

PUBLIC SAFETY



FIREARMS

Prior to the enactment of [Senate Bill 554](#) (SB 554), Oregon law provided that an individual who intentionally possesses a loaded or unloaded firearm or any other instrument used as a dangerous weapon, while in a public building, shall upon conviction be guilty of a Class C felony unless that person is licensed to carry a concealed handgun under [ORS 166.291 \(2019\)](#) and [166.292 \(2019\)](#). SB 554 removes the existing affirmative defense provided for concealed handgun license holders and prohibits the possession of firearms within the Capitol, on certain school grounds, and within the passenger terminal of a commercial service airport. It also creates new regulations for the storage and transfer of firearms. Similar changes were proposed by [House Bill 2510](#) (*not enacted*).

[House Bill 2543](#) (*not enacted*) also proposed changes to firearm transfers. Currently, if the Oregon State Police (OSP) fails to provide a unique approval number to a gun dealer in response to a criminal background check, or notifies the gun dealer that the purchaser of a firearm is disqualified before the close of the gun dealer's next business day following the request, the gun dealer may deliver the firearm to the purchaser. If enacted, the measure would have prohibited the transfer of a firearm by a gun dealer or private party unless the individual received a unique approval number from OSP.

POLICE REFORM AND ACCOUNTABILITY

The [Joint Committee on Transparent Policing and Use of Force Reform](#) (Committee) was formed in the wake of the death of George Floyd in Minneapolis, Minnesota on May 25, 2020, as a result of use of force by police officers and the nationwide protests that followed. The bipartisan Committee was established through [House Bill 4201](#) in the First Special Session of 2020 when several policing reform concepts drafted for consideration were not enacted. The Committee

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See the **2021 Legislative Summary Report** for [Public Safety](#), which highlights policy measures that received a public hearing during Oregon's 2021 Regular Legislative Session.

was created, in part, to provide the arena for ongoing discussion and development of those concepts, which were introduced in some form during the 2021 Legislative Session. Those measures are divided below into subtopics as relating to civilian or community oversight; conduct, training, and discipline; and use of force and public interactions with law enforcement.

Civilian or Community Oversight

After the Portland City Council voted unanimously to refer [Ballot Measure 26-217](#) (BM 26-217) to the voters, Portland residents passed the measure in November 2020. BM 26-217 created a civilian community police oversight board with the authority to conduct investigations and discipline City of Portland police officers. The measure amended the city charter to establish the oversight board, with members approved by the City Council (Portland, Or., City Charter ch. 2 art. 10 sect. 2). [Senate Bill 621](#) allows for provisions of a city charter or ordinance (such as Portland's) that establish a local community oversight board to oversee disciplinary matters concerning law enforcement officers to remain valid if the measure was referred to voters on or after July 1, 2020, and the majority of votes were in favor. The measure is not limited to the City of Portland.

Agencies that qualify as a "criminal justice agency," under [ORS 181A.010 \(2019\)](#), are permitted to retrieve criminal justice information from Oregon's Law Enforcement Data System (LEDS). [Senate Bill 204](#) expands the definition of "criminal justice agency" to include civilian or community oversight boards, agencies, or review bodies designated by a municipality or law enforcement agency.

Conduct, Training, and Discipline

There are nine federally recognized tribes located within Oregon's borders. Authorized tribal police officers have the same powers and protections provided to Oregon law enforcement officers under certain conditions. [Senate Bill 731](#) (SB 731) repeals the general law enforcement unit compliance requirements relating to the Department of Public Safety Standards and Training (DPSST) authority over tribal law enforcement agencies. SB 731 requires tribes to follow the DPSST regulations related to the disclosure of information about public safety officers and regulations related to tribal police.

In the 2020 First Special Session, the Legislative Assembly adopted [Senate Bill 1604](#), which 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. [House Bill 2930](#) removes the discipline matrix or discipline guide as a mandatory subject of collective bargaining for law enforcement, establishes the Commission on Statewide Law Enforcement Standards of Conduct and Discipline, and directs the Employment Relations Board to appoint arbitrators for law enforcement discipline proceedings.

Law enforcement agencies in Oregon are not required to obtain accreditation but do have oversight of officer certification and training through DPSST. [House Bill 2162](#) requires all law enforcement agencies with 35 or more sworn officers to be accredited through a body designated by DPSST no later than July 1, 2026. For agencies with 100 or more sworn officers, accreditation must be done by July 1, 2025.

During the 2020 First Special Session, the Legislative Assembly enacted [House Bill 4208](#), which prohibits the use of tear gas by a law enforcement agency for crowd control except during riots and only after certain notice was provided to assembled persons. [House Bill 2928](#) further regulates the use of chemical incapacitants and other devices for the purposes of crowd control and prohibits the use unless physical force is justified under the statute. The measure requires law enforcement to provide reasonable accommodations for disabled individuals after issuing orders for dispersal and to provide access to medical treatment for injured individuals.

Nationwide, many law enforcement agencies receive grants for personnel, training, and equipment from the federal government. These grants, or internal agency funds, can be used to purchase equipment directly from federal agencies. Other federal programs allow law enforcement agencies to receive surplus equipment for free through federal agencies such as the Defense Logistics Agency. [House Bill 2481](#) prohibits law enforcement agencies in Oregon from receiving certain specified surplus military equipment and requires agencies purchasing any surplus military equipment to receive permission from their relevant governing body or agency director, provide certain notifications, and use only state or local funds.

