



SUMMARY OF LEGISLATION

2020

First Special Session

LEGISLATIVE POLICY AND RESEARCH OFFICE
80TH OREGON LEGISLATIVE ASSEMBLY

2020 FIRST SPECIAL SESSION SUMMARY OF LEGISLATION

80th Oregon Legislative Assembly

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Legislative Policy and Research Office



The Legislative Policy and Research Office (LPRO) provides centralized, professional and nonpartisan research, issue analysis, and committee management services for the Legislative Assembly.

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ABOUT THE SUMMARY OF LEGISLATION

The 2020 First Special Session Summary of Legislation summarizes selected measures that were considered by the 80th Oregon Legislative Assembly during a three-day special session that was held June 24 – 26, 2020. Measure summaries are organized by policy areas. The summaries of selected measures follow in two groups—bills and resolutions—listed in numerical order by chamber.

Each summary provides information on the chief sponsors, committees, background and current law, description of the measure, and date when the measure, if enacted, becomes effective. Each summary also includes a link to the measure on the [Oregon Legislative Information System \(OLIS\)](#), which provides a more comprehensive staff measure summary, all versions of the measure, amendments, public testimony, a complete measure history, and final vote tallies. Users may search for individual measures in the 2020 First Special Session Summary of Legislation by keyword or measure number.

The 2020 First Special Session Summary of Legislation focuses on policy measures. Information on revenue measures is available on the [Legislative Revenue Office website](#). Information on budget measures is available on the [Legislative Fiscal Office website](#).

TABLE OF CONTENTS

Business and Labor 1

COVID-19 Response 3

Education 5

Environment and Natural Resources 6

Housing 7

Human Services 8

Judiciary 11

Transportation and Infrastructure..... 16

[Senate Bill 1603](#)

Effective Date: September 25, 2020

Oregon Broadband Fund and Universal Service Fund

At the request of: Joint Committee on the First Special Session of 2020

Chief Sponsors: Sen. Courtney

Committees: Joint Committee on the First Special Session of 2020

Background and Current Law: In 1999, the Legislative Assembly directed the Oregon Public Utility Commission to create and implement the Oregon Universal Service Fund to support basic telephone service in high-cost rural areas and to pay for it with an 8.5 percent surcharge on certain telephone customers. The Oregon Business Development Department (Business Oregon) houses the Broadband Advisory Council and the Oregon Broadband Office.

Bill Summary: Senate Bill 1603 identifies telecommunications services subject to the universal service surcharge and reduces the maximum surcharge from 8.5 to six percent. The measure establishes a Broadband Fund and requires Business Oregon to develop broadband program rules; apply certain preferences to grants and loans; establish procedures for distributing grant or loan funds; and report annually on the Fund. The Broadband Fund and rate change become operative on January 1, 2021; the Broadband Fund and program sunset on January 2, 2030.

Oregon Laws 2020: Chapter 17

Task Force or Reporting Requirement: Business Oregon shall report by September 15 of each year to an interim committee of the Legislative Assembly related to telecommunications. Reporting requirement details are listed in the legislation.

[House Bill 4202](#)

Effective Date: September 25, 2020

Technical and Policy Clarifications to the Corporate Activity Tax

At the request of: Joint Committee on the First Special Session of 2020

Chief Sponsors: Rep. Kotek

Committees: Joint Committee on the First Special Session of 2020

Background and Current Law: The Corporate Activity Tax (CAT) was enacted by the 2019 Legislative Assembly as an additional funding source for education. It is a 0.57 percent calendar year tax on commercial activity in Oregon that became effective on January 1, 2020. Estimated payments are due quarterly in April, July, October, and January. Tax returns are due every April for the prior year.

Bill Summary: House Bill 4202 makes a series of technical and policy clarifications to the CAT. Examples include calculation details for a 35 percent deduction that all businesses may take and alternative calculation options for certain agricultural firms. Tax penalties and safe harbor requirements are also modified. The [Staff Measure Summary](#) contains a full list of changes.

Oregon Laws 2020: Chapter 2

[House Bill 4209](#)

Effective Date: June 30, 2020

Moneys Awarded Through Programs in the Eastern Oregon Border Region

At the request of: Joint Committee on the First Special Session of 2020

Chief Sponsors: Rep. Kotek

Committees: Joint Committee on the First Special Session of 2020

Background and Current Law: House Bill 2012 (2017) established the seven-member Eastern Oregon Border Economic Development Board (Board) to formulate and implement plans and practices for strategic investment in workforce and economic development in the Eastern Oregon Border Economic Development Region. The Legislative Assembly approved a one-time \$5 million General Fund appropriation to Business Oregon for use by the Board to make up to 10 loans and/or grants to eligible applicants.

Bill Summary: House Bill 4209 allows the Board to operate up to 10 active programs to award grants or loans through an agreement with a third-party administrator.

Oregon Laws 2020: Chapter 9

Task Force and Reporting Requirements: The Eastern Oregon Border Economic Development Board shall report annually by September 15 to the Joint Committee on Ways and Means or the Emergency Board. Reporting requirement details are listed in the legislation.

House Bill 4212**Effective Date: June 30, 2020****COVID-19 Omnibus Bill****At the request of:** Joint Committee on the First Special Session of 2020**Chief Sponsors:** Rep. Kotek**Committees:** Joint Committee on the First Special Session of 2020

Background and Current Law: On March 8, 2020, Governor Brown issued Executive Order No. 20-03, declaring a state of emergency due to the Coronavirus (COVID-19) outbreak in Oregon. Subsequent executive orders have prohibited large gatherings, closed schools, ordered Oregonians to stay home, addressed local government operations, protected recovery rebates from garnishments, and implemented a phased reopening. COVID-19 has affected state and local government operations, judicial proceedings, assistance to vulnerable populations, and usual ways for individuals and governments to conduct business. House Bill 4212 is the omnibus bill that addresses a variety of outstanding issues related to COVID-19. Additional background information can be found in the Staff Measure Summary.

Bill Summary: House Bill 4212 makes the following changes to address COVID-19 impacts:

Local Government and Special Government Body Public Meetings and Operations - House Bill 4212 outlines procedures for meeting by electronic means and authorizes reasonable expenditure if local government is unable to comply with local budget law during the Governor's declared state of emergency issued on March 8, 2020.

Garnishment Modifications - House Bill 4212 protects CARES Act recovery rebate payments from garnishments which are issued on or before September 30, 2020.

Judicial Proceeding Extensions and Electronic Appearances - House Bill 4212 extends the statute of limitation in civil actions when the statute of limitation falls within a Governor-declared COVID-19 emergency order. The period of extension is for 90 days beyond the end date of the emergency order. The extension does not apply to the time periods for commencing criminal actions, appeals of the Tax Court, appeals to the Court of Appeals, or any initiation of cases or proceedings before the Oregon Supreme Court.

Emergency Shelter - House Bill 4212 defines "emergency shelter;" requires local governments to approve an application for an emergency shelter if certain requirements are met; establishes that this approval is not a land use decision. The measure allows local governments to allow any person to offer overnight camping spots on the person's property to homeless individuals living in vehicles, and to regulate vehicle camping spaces as transitional housing accommodations. The measure defines "low-barrier emergency shelter" and "navigation center," and allows the Department of Administrative Services to award grants to local government for navigation centers. The measure repeals the emergency shelter and vehicle camping provisions on September 24, 2020, and the navigation center provisions on January 2, 2022.

Notarial Acts - House Bill 4212 allows remote notarization services until June 30, 2021 and establishes requirements for remote notarization services. The measure requires the Secretary of State to establish rules and allows a notary public to charge up to \$25 per remote notarial act.

Enterprise Zone Termination Extensions - House Bill 4212 allows an enterprise zone that would otherwise terminate on June 30, 2020, to terminate on December 31, 2020, and specifies that zones redesignated between June 30, 2020 and January 1, 2021, become effective on January 1, 2021.

