

## PUBLIC SAFETY



This Legislative Summary Report highlights Public Safety policy measures that received a public hearing during the 2021 Regular Legislative Session. The report is organized by sub-topics and includes the measure number; the measure status: enacted [ ✓ ] or not enacted [ ✗ ]; and a brief description of the measure.

### Public Safety policy sub-topics:

- Firearms
- Incarceration
- Police Reform and Accountability
- Post Prison and Reentry
- Traffic Violations
- Other Legislation

### Firearms

- [SB 554](#) ✓ Expands the authority of a city, county, metropolitan service district, or port operating a commercial airport to prohibit the possession of firearms within public buildings to individuals who were exempt from the prohibition due to holding a concealed handgun permit.
- [SB 823 A](#) ✗ Would have created a process to identify and record on an individual computerized criminal history when a conviction satisfies either the Oregon or federal prohibitions on possession of firearms.
- [HB 2510](#) ✗ Would have established standards for the storage, transfer, and reporting the loss or theft of firearms. (See [SB 554](#))
- [HB 2543](#) ✗ Would have prohibited the transfer of a firearm by a gun dealer or private party unless the transferor receives a unique approval number from the Department of State Police.

### Incarceration



- [SB 207](#) ✗ Would have appropriated money to the Office of the Governor for purposes of funding the Office of the Corrections Ombudsman.
- [SB 47 A](#) ✗ Would have modified Justice Reinvestment Program (JRP) process of remedial action when counties do not reduce use of Department of Corrections facilities, amended JRP Committee membership, and devoted 15 percent of funding to culturally responsive services.

**Incarceration, cont'd**






- SB 571 A ✗ Would have removed voting restrictions for incarcerated individuals and allowed those individuals to register to vote in their county of residence prior to incarceration.
- SB 720 ✗ Would have appropriated \$650,000 to the Family Preservation Project pilot program.
- SB 836 ✓ Requires Department of Corrections (DOC) to consider all other alternative options before suspending or terminating an alternative incarceration program in its entirety for more than five consecutive days and directs DOC to establish a process of regular communication with adults in custody participating in an alternative incarceration program regarding program changes.
- HB 2047 ✓ Expands the authority of Department of Corrections to receive, hold, and dispose of property to include property seized from a person under supervised or conditional release.
- HB 2199 ✗ Would have required local correctional facility to contact primary health care provider of pretrial detainee within 72 hours of booking and ensure that detainee receives health care prescribed by provider, including but not limited to medication-assisted treatment or substance use treatment for substance use disorders.
- HB 2200 ✗ Would have required that no later than 72 hours after a pretrial detainee is booked into a local correctional facility, staff of the facility would contact the detainee's primary health care provider (PCP), as identified by the detainee. Would have required facility to ensure the detainee received all treatment prescribed by the detainee's PCP.
- HB 2201 ✗ Would have required a local correctional facility to regularly consult with the U.S. Department of Veterans Affairs Health Administration (VA) regarding the appropriate health care for a veteran in pretrial detention and to provide the care prescribed by the VA.
- HB 2912 ✗ Would have extended pilot program which provides services to adults in custody at Coffee Creek Correctional Facility to address legal issues related to community reentry and reintegration, including employment, housing, benefits, and domestic violence.
- HB 3035 ✓ Establishes the 11-member Task Force on Corrections Medical Care charged with conducting a review of: the process by which adults in custody of the Department of Corrections file grievances concerning access to and the provision of medical care; the current medical care standards of care in DOC to determine whether the standards align with the right of adults in custody to

## Incarceration, cont'd

community-level medical care; and the timelines and goals for the adoption of an electronic health records system by DOC.

- HB 3096 A  Would have directed the Department of Administrative Services to contract with a third-party organization to conduct an assessment of the Coffee Creek Correctional Facility (Coffee Creek) for the purposes of establishing a baseline for a strategic planning process, policy recommendations, and improved protections for those serving sentences in Coffee Creek. Would have directed the Governor to designate at least one person as the corrections gender-responsive coordinator.
- HB 3229  Directs the Oregon Criminal Justice Commission (CJC) to create an advisory council to work with the CJC to develop recommendations for minimum standards, policies, and procedures for the provision of health care services to adults in custody in local correctional facilities.

