

House Bill 2594

Sponsored by Representative OLSON, Senator GELSER, Representatives RAYFIELD, BARKER, KENY-GUYER; Representatives BARNHART, BOONE, DOHERTY, GOMBERG, KENNEMER, NEARMAN, PARRISH, Senators BEYER, BURDICK, FERRIOLI, GIROD, HANSELL, ROBLAN, STEINER HAYWARD (Pre-session filed.)

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**.

Allows nonimmigrant authorized to enter United States under Compact of Free Association to be law enforcement officer.

A BILL FOR AN ACT

1
2 Relating to law enforcement officers; creating new provisions; and amending ORS 181A.055,
3 181A.490, 181A.520 and 181A.530.

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

5 **SECTION 1.** ORS 181A.055 is amended to read:

6 181A.055. (1) A person appointed a member of the state police must be:

7 (a) A citizen of the United States **or a nonimmigrant legally admitted to the United States**
8 **under a Compact of Free Association.**

9 (b) Of good health and good moral character.

10 (c) Over the age of 21 years.

11 (2)(a) Except as provided in paragraph (b) of this subsection, a person may not be appointed a
12 member of the state police if the person has not established satisfactory evidence of qualifications
13 by passing a physical examination that is consistent with rules adopted by the Department of State
14 Police and [*such*] **the** psychological testing and mental examinations [*as*] the Superintendent of State
15 Police considers necessary as a condition of employment.

16 (b) When, in the judgment of the superintendent, the good of the state police requires it, the
17 superintendent may waive the physical standard described in paragraph (a) of this subsection.

18 (3) A member who voluntarily withdraws from the state police without the consent of the su-
19 perintendent and members removed from the state police for cause are ineligible for reappointment,
20 except as expressly authorized by the superintendent.

21 (4) The superintendent may appoint police officers from a neighboring state to serve as special
22 state police officers subject to the following conditions:

23 (a) The officers are appointed for the limited purpose of providing assistance to the Oregon State
24 Police in law enforcement emergencies and major operations in Oregon in areas near the Oregon
25 border with the neighboring state.

26 (b) The officers are police officers certified by the neighboring state.

27 (c) The officers do not receive separate compensation from the State of Oregon for their ser-
28 vices.

29 (d) There is a reciprocal agreement pursuant to which the superintendent [*of State Police*] au-
30 thORIZES a member of the Oregon State Police to assist the neighboring state's police officers under

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 the same criteria in the neighboring state in areas near the Oregon border with the neighboring
 2 state.

3 (5) The superintendent [*of State Police*] is authorized to enter into reciprocal agreements with
 4 state law enforcement agencies in neighboring states for the purpose of providing assistance to the
 5 Oregon State Police and the state law enforcement agency in the neighboring state in carrying out
 6 major operations and responding to law enforcement emergencies in areas near the Oregon border
 7 with the neighboring state.

8 **SECTION 2.** ORS 181A.490 is amended to read:

9 181A.490. (1) Except for a person who has requested and obtained an extension from the De-
 10 partment of Public Safety Standards and Training pursuant to subsection (2) of this section, a person
 11 may not be employed as a police officer, or utilized as a certified reserve officer, by [*any*] a law
 12 enforcement unit for more than 18 months unless **the person**:

13 (a)(A) [*The person*] Is a citizen of the United States; or

14 (B) **Is a nonimmigrant legally admitted to the United States under a Compact of Free**
 15 **Association;** and

16 (b) [*The person*] Has been certified as being qualified as a police officer or certified reserve of-
 17 ficer under the provisions of ORS 181A.355 to 181A.670 and the certification has [*neither lapsed*
 18 *nor*] **not lapsed or** been revoked pursuant to ORS 181A.630, 181A.640 and 181A.650 (1) and not been
 19 reissued under ORS 181A.650 (2).

20 (2) The department, upon the facts contained in an affidavit accompanying the request for an
 21 extension, may find good cause for failure to obtain certification within the time period described
 22 in subsection (1) of this section. If the department finds that there is good cause for [*such*] failure
 23 **to timely obtain certification**, the department may extend for up to one year the period that a
 24 person may serve as a police officer or reserve officer without certification. The grant or denial of
 25 [*such*] an extension is within the sole discretion of the department.

26 (3) Except as provided in subsection (4) of this section, a person employed as a police officer
 27 by [*any*] a law enforcement unit shall commence the training necessary for certification under ORS
 28 181A.355 to 181A.670 at an academy operated by the department not later than the 90th day after
 29 the date of the officer's employment by the law enforcement unit.

30 (4) A law enforcement unit may delay the commencement of training of a police officer for up
 31 to 120 days from the date of the officer's employment when it considers the delay necessary. When
 32 a law enforcement unit delays commencement of a police officer's training under this subsection,
 33 [*it*] **the law enforcement unit** shall file a written statement of [*its*] **the law enforcement unit's**
 34 reasons with the department.

35 (5) When a delay in the commencement of training necessary for certification under ORS
 36 181A.355 to 181A.670 at an academy operated by the department is caused by the inability of the
 37 department, for any reason, to provide that training, the period of [*such delay shall*] **the delay may**
 38 not be counted as part of the periods set forth in subsections (3) and (4) of this section within which
 39 the training must be commenced.