Individual Development Account Modifications - House Bill 4212 permits the use of an individual development account (IDA) for establishing emergency savings and allows funds in the IDA to be withdrawn for emergency expenses, regardless of whether the account was established for emergency savings. The measure requires an account holder to reimburse a non-emergency IDA savings account for the amount withdrawn before withdrawing any matching deposits or accrued interest for a non-emergency expense. It also eliminates the requirement that an account holder be removed from the program if funds are not reimbursed within 12 months.

Race and Ethnicity Data Collection and Reporting During COVID-19 Pandemic - House Bill 4212 requires licensed or certified health care providers to collect data on race, ethnicity, preferred spoken and written languages, English proficiency, interpreter needs, and disability status (REALD) during the provision of health services related to COVID-19. The measure directs the Oregon Health Authority (OHA) to adopt rules, specifies timelines for data collection, and allows OHA to provide compliance incentives to health care providers. The measure clarifies that the data collected by providers is confidential and subject to federal and state disclosure laws and that insurers cannot use collected data to deny, limit, cancel, refuse to renew, or increase premiums for an insurance policy. Enforcement authority is granted to OHA, the Department of Human Services, and professional regulatory boards beginning on December 31, 2020.

Physician Assistants - House Bill 4212 authorizes physician assistants (PAs) to provide patient care services within their scope of practice without entering into a practice agreement and with specified supervision requirements.

Oregon Laws 2020: Chapter 12

Senate Bill 1607**Effective Date: July 7, 2020****Dormitory Funding and Small School District Supplemental Fund****At the request of:** Joint Committee on the First Special Session of 2020**Chief Sponsors:** Sen. Courtney**Committees:** Joint Committee on the First Special Session of 2020

Background and Current Law: The provision that allows children who are foreign exchange students and reside in dormitories operated by certain school districts to be considered residents of those school districts for funding purposes sunsets at the end of the current school year, on June 30, 2020. The provision that appropriates the Small School District Supplement Fund \$2.5 million per school year for small school district grants sunsets at the end of the current school year, on June 30, 2020.

Bill Summary: Senate Bill 1607 extends the sunset for small school districts to receive grants under the Small School District Supplemental Fund until July 1, 2021. It also extends the sunset for foreign exchange students residing in school district dormitories to be considered residents of those school districts for funding purposes until July 1, 2021. It declares an emergency and is effective on passage. Upon passage, it provides for continuity of operations between sunset dates.

Oregon Laws 2020: Chapter 21

House Bill 4211**Effective Date: June 30, 2020****Fund for Student Success Transfers****At the request of:** Joint Committee on the First Special Session of 2020**Chief Sponsors:** Rep. Kotek**Committees:** Joint Committee on the First Special Session of 2020

Background and Current Law: The Joint Committee on Student Success was established in January 2018 and tasked with creating a plan to improve outcomes for students throughout Oregon. The committee met during the 2018 session and toured the state, where it met with students, teachers, administrators, school employees, school board members, parents, business leaders, and other stakeholders. House Bill 3427 (2019) resulted from that work, establishing a Corporate Activity Tax with revenues deposited directly into a newly created Fund for Student Success. This legislation allows the Oregon Department of Education to make periodic transfers from the Fund, if statutory requirements are met.

Bill Summary: House Bill 4211 allows the Oregon Department of Education (ODE) to transfer funds from the Fund for Student Success to State School Fund, Student Investment Account, Statewide Education Initiatives Account, and Early Learning Account periodically if the transfers are in amounts that ensure that statutory amounts and percentages are satisfied by the end of the biennium.