[House Bill 4205](#) (2020 First Special Session) established a duty to intervene in misconduct, which applies to any officer, regardless of rank or assignment. [House Bill 2929](#) establishes the processes and procedures for reporting police misconduct or violations of minimum standards as required by House Bill 4205.

[House Bill 2936](#) (HB 2936) finds that racism has no place in public safety. The measure requires DPSST to develop a uniform statewide background check form with a consistent checklist, standardized personal history questionnaire for use by law enforcement agencies in hiring, and reference checks. HB 2936 also requires law enforcement agencies to develop policies setting standards for speech and conduct by officers.

Use of Force and Public Interactions with Law Enforcement

Prior to the enactment of [House Bill 2932](#) (HB 2932), reporting requirements on the use of force by law enforcement were limited to cases involving the use of deadly physical force by officers. HB 2932 requires law enforcement agencies to provide information to the Federal Bureau of Investigation's National Use-of-Force Data Collection describing the circumstances and individuals involved when a peace officer or corrections officer uses any type of force or threatens to use physical force against an individual. The Criminal Justice Commission must then analyze the data and report back to the Legislative Assembly.

The disclosure of an individual's personal information for the purpose of harassing or harming the individual, sometimes referred to as "doxing," has become increasingly common as the internet has grown and become more accessible. [House Bill 3047](#) creates a civil cause of action for the intentional disclosure of an individual's personal information with the intent that the individual be stalked, harassed, or injured.

Currently, [ORS 131.675](#) (2019) directs local authorities to go amongst any unlawfully or riotously assembled group and command them to disperse. If the group does not immediately disperse after being commanded to do so, the local authorities must arrest them or cause them to be arrested. [House Bill 3059](#) amends this statute to remove the requirement for local authorities to arrest persons who fail to disperse as ordered.

[House Bill 4207](#) (2020 First Special Session) required DPSST to publish information in an accessible online database about the suspension or revocation of an officer's certification and required law enforcement agencies to request the personnel file of any officer it might hire before extending an offer of employment. [House Bill 3145](#) requires additional information be added to the database when discipline that carries an economic sanction is imposed and becomes final and requires DPSST to publish information to the established database within 10 days of receipt.

[House Bill 3164](#) narrows the scope of conduct currently in statute constituting a refusal to obey an order, for the purpose of establishing the crime of interfering with a peace officer, to circumstances

when an officer is performing duties regarding another person or conducting a criminal investigation and the behavior prevents the performance of said duties. It also prohibits the arrest of a person for interfering with a peace officer for conduct that would constitute any other criminal offense.

When a person is arrested, photos are usually taken of them as they are booked into jail. Subsequently, these photos are often released to the public and published in the media or online. Some websites specialize in publishing booking photos and charge money to have the images removed, even if the photo is of a person who was acquitted or not charged. [House Bill 3273](#) prohibits law enforcement agencies from releasing booking photos except under certain circumstances. It also creates requirements for the destruction of a booking photo image by a publish-for-pay publication upon request when the requester meets specified conditions.

[House Bill 3355](#) specifies the identification that must be on an officer's uniform when engaged in crowd management in cities with populations over 60,000. It also requires officers to identify themselves to members of the public upon request in most circumstances and creates a process by which a member of the public can request the name and identification number of an officer from a law enforcement agency.

POST PRISON AND REENTRY

Prior to the enactment of [Senate Bill 819](#) (SB 819), any petition for review of a sentence for a felony conviction was exclusively within the jurisdiction of the Oregon Court of Appeals. SB 819 establishes a procedure by which a district attorney and an incarcerated person may jointly petition the sentencing court for reconsideration of certain felony convictions and sentences if the original sentence no longer advances the interests of justice, such as convictions based on invalidated or erroneous forensic evidence.

The Legislative Assembly enacted [House Bill 3194](#) (2013) authorizing the Department of Corrections to oversee a statewide Earned Discharge Program specific to probationers and local control clients. Since

the program was established, the Department of Corrections has seen more than 6,300 individuals successfully end their supervision early. [House Bill 2172](#) expands eligibility to individuals serving a period of post-prison supervision and allows them to be discharged early from supervision if they have complied with the terms of their supervision.

TRAFFIC VIOLATIONS

Legislation passed during the 2021 regular session related to traffic violations includes measures concerning driving under the influence of intoxicants.

[Senate Bill 201](#) provides that an individual has committed the crime of Driving Under the Influence of Intoxicants (DUI) if that person is found to have a .08 or higher percent blood alcohol level within two hours of driving so long as the prosecution can prove the person did not drink between driving and the breath or blood test. The measure also clarifies when previous DUI convictions in other states can be used to enhance charges related to DUI and vehicle-related manslaughter and assault in Oregon.

[House Bill 2523](#) requires the Oregon Department of Transportation (ODOT) to temporarily waive its \$75 driving privilege reinstatement fee if driving privileges were suspended for failure to pay a traffic-related court fine, failure to appear in court related to a vehicle offense or minor in possession charge, or failure to maintain proof of liability insurance with ODOT. Courts were prohibited from suspending driving privileges for failing to pay traffic-related fines in 2020, though this was not retroactive.

Oregon law provides that a person has committed the crime of DUI if the person has driven under the influence of a controlled substance. [Ballot Measure 109](#) (2020) specifically excludes psilocybin from the definition of "controlled substance" and therefore a person can no longer be guilty of DUI if they are driving under the influence of psilocybin, so long as they are using psilocybin in compliance with the provisions of Measure 109. [House Bill 3140](#) provides that a person has committed DUI if the person drives a vehicle while under the influence of psilocybin and updates other statutes in the vehicle code referencing DUI or intoxicants to include psilocybin.

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