## Police Reform and Accountability

- SB 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.
- SB 421  Would have transferred existing database of suspensions and revocations of police officers from Department of Public Safety Standards and Training to Department of Justice. Expanded database to include instances of investigations and verified misconduct of a police officer; termination of an officer; complaint against a police officer involving death or serious injury in custody; excessive use of force; discrimination based on protected class; commission of crime while officer was on duty; or dishonesty in any police proceeding, investigation, or court case.
- SB 613  Would have provided that arbitrator determinations regarding alleged misconduct concerning the use of excessive force by a sworn law enforcement officer were subject to approval by the Department of Public Safety Standards and Training.
- SB 621  Allows for provisions of a city charter or ordinance that relate to the establishment of a local community oversight board created 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 a majority of votes were in favor.
- SB 668  Would have required the Criminal Justice Commission to study issues relating to requiring all law enforcement agencies in the state to use body-worn

## Police Reform and Accountability, cont'd

cameras. Would have required results of the study be reported to the appropriate interim committee of the Legislative Assembly no later than December 31, 2021.

- SB 731 ✓ Repeals general law enforcement unit compliance requirements relating to the Department of Public Safety Standards and Training (DPSST) authority over tribal law enforcement agencies but requires the tribe to follow the DPSST regulations related to disclosure of information about public safety officers and regulations related to tribal police.
- HB 2002 A ✗ Would have directed the Oregon Criminal Justice Commission to establish a program to award grants to public and private entities for restorative justice programs; reduced law enforcement stop and arrest authority; limited authority to admit into custody individuals requiring immediate medical care; and directed Justice Reinvestment funds to be distributed to culturally specific and response service providers.
- HB 2162 ✓ Requires Department of Public Safety Standards and Training to designate one or more accrediting body for law enforcement agencies with 35 or more sworn officers through rule.
- HB 2169 ✗ An omnibus measure that included reforms to police training and accountability, cash bail, sentencing reform, and reentry and parole systems.
- HB 2306 ✗ Would have required a law enforcement agency to designate a police oversight board composed of public members with diverse perspectives to provide annual review of the policies of the law enforcement agency and report to the Department of Public Safety Standards and Training on the review.
- HB 2481 ✓ Prohibits Oregon law enforcement agencies from receiving certain aircraft, grenades, grenade launchers, and firearms silencers from the federal government. Specifies notice that must be given, and authorization received, before military surplus equipment not prohibited by measure can be received by various law enforcement agencies.
- HB 2482 ✗ Would have provided that a person who intentionally or knowingly enters or remains unlawfully in or on a public transit vehicle or station can no longer be charged with the crime of interfering with public transportation. Would have allowed person to provide a peace officer with a "preferred name" if the officer could ascertain the person's identity using information provided by the person. Would have prohibited police from participating in fare enforcement on mass transit vehicles or property.
- HB 2513 ✓ Requires the Department of Public Safety Standards and Training to provide airway anatomy and physiology education and CPR training in basic certificate

## Police Reform and Accountability, cont'd

training. Creates continuing certification requirements. Requires peace officers to immediately call for emergency medical services under certain circumstances.

- HB 2575 ✓ Establishes a program to provide grants to local agencies for trauma-informed training and to develop a model training program that takes into account effects of trauma and to develop best practices for future trainings under the Department of Public Safety Standards and Training.
- HB 2928 ✓ Regulates the use of certain devices and creates a private right of action against law enforcement agencies for injuries resulting from devices used in violation of the provisions.
- HB 2929 ✓ Provides process for an officer to report police misconduct or violations of minimum standards for physical, emotional, intellectual, and moral fitness.
- HB 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 creates standards for police discipline arbitrations.
- HB 2931 ✗ Would have required a person or peace officer to provide a medical assessment of any person placed under arrest.
- 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 appropriate legislative committee of the Legislative Assembly with its analysis.
- HB 2936 ✓ Requires Department of Public Safety Standards and Training to create a statewide uniform background checklist and standardized personal history questionnaire for use by law enforcement units in hiring process.
- HB 2986 ✓ Adds a requirement for police training related to investigating, identifying, and reporting crimes motivated by prejudice based on perceived gender of the victim.
- HB 3059 ✓ Amends ORS 131.675 to allow officials to go among the persons assembled and order the persons to disperse and removes the requirement to arrest persons who fail to disperse as ordered.
- HB 3145 ✓ Requires report to Department of Public Safety Standards and Training (DPSST) within 10 days of discipline that imposes economic sanctions on