Oregon Laws 2020: Chapter 11

[Senate Bill 1602](#)

Effective Date: July 7, 2020

Forestry Memorandum of Understanding

At the request of: Joint Committee on the First Special Session of 2020

Chief Sponsors: Sen. Courtney

Committees: Joint Committee on the First Special Session of 2020

Background and Current Law: In February 2020, representatives from Oregon's forest industry and environmental interests signed a Memorandum of Understanding to achieve greater business certainty for forest landowners and industries; greater environmental certainty for the survival and recovery of threatened and endangered species and to ensure that drinking water and aquatic resources are protected; and a durable framework and process to resolve future issues. House Bill 4168 was drafted to reflect agreed-upon provisions during the 2020 legislative session and was redrafted as Senate Bill 1602 for the first special session of 2020.

Bill Summary: Senate Bill 1602 directs the Governor to facilitate mediation sessions between the forest industry and environmental interests on changes to the Oregon Forest Practices Act; establishes a notice-based system for aerial pesticide spray, provides for access to spray records, and establishes penalties for failure to provide timely notice or information; prohibits aerial pesticide spray within 300 feet of an inhabited dwelling, school, or water intake; establishes new buffer requirements for streams with domestic use, fish use, or both uses; and requires the Oregon Department of Forestry to make 2017 board rules regarding salmon, steelhead, and bull trout applicable for the Siskiyou Georegion.

Oregon Laws 2020: Chapter 16

[House Bill 4206](#)

Effective Date: January 1, 2021

State Meat Inspection Program

At the request of: Joint Committee on the First Special Session of 2020

Chief Sponsors: Reps. Kotek, Smith DB

Committees: Joint Committee on the First Special Session of 2020

Background and Current Law: The Federal Meat Inspection Act (FMIA) was passed by Congress in 1906; it prohibits the sale of contaminated or misbranded meat and meat products and ensures that livestock are slaughtered and processed in sanitary conditions. The FMIA directs the U.S. Department of Agriculture (USDA) to inspect all livestock before and after slaughtering and processing if the meat is intended for human consumption. The FMIA was amended by the Wholesome Meat Act of 1967, which requires states to have inspection programs "at least equal to" the federal inspection program. A similar version of this measure was considered in the 2020 legislative session as House Bill 4152.

Bill Summary: House Bill 4206 authorizes the Oregon Department of Agriculture to adopt rules to establish a program for state inspection of the processing and sale of meat products, excluding meat from equine species.

Oregon Laws 2020: Chapter 6

[House Bill 4204](#)

Effective Date: June 30, 2020

Temporary Limitations on Lender Mortgage and Other Loan Delinquencies

At the request of: Joint Committee on the First Special Session of 2020

Chief Sponsors: Rep. Kotek

Committees: Joint Committee on the First Special Session of 2020

Background and Current Law: The federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, signed into law on March 27, 2020 established a national foreclosure moratorium for 60 days after March 18, 2020 for federally backed mortgages (i.e., Fannie Mae, Freddie Mac, Federal Housing Administration, U.S. Department of Veterans Affairs, or U.S. Department of Agriculture). This measure, passed in response to the COVID-19 pandemic, aims to prevent homeowners who have been financially impacted by the pandemic from losing their homes to foreclosure.

Bill Summary: House Bill 4204 extends a moratorium on foreclosure activities across all lenders for residential and commercial real, land, and personal property during the emergency period of March 8, 2020 to September 30, 2020, enacted in response to the COVID-19 pandemic.

Oregon Laws 2020: Chapter 4

[House Bill 4213](#)

Effective Date: June 30, 2020

Temporary Halt on Evictions

At the request of: Joint Committee on the First Special Session of 2020

Chief Sponsors: Rep. Kotek

Committees: Joint Committee on the First Special Session of 2020

Background and Current Law: According to Oregon Housing and Community Services (OHCS), prior to the COVID-19 pandemic, 27 percent of Oregon renter households were severely housing cost burdened, meaning that they spent more than half their income on rent. As a result of the pandemic, tenants impacted financially due to unemployment and lost wages have either missed rent payments or leveraged economic impact payments, savings, and unemployment benefits to meet rent demands. OHCS surveyed affordable housing providers across the state in May 2020 and estimated that 11.6 percent of rent payments were not made in that month.

Bill Summary: House Bill 4213 restricts landlords and lenders from actions against tenants and borrowers due to late or nonpayment of rent or mortgage during the Governor's declared emergency period of April 1, 2020 through September 30, 2020, enacted in response to the COVID-19 pandemic.

Oregon Laws 2020: Chapter 13

Senate Bill 1605**Effective Date: July 7, 2020****Foster Children and Child Abuse****At the request of:** Joint Committee on the First Special Session of 2020**Chief Sponsors:** Sens. Courtney, Gelser**Committees:** Joint Committee on the First Special Session of 2020

Background and Current Law: The Oregon Promise program is a state grant that covers tuition costs at Oregon community colleges for recent high school graduates or General Education Development (GED) graduates. In order to enroll, students must be Oregon residents for at least 12 months and have completed their high school diploma or GED in Oregon.

The Department of Human Services (DHS) is responsible for responding to child abuse reports in Oregon and screening for information to determine if there is a need for an assessment. If no assessment is needed, the report is closed at screening. DHS also administers Oregon's foster care program, and placements in foster care range from family home settings to congregate care settings. Family home settings are placements with families that are certified to provide foster care. Congregate care settings include child-caring agencies and qualified residential treatment programs (QRTPs).

Senate Bill 171 (2019) aligned the child welfare system's use of QRTPs consistent with the federal Family First Prevention Services Act. The measure included time restrictions for the placement of children in: residential care agencies or shelter care homes that are not QRTPs; homeless, runaway, or transitional living shelters that are not part of a QRTP; and placements serving adjudicated youth or youth served by the Oregon Youth Authority or county juvenile departments.

Bill Summary: Senate Bill 1605 is an omnibus bill relating to children. It addresses the Oregon Promise program, school district residency for children and youth in congregate care placements, screening requirements for reports of child abuse, foster care program placements, out-of-state child-caring agencies, and the implementation of Senate Bill 171 (2019).

The measure extends the eligibility requirements for the Oregon Promise program to students in Oregon's foster care system who complete their high school diploma or GED while in a foster care placement in another state.

SB 1605 temporarily permits DHS to close child abuse reports at screening if DHS determines there is no imminent risk of harm to the child, the alleged abuse does not involve a child care provider, and if the alleged abuse did not occur in a school or related to a school-sponsored activity. The measure directs DHS to submit a report to the Legislative Assembly regarding child abuse reports closed at screening no later than November 15, 2020.

The measure directs DHS to identify up to two programs providing services in a family home setting serving no more than 15 children with sexually maladaptive behaviors, histories of eloping from care, or histories of failed placements. Such programs are not required to be child-caring agencies or QRTPs. The measure directs DHS to submit a report to the Legislative Assembly regarding such programs, including recommendations for continuing or expanding such programs, no later than September 1, 2022.

SB 1605 permits DHS to make placements of children or youth in child-caring agencies outside of Oregon if specific requirements are met. The measure directs DHS to review any such placement of children or youth who have or may have an intellectual or developmental disability and ensure all in-state resources have been

exhausted prior to the placement. The measure also requires DHS to accompany children and youth when they are placed in or moved to a child-caring agency outside of Oregon. Furthermore, SB 1605 requires DHS to notify the placement authorities of any other state retaining jurisdiction of children in child-caring agencies in Oregon upon awareness of a report of suspected child abuse, and to commence an investigation of a report of suspected abuse if the reported abuse occurred in Oregon or in an out-of-state child-caring agency with Oregon children.

The measure includes out-of-state child-caring agencies in requirements of investigations of child abuse conducted by DHS. It permits DHS to place children or youth in child-caring agencies that were not qualified residential treatment programs if the child-caring agency was a licensed or certified adolescent residential drug and alcohol treatment program, if the child-caring agency was operated by DHS or a health care organization, and if the court approved of the placement. SB 1605 prohibits placing children or youth in the care of the state in child-caring agencies providing care primarily to children or youth committed to the care of the Oregon Youth Authority, or the equivalent authority in the state in which the placement was located.

Finally, SB 1605 delays the operation of SB 171 (2019) to December 1, 2020.

Oregon Laws 2020: Chapter 19

Task Force or Reporting Requirement: No later than November 15, 2020, the Department of Human Services shall report to the interim committees of the Legislative Assembly related to child welfare regarding child abuse reports closed at screening. Reporting requirements are provided in the legislation.

No later than September 1, 2022, the Department of Human Services shall report to the interim committees of the Legislative Assembly related to child welfare regarding the success of placements in the family-home programs and any recommendations for the continuation or expansion of placements.

Senate Bill 1606

Effective Date: July 7, 2020

Hospital Patient Protections and Accommodations for Individuals with Disabilities

At the request of: Joint Committee on the First Special Session of 2020

Chief Sponsors: Sens. Courtney and Gelser

Committees: Joint Committee on the First Special Session of 2020

Background and Current Law: An advance directive is used to provide guidance about what types of treatments a patient may want to receive in case of a future unknown medical emergency and may identify an individual as a surrogate to make treatment decisions. In response to the COVID-19 pandemic, the Oregon Health Authority and many Oregon hospitals revised their visitor policies to be more restrictive to help protect the health of patients, providers, and staff. These policies resulted in discriminatory practices and unequal access to care for people with disabilities in hospitals.

Bill Summary: Senate Bill 1606 prohibits hospitals from discriminating against individuals with a disability when accessing treatment unless a patient has written instructions regarding withholding or withdrawing life-sustaining procedures and creates civil penalties for violations among hospitals. The measure requires

hospitals to allow patients to designate support persons during the patient's hospital stay and having that person present for any discussion of withholding or withdrawing of life-sustaining procedures. Declares emergency, effective on passage.

Oregon Laws 2020: Chapter 20

Senate Bill 1604**Effective Date: July 7, 2020****Arbitration Awards****At the request of:** Joint Committee on the First Special Session of 2020**Chief Sponsors:** Sens. Courtney, Frederick; Rep. Meek**Committees:** Joint Committee on the First Special Session of 2020

Background and Current Law: Many state and local government employees, including employees of states, counties, cities, and school districts, are subject to the Public Employee Collective Bargaining Act (PECBA). Law enforcement officers are covered under PECBA. A public employer and a collective bargaining unit may reach a written agreement on grievance procedures. As a condition of enforceability, an arbitration award that orders the reinstatement of a public employee or otherwise relieves the employee of responsibility for misconduct must comply with clearly defined public policy in statute or judicial decisions.

Bill Summary: Senate Bill 1604 requires an arbitrator who makes a finding of misconduct consistent with the law enforcement agency's finding of misconduct to impose the same disciplinary action that was imposed by the agency, so long as the discipline was done pursuant to a discipline guide or matrix that was adopted by the agency as a result of collective bargaining.

Oregon Laws 2020: Chapter 18

House Bill 4201**Effective Date: June 30, 2020****Relating to the Use of Force by Police Officers****At the request of:** Joint Committee on the First Special Session of 2020**Chief Sponsors:** Reps. Kotek, Alonso Leon, Bynum, Lawrence Spence, Meek, Salinas, Sanchez; Sens. Frederick, Prozanski**Committees:** Joint Committee on the First Special Session of 2020

Background and Current Law: Under current Oregon law, a law enforcement agency is required to follow established policies created by the agency in compliance with ORS 181A.780 when responding to a fatality caused by an officer's use of deadly force. These policies must be submitted and approved by the office of the Attorney General of Oregon and publicized on the Oregon Department of Justice website.

Bill Summary: House Bill 4201 establishes the Joint Committee on Transparent Policing and Use of Force Reform. The bill identifies required legislative members to be appointed by the Speaker of the House of Representatives and the President of the Senate. It authorizes the committee to meet, act, and conduct business during a Legislative Assembly or any recess thereof. The bill also identifies voting requirements; requires the Legislative Policy and Research Office Director to provide support of committee functions; and specifies the committee's objectives relating to transparent policing and use of force reform.

