



Legislative Fiscal Office
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Prepared by: Chelsey Herrmann-Nordness
Reviewed by: Paul Siebert, John Terpening, Kim To, Amanda Beitel, John Borden, Michelle Deister, Steve Robbins
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Bill Title: Relating to limitations on the actions of public employees; declaring an emergency.

Government Unit(s) Affected: Confederated Tribes of Umatilla Indian Reservation, Higher Education Coordinating Commission, Cow Creek Band of Umpqua Indians, Klamath Tribes, Special Districts, Statewide - Judicial Branch, Coquille Indian Tribe, Department of Public Safety Standards and Training, District Attorneys, Oregon Lottery Commission, Statewide - Legislative Branch, Confederated Tribes of Grand Ronde, Department of Justice, Counties, Oregon Liquor and Cannabis Commission, Department of State Police, Judicial Department, Statewide - Executive Branch, Burns Paiute Tribe, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, Confederated Tribes of Siletz, Confederated Tribes of Warm Springs, Cities

Summary of Fiscal Impact: Costs related to the measure are indeterminate at this time - see explanatory analysis.

Measure Description

The measure creates uniform requirements of law enforcement agencies while on duty and actively engaged in official law enforcement activities. The measure also provides a definition to what qualifies as a law enforcement agency under the measure to include a law enforcement agency that employs a peace officer as defined in ORS 133.005, a federal law enforcement officer, and a law enforcement agency of another state.

The measure also requires a law enforcement agency to maintain and publicly post written policy on the use of facial coverings by their officers. The measure includes specified requirements of the posted policy and allows for a member of the public or a law enforcement oversight body or local governing authority to object to the policy adopted on the grounds of it not conforming to the requirements of the measure by submitting written objection. The law enforcement agency must correct the deficiencies in the policy within 180 days.

Lastly, the measure prohibits an employee of a state or local law enforcement agency or any other public body, as defined in the measure, from intentionally assisting a federal law enforcement agency or law enforcement agency of another state in their investigation or apprehension or arrest of an individual if the individual knows the officer is doing so based on circumstances outlined in the measure. All state or local law enforcement and public bodies are required to establish policies prohibiting assisting, intentionally cooperating with, allowing time, money, facilities, property, equipment, personnel or other resources to be used in assisting federal law enforcement or other state law enforcement. The measure will allow assistance to a federal law enforcement officer or state law enforcement officer if the law enforcement agency includes the request to cooperate in an attestation stating the request does not relate to an operation or activity prohibited by the measure.

The measure also provides a cause of action allowing an individual to seek an injunction against a law enforcement agency for violations of the requirements of this measure.

Fiscal Analysis

Department of Administrative Services

The fiscal impact to the Department of Administrative Services (DAS) is indeterminate and dependent on the amount of damages awarded to prevailing plaintiffs by the court that would result in an impact on the DAS Insurance Fund. The Insurance fund is used for payment of claims and certain lawsuits filed against the State of Oregon, defense of claims, state property losses, and commercial insurance. Income for the fund is derived primarily from risk charges, which are approved by the Legislature, and allocated among agencies based on their exposure to risk and recent claims experience. Since the number of new claims is indeterminate, the impact to DAS risk management and the DAS Insurance Fund is unknown until there is case law established to accurately forecast the impacts. However, it is anticipated to be minimal at this time.

Public Universities

The fiscal impact to Public Universities is indeterminate and dependent on the amount of policy creation, appeals received regarding those policies, and the potential increase of litigation from the measure.

Other entities

There is a minimal fiscal impact to the Department of Justice, Oregon Judicial Department, Department of State Police, Higher Education Coordinating Commission, and to counties and cities.

There is no fiscal impact to the District Attorney, Oregon Liquor and Cannabis Commission, Oregon’s Nine Federally Recognized Tribes, Special Districts, Department of Public Safety Standards and Training, or the Oregon Lottery Commission.

Relevant Dates

The measure declares an emergency and takes effect on passage.