



DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DATE: February 13, 2024

TO: Chair Prozanski, Vice-Chair Thatcher, and
Members of the Senate Committee on Judiciary

FROM: Kimberly McCullough, Legislative Director
Oregon Department of Justice

SUBJECT: Support for Sections 5-7 of SB 1574
LESC Statutes Technical Fixes

This testimony is presented in support of sections 5 through 7 of SB 1574, which make minor technical fixes to statutes related to the [Commission on Statewide Law Enforcement Standards of Conduct and Discipline](#) (LESC).

In 2021, this legislature passed [HB 2930](#), which created the LESC. The statute governing the LESC was codified at ORS 243.812. HB 2930 also enacted two additional statutes and amended another that relate to the standards adopted by the LESC. More specifically:

- ORS 243.808 (created by section 2 of HB 2930) sets out standards for arbitration over disciplinary actions concerning alleged misconduct by a law enforcement officer conducted under ORS 243.706.
- ORS 243.809 (created by section 3 of HB 2930) requires discipline for law enforcement officer misconduct to be determined in accordance with the standards adopted by LESC.
- ORS 243.706 (amended by section 7 of HB 2930) allows Collective Bargaining Agreements with public employees to be resolved by arbitration. This statute was amended to clarify that arbitration findings related to discipline of law enforcement officers must align with the standards adopted by LESC.

In the 2023 long session, [SB 808](#) broadened the definitions of law enforcement agency and law enforcement officer in ORS 243.812, the statute that governs the LESC. Unfortunately, we failed to simultaneously amend the definitions of law enforcement agency and law enforcement officer in the three additional statutes listed above, creating an inconsistency in these collective statutes.

More specifically, because we only amended the definitions of law enforcement agency and law enforcement officer in ORS 243.812, LESC creates standards for a broad group of law enforcement officers and agencies, yet the statutes that then utilize the LESC standards only apply to the narrower sets of officers and agencies.

The fix for this is simple: the definitions of “law enforcement agency” and “law enforcement officer” in ORS 243.808(4)(b), ORS 243.809(3)(b), and ORS 243.706(3) should each cite to the meanings given those terms in ORS 243.812 as amended by SB 808.