Oregon Laws 2020: Chapter 1

[House Bill 4203](#)**Effective Date: June 30, 2020****Relating to Use of Force by Peace Officers****At the request of:** Joint Committee on the First Special Session of 2020**Chief Sponsors:** Reps. Kotek, Alonso Leon, Bynum, Meek, Salinas, Sanchez; Sens. Frederick, Prozanski**Committees:** Joint Committee on the First Special Session of 2020

Background and Current Law: When attempting to restrain or arrest a person, peace officers may use a choke hold or other restraint to the head, neck, or back that interferes with that person's blood flow or ability to breathe. The Department of Public Safety Standards and Training (DPSST) does not instruct trainees on the use of choke holds or similar methods, though law enforcement agencies may provide supplemental training and authorize use.

Bill Summary: House Bill 4203 prohibits the use of physical force impeding the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck of the other person unless the circumstance is one in which the peace officer may use deadly physical force as provided in ORS 161.239.

Oregon Laws 2020: Chapter 3

[House Bill 4205](#)**Effective Date: June 30, 2020****Misconduct Intervention and Duty to Report****At the request of:** Joint Committee on the First Special Session of 2020**Chief Sponsors:** Reps. Kotek, Alonso Leon, Bynum, Lawrence Spence, Meek, Salinas, Sanchez; Sens. Frederick, Manning Jr., Prozanski**Committees:** Joint Committee on the First Special Session of 2020

Background and Current Law: Prior to enactment of House Bill 4205, no state statute required a police officer to report or intervene to stop misconduct by another officer.

Bill Summary: House Bill 4205 requires officers to intervene when they know, or reasonably should know, that another officer is engaged in misconduct. Misconduct can include unreasonable or unjustified use of force or force used in violation of an agency's policies; sexual harassment or sexual misconduct; discrimination against a person based on protected class; commission of a crime; or violation of the minimum standards for fitness for public safety personnel. Officers also have a duty to report the misconduct and are protected from retaliation for doing so.

Oregon Laws 2020: Chapter 5

House Bill 4207**Effective Date: June 30, 2020****Discipline Records of Police Officers****At the request of:** Joint Committee on the First Special Session of 2020**Chief Sponsors:** Reps. Kotek, Alonso Leon, Bynum, Lawrence Spence, Meek, Salinas, Sanchez; Sens. Frederick, Manning Jr., Prozanski**Committees:** Joint Committee on the First Special Session of 2020

Background and Current Law: There is currently no comprehensive, centralized database of law enforcement officer discipline records. The Department of Public Safety Standards and Training (DPSST) maintains the online Oregon Criminal Justice Information Records Inquiry System (CJ IRIS) which contains a database of Oregon law enforcement employees. The database is publicly accessible and includes information on the employee's work history, education, training, and certifications, including whether a certification has been suspended or revoked.

Bill Summary: House Bill 4207 requires DPSST to publish information on the reasons for suspension or revocation of an officer's certification in a publicly accessible online database. The measure also requires a law enforcement agency to request the personnel file of any officer it may hire before extending an offer of employment. Agencies are provided liability protection for both requesting and fulfilling the request.

Oregon Laws 2020: Chapter 7

House Bill 4208**Effective Date: June 30, 2020****Use of Tools by Law Enforcement Agencies****At the request of:** Joint Committee on the First Special Session of 2020**Chief Sponsors:** Reps. Kotek, Alonso Leon, Bynum, Lawrence Spence, Meek, Salinas, Sanchez; Sens. Frederick, Manning Jr., Prozanski**Committees:** Joint Committee on the First Special Session of 2020

Background and Current Law: Tear gas, long range acoustic devices, and sound cannons are tools used by various law enforcement agencies for several purposes, including to control riots and disperse crowds. There is no Oregon statute that prohibits or limits the use of these devices by law enforcement.

Bill Summary: House Bill 4208 prohibits the use of tear gas by a law enforcement agency for crowd control except during riots. Requires agency using tear gas during riot to first announce intent to use tear gas, give individuals sufficient time to evacuate area, and to then again announce intent to use tear gas immediately before use.