## Police Reform and Accountability, cont'd

police officer. Requires DPSST to post information to existing database on suspensions and revocations within 10 days of receipt.

- HB 3164 ✓ Narrows the scope of conduct encompassed by the statute by limiting the criminality of a refusal to obey an order 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.
- HB 3273 ✓ Prohibits the release of a booking photo by a law enforcement agency except under specified circumstances. Requires a publish-for-pay publication to remove and destroy the booking photo image upon request subject to certain conditions.
- HB 3355 ✓ Specifies what identification must be on a law enforcement officer's uniform and gear during crowd management situations in cities with populations over 60,000. Requires a law enforcement officer to provide their name and identifying number, or a business card, to a member of the public upon request if practical, safe, and tactically feasible. Provides process by which a member of the public can request and obtain the name and state-assigned identifying number of an officer from a law enforcement agency.
- HB 3356 ✗ Would have required Department of Public Safety Standards and Training to study public safety standards and report to interim committee of Legislative Assembly relating to judiciary no later than December 31, 2022.

## Post Prison and Reentry

- SB 241 ✗ Would have directed the Oregon Department of Corrections (DOC), in partnership with the Bureau of Labor and Industries, to study the barriers to accessing apprenticeship opportunities facing those who are released from prison and required DOC to report to interim legislative committees by September 15, 2022.
- 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, including, but not limited to, convictions based on invalidated or erroneous forensic evidence.
- SB 835 ✗ Would have modified the process and requirements for early medical release of an adult in custody from prison and created the Medical Release Advisory Committee within the State Board of Parole and Post-Prison Supervision.



## Post Prison and Reentry, cont'd

- HB 2036 ✓ Allows the State Board of Parole and Post-Prison Supervision to discharge a person from parole or post-prison supervision prior to the end of the supervision term if certain factors related to a medical condition are met.
- HB 2172 ✓ Allows individuals serving a period of post-prison supervision to be discharged early from supervision provided they have substantially complied with the terms of their supervision.

## Traffic Violations

- SB 201 ✓ Provides that an individual has committed the crime of driving under the influence of intoxicants (DUII) if the individual has a .08 percent or higher blood alcohol level within two hours of driving. Clarifies that DUII charge may be enhanced if person has been convicted of two or more DUIIs or similar offenses in other states and that manslaughter or assault charges involving a vehicle may be enhanced if person has been convicted of three or more DUIIs or similar offenses in other states.
- HB 2523 ✓ Requires the Oregon Department of Transportation (ODOT) to temporarily waive the \$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 required proof of liability insurance with ODOT.
- HB 2650 ✓ Allows emergency medical services provider to transport a police dog injured in the line of duty for emergency treatment so long as the transportation does not interfere with the emergency transportation of a human.
- HB 3134 ✗ Would have replaced the words "accident" and "collision" with the word "crash" in the vehicle code and other statutes concerning vehicles.
- HB 3136 ✗ Would have provided that a person operating a vehicle on a highway or other public area had given consent to submit to a drug recognition evaluation.
- HB 3140 ✓ Provides that a person driving, boating, or snowmobiling while under the influence of psilocybin has committed the crime of Driving Under the Influence of Intoxicants (DUII).

## Other Legislation

HB 2049

- ✓ Establishes Innovative Grant Program within the Oregon Criminal Justice Commission (CJC). Requires CJC to award grants to programs that demonstrate strong potential for positive impact on public safety; can produce measurable outcomes; have a potential to benefit the entire state; and demonstrate coordination with local public safety coordinating councils.