

House Bill 2926

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Tina Kotek for Department of Public Safety Standards and Training)

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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act allows DPSST to act against an officer or instructor even if the officer or instructor leaves the job. Lets DPSST make rules. (Flesch Readability Score: 64.2).

Allows the Department of Public Safety Standards and Training to proceed with an investigation of, or action to deny the application for training or deny the certification of, a public safety officer or instructor notwithstanding a subsequent change in the employment status of the officer or instructor.

Allows the department to adopt rules.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to the jurisdiction of the Department of Public Safety Standards and Training in cases of
3 denial; creating new provisions; amending ORS 181A.640; and prescribing an effective date.

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

5 **SECTION 1.** ORS 181A.640 is amended to read:

6 181A.640. (1) The Department of Public Safety Standards and Training may deny the application
7 for training, or deny, suspend or revoke the certification, of any public safety officer or instructor,
8 except a youth correction officer or fire service professional, after written notice and hearing con-
9 sistent with the provisions of ORS 181A.630, based upon a finding that:

10 (a) The public safety officer or instructor falsified any information submitted on the application
11 for certification or on any documents submitted to the Board on Public Safety Standards and
12 Training or the department.

13 (b) The public safety officer or instructor has been convicted of a crime or violation in this state
14 or any other jurisdiction.

15 (c) The public safety officer or instructor does not meet the applicable minimum standards,
16 minimum training or the terms and conditions established under ORS 181A.410 (1)(a) to (d).

17 (d) The public safety officer failed to comply with ORS 181A.790 (3)(b).

18 (2) The department shall deny the application for training or deny, suspend or revoke the cer-
19 tification of a police officer, after written notice and hearing consistent with the provisions of ORS
20 181A.630, based upon a finding that:

21 (a) The officer has a conviction for any offense designated under the law of the jurisdiction
22 where the conviction occurred as being punishable as a felony or as a crime for which a maximum
23 term of imprisonment of more than one year may be imposed;

24 (b) The officer has a conviction in any jurisdiction for any offense involving the unlawful use,
25 possession, delivery or manufacture of a controlled substance, narcotic or dangerous drug, except
26 for offenses involving the use or possession of marijuana;

27 (c) The officer has a conviction in any jurisdiction for any offense involving domestic violence,

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 as defined in ORS 135.230;

2 (d) The officer has a conviction in any jurisdiction for any offense involving abuse, as defined
 3 in ORS 107.705, of a child who is under 18 years of age and is a natural child, adopted child,
 4 stepchild, a child under the guardianship of, or a child who regularly resides or formerly resided in
 5 the same household as, the officer;

6 (e) The officer is a sex offender as defined in ORS 163A.005; or

7 (f) The officer has been discharged for cause from employment as a police officer as a result of
 8 intentional conduct performed under the color of office to:

9 (A) Obtain false confessions;

10 (B) Make false arrests;

11 (C) Create or use falsified evidence, including false testimony, or to destroy evidence to create
 12 a false impression;

13 (D) Compel a person to abstain from doing, or to do, any act that the person has a legal right
 14 to do or abstain from doing;

15 (E) Deprive, or attempt to deprive, another person or persons of their legal rights;

16 (F) Gain advantage for a public or private safety agency or for personal gain;

17 (G) Use force that was determined to be excessive or without justification;

18 (H) Engage in the abuse of lawful authority; or

19 (I) Engage in policing indicative of bias or discriminatory intent against an individual based on
 20 the individual's real or perceived age, race, ethnicity, color, national origin, language, sex, gender
 21 identity, sexual orientation, political affiliation, religion, homelessness or disability.

22 (3) The department shall deny, suspend or revoke the certification of a fire service professional,
 23 after written notice and hearing consistent with the provisions of ORS 181A.630, based upon a
 24 finding that the fire service professional has been convicted in this state of a crime listed in ORS
 25 137.700 or in any other jurisdiction of a crime that, if committed in this state, would constitute a
 26 crime listed in ORS 137.700.

27 (4) The department may deny, suspend or revoke the certification of any fire service professional
 28 after written notice and hearing consistent with the provisions of ORS 181A.630, based upon a
 29 finding:

30 (a) That the fire service professional falsified any information submitted on the application for
 31 certification or on any documents submitted to the board or the department; or

32 (b) Consistent with ORS 670.280, that the fire service professional is not fit to receive or hold
 33 the certification as a result of conviction of a crime in this state, or in any other jurisdiction, other
 34 than a crime described in subsection (3) of this section.

35 (5) The department shall deny, suspend or revoke the certification of any public safety officer
 36 or instructor, except a youth correction officer, after written notice and hearing consistent with the
 37 provisions of ORS 181A.630, based upon a finding that the public safety officer or instructor has
 38 been discharged for cause from employment as a public safety officer.

39 (6) The department, in consultation with the board, shall adopt rules specifying those crimes and
 40 violations for which a conviction requires the denial, suspension or revocation of the certification
 41 of a public safety officer or instructor.

42 (7) Notwithstanding the lapse, suspension, revocation or surrender of the certification of a pub-
 43 lic safety officer or instructor, the department may:

44 (a) Proceed with any investigation of, or any action or disciplinary proceedings against, the
 45 public safety officer or instructor; or

1 (b) Revise or render void an order suspending or revoking the certification.

2 (8) The department shall deny, suspend or revoke the accreditation of a training or educational
3 program or any course, subject, facility or instruction thereof if the program, course, subject, facility
4 or instruction is not in compliance with rules adopted or conditions prescribed under ORS 181A.410
5 (1)(g) or 181A.590 (3).

6 (9) When the department completes an investigation relating to a person's qualifications for
7 employment, training or certification under this section, the department shall issue a report.

8 *[(10) In cases involving a proposed denial of training or certification of a public safety officer or
9 instructor by the department, the department has jurisdiction to proceed with any action against the
10 public safety officer or instructor notwithstanding a subsequent change in the employment status of the
11 officer or instructor, if:]*

12 *[(a) The department has issued a notice of intent to deny training or certification; and]*

13 *[(b) The officer or instructor has requested a hearing.]*

14 **(10) The department has jurisdiction and may proceed with any investigation of, or action
15 to deny the application for training or deny the certification of, a public safety officer or
16 instructor notwithstanding a subsequent change in the employment status of the officer or
17 instructor. The department may adopt rules to implement this subsection.**

18 **SECTION 2. (1) The amendments to ORS 181A.640 by section 1 of this 2025 Act become
19 operative January 1, 2026.**

20 **(2) The Department of Public Safety Standards and Training may take any action before
21 the operative date specified in subsection (1) of this section to enable the department to ex-
22 ercise, on and after the operative date specified in subsection (1) of this section, all of the
23 duties, functions and powers conferred on the department by the amendments to ORS
24 181A.640 by section 1 of this 2025 Act.**

25 **SECTION 3. This 2025 Act takes effect on the 91st day after the date on which the 2025
26 regular session of the Eighty-third Legislative Assembly adjourns sine die.**

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