40 (6) A person utilized as a certified reserve officer by a law enforcement unit must complete the
 41 training necessary for certification under ORS 181A.355 to 181A.670 at a site approved by the de-
 42 partment.

43 (7) Notwithstanding any other provision of law, the law enforcement unit described in ORS
 44 181A.355 (12)(e) shall bear the expense of training necessary for certification under ORS 181A.355
 45 to 181A.670.

SECTION 3. ORS 181A.520 is amended to read:

181A.520. (1) Except for a person who has requested and obtained an extension pursuant to subsection (2) of this section, *[no]* a person may **not** be employed as a corrections officer by *[any]* a law enforcement unit for more than one year unless the person is a citizen of the United States **or a nonimmigrant legally admitted to the United States under a Compact of Free Association**, and:

(a) The person has been certified as being qualified as a corrections officer under the provisions of ORS 181A.355 to 181A.670 and the certification has *[neither lapsed nor]* **not lapsed or** been revoked pursuant to ORS 181A.630, 181A.640 and 181A.650 (1) and not been reissued under ORS 181A.650 (2); or

(b) The person is exempted from the certification requirement under ORS 181A.420 (1) and (2).

(2) The Department of Public Safety Standards and Training, upon the facts contained in an affidavit accompanying the request for an extension, may find good cause for failure to obtain certification within the time period described in subsection (1) of this section. If the department finds that there is good cause for *[such]* failure **to timely obtain certification**, the department may extend for up to one year the period that a person may serve as a corrections officer without certification. The grant or denial of *[such]* an extension is within the sole discretion of the department.

(3) The certification of a corrections officer shall lapse upon the passage of more than three consecutive months during which period the officer is not employed as a corrections officer, unless the corrections officer is on leave from a law enforcement unit. Upon reemployment as a corrections officer, the person whose certification has lapsed may apply for certification in the manner provided in ORS 181A.355 to 181A.670.

(4) Except as provided in subsection (5) of this section, a person employed as a corrections officer by *[any]* a law enforcement unit shall commence the training necessary for certification under ORS 181A.355 to 181A.670 not later than the 90th day after the date of the officer's employment by the law enforcement unit at an academy operated or authorized by the department in consultation with the Board on Public Safety Standards and Training.

(5) A law enforcement unit may delay the commencement of training of a corrections officer for up to 120 days from the date of the officer's employment when *[it]* **the law enforcement unit** considers the delay necessary. When a law enforcement unit delays commencement of a corrections officer's training under this subsection, *[it]* **the law enforcement unit** shall file a written statement of its reasons with the department.

(6) When a delay in the commencement of training necessary for certification under ORS 181A.355 to 181A.670 at an academy operated or authorized by the department is caused by the inability of the department, for any reason, to provide that training, the period of *[such delay shall]* **the delay may** not be counted as part of the periods set forth in subsections (4) and (5) of this section within which the training must be commenced.

SECTION 4. ORS 181A.530 is amended to read:

181A.530. (1) Except for a person who has requested and obtained an extension from the Department of Public Safety Standards and Training pursuant to subsection (2) of this section, *[no]* a person may **not** be employed as a parole and probation officer for more than 18 months unless the person is a citizen of the United States **or a nonimmigrant legally admitted to the United States under a Compact of Free Association**, and:

(a) The person has been certified as being qualified as a parole and probation officer under provisions of ORS 181A.355 to 181A.670 and the certification has *[neither lapsed nor]* **not lapsed or**

1 been revoked pursuant to ORS 181A.630, 181A.640 and 181A.650 (1) and not reissued under ORS
2 181A.650 (2); or

3 (b) The person is exempted from the certification requirement under ORS 181A.420 (1) and (2).

4 (2) The department, upon the facts contained in an affidavit accompanying the request for an
5 extension, may find good cause for failure to obtain certification within the time period described
6 in subsection (1) of this section. If the department finds that there is good cause for [*such*] failure
7 **to timely obtain certification**, the department may extend for up to one year the period that a
8 person may serve as a parole and probation officer without certification. The grant or denial of
9 [*such*] an extension is within the sole discretion of the department.

10 (3) The certification of a parole and probation officer shall lapse upon the passage of more than
11 three consecutive months during which period the officer is not employed as a parole and probation
12 officer, unless the officer is on leave from a law enforcement unit. Upon reemployment as a parole
13 and probation officer, the person whose certification has lapsed may apply for certification in the
14 manner provided in ORS 181A.355 to 181A.670.

15 (4) In order to maintain certification, a parole and probation officer who is employed part-time
16 must complete annually at least 20 hours of continuing education approved by the Department of
17 Public Safety Standards and Training.

18 (5) The requirement of citizenship imposed under subsection (1) of this section does not apply
19 to a person employed as a parole and probation officer on September 27, 1987, who continues to
20 serve as a parole and probation officer.

21 **SECTION 5. The amendments to ORS 181A.055 181A.490, 181A.520 and 181A.530 by**
22 **sections 1 to 4 of this 2017 Act apply to members of the state police, police officers, certified**
23 **reserve officers, corrections officers and parole and probation officers appointed or employed**
24 **by law enforcement units on or after the effective date of this 2017 Act.**