual report** information regarding the progress of each
29 law enforcement agency and civilian or community oversight board, agency
30 or review body, towards implementing and applying the uniform standards
31 and the commission's recommendations on updates to the standards, as are

1 considered necessary.

2 [(16)] (15) As used in this section:

3 (a) “Assault” has the meaning given that term in ORS 163.115.

4 (b) “Civilian or community oversight board, agency or review body”
5 means a board, an agency or a body:

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

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

14 (c) “Law enforcement agency” [*and “law enforcement officer” have the*
15 *meanings given those terms in ORS 131.930*] **means an entity that employs**
16 **law enforcement officers.**

17 (d) **“Law enforcement officer” means corrections officers, parole**
18 **and probation officers, police officers, certified reserve officers and**
19 **reserve officers, as those terms are defined in ORS 181A.355.**

20 [(d)] (e) “Sexual assault” has the meaning given that term in ORS 243.317.

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