Oregon Laws 2020: Chapter 8

House Bill 4210**Effective Date: June 30, 2020****Repeal of Driving Privilege Suspensions for Fines****At the request of:** Joint Committee on the First Special Session of 2020**Chief Sponsors:** Rep. Kotek**Committees:** Joint Committee on the First Special Session of 2020

Background and Current Law: Under ORS 809.210, a court can order the suspension of an individual's driving privileges if that individual fails to pay court fines related to a driving offense or fails to meet a requirement ordered in lieu of a fine. The suspension will stay in place for 20 years unless the individual presents a reinstatement notice from the court to the Oregon Driver and Motor Vehicle Services (DMV) showing that the individual: has paid the fine in full; is making payments following a court-approved payment plan; is enrolled in a pre-apprentice program; or is a registered apprentice. Individuals who have had their driving privileges suspended for failing to pay traffic-related fines are eligible to apply for a hardship permit. These permits allow suspended individuals to drive for certain specific purposes, such as for work, medical treatment, or to provide other necessary services to themselves or family members.

Bill Summary: House Bill 4210 removes the authority of courts to impose driving privilege suspensions based on an individual's failure to pay traffic-related court fines or meet requirements ordered in lieu of fines.

Oregon Laws 2020: Chapter 10

House Bill 4214**Effective Date: January 1, 2021****Indian Child Welfare Act (ICWA)****At the request of:** Joint Committee on the First Special Session of 2020**Chief Sponsors:** Reps. Kotek, Lewis, Sanchez**Committees:** Joint Committee on the First Special Session of 2020

Background and Current Law: The Indian Child Welfare Act (ICWA) is a federal law created “to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture” (25 U.S.C. § 1902, 1978). In Oregon in 2018, American Indian and Alaska Native (AI/AN) children were over-represented in the Oregon foster care system. Although AI/AN children makeup 1.6 percent of the child population, they are 4.8 percent of the children in foster care in Oregon.

Bill Summary: House Bill 4214 aligns Oregon dependency proceedings with the requirements of the Indian Child Welfare Act (ICWA). It creates provisions that promote Indian children's continued connection to culture, family, and tribe. It mandates the process for determining whether a child is an Indian child and specifies

processes for Indian children in dependency proceedings. It also establishes placement preferences for Indian children who have been placed in substitute care, guardianships, or adoptive homes. HB 4214 integrates these, and the other requirements of ICWA, into Chapter 419B of the juvenile code.

Oregon Laws 2020: Chapter 14

Task Force or Reporting Requirement: The Department of Human Services and the Judicial Department shall report to interim committees of the Legislative Assembly relating to children no later than September 15 of every even-numbered year. Reporting requirement details are listed in the legislation.

[Senate Bill 1601](#)

Effective Date: July 7, 2020

Transit Funding Flexibility; Moratorium on Traffic Violation Enforcement

At the request of: Joint Committee on the First Special Session of 2020

Chief Sponsors: Sen. Courtney

Committees: Joint Committee on the First Special Session of 2020

Background and Current Law: The Legislative Assembly established the Statewide Transportation Improvement Fund (STIF) with the passage of House Bill 2017 (2017). Prior to that time, state funding for public transportation was limited to various revenue sources totaling about \$10 million per year, deposited into the Elderly and Disabled Special Transportation Fund (STF). The STIF is expected to collect in excess of \$100 million per year through a 0.1 percent statewide employee payroll tax. The two funds were directed to be merged by House Bill 5039 (2019).

Bill Summary: Senate Bill 1601 codifies the recommendations from the Oregon Department of Transportation (ODOT) Consolidation Advisory Committee to merge the STIF and the STF and modifies the program to allow use of STIF funds to maintain existing programs. The measure also places a moratorium on law enforcement issuing citations for certain violations related to expired documents or credentials between March 1 and December 31, 2020.

Oregon Laws 2020: Chapter 15