

# Senate Bill 63

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for Department of Public Safety Standards and Training)

## 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**.

Authorizes Department of Public Safety Standards and Training to deny application for training as public safety officer. Authorizes department and Board on Public Safety Standards and Training to establish policy and procedures for reapplication for certification after denial or revocation.

## A BILL FOR AN ACT

1  
2 Relating to public safety certification; amending ORS 181.640, 181.662 and 181.664.

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

4 **SECTION 1.** ORS 181.662 is amended to read:

5 181.662. (1) The Department of Public Safety Standards and Training may **deny the application**  
6 **for training, or** deny or revoke the certification, of any instructor or public safety officer, except  
7 a youth correction officer or fire service professional, after written notice and hearing consistent  
8 with the provisions of ORS 181.661, based upon a finding that:

9 (a) The public safety officer or instructor falsified any information submitted on the application  
10 for certification or on any documents submitted to the Board on Public Safety Standards and  
11 Training or the department.

12 (b) The public safety officer or instructor has been convicted of a crime in this state or any  
13 other jurisdiction.

14 (c) The public safety officer or instructor does not meet the applicable minimum standards,  
15 minimum training or the terms and conditions established under ORS 181.640 (1)(a) to (d).

16 (2) The department may deny or revoke the certification of any fire service professional after  
17 written notice and hearing consistent with the provisions of ORS 181.661, based upon a finding that:

18 (a) The fire service professional falsified any information submitted on the application for cer-  
19 tification or on any documents submitted to the board or the department; or

20 (b) The fire service professional has been discharged for cause from employment in the fire  
21 service.

22 (3) The department shall deny or revoke the certification of any public safety officer or in-  
23 structor, except a youth correction officer or fire service professional, after written notice and  
24 hearing consistent with the provisions of ORS 181.661, based upon a finding that the public safety  
25 officer or instructor has been discharged for cause from employment as a public safety officer.

26 (4) The department, in consultation with the board, shall adopt rules specifying those crimes for  
27 which a conviction requires the denial or revocation of the certification of a public safety officer  
28 or instructor.

29 (5) Notwithstanding the lapse, suspension, revocation or surrender of the certification of a pub-  
30 lic safety officer or instructor, the department may:

**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 (a) Proceed with any investigation of, or any action or disciplinary proceedings against, the  
 2 public safety officer or instructor; or

3 (b) Revise or render void an order suspending or revoking the certification.

4 (6) The department shall deny or revoke the accreditation of a training or educational program  
 5 or any course, subject, facility or instruction thereof if the program, course, subject, facility or in-  
 6 struction is not in compliance with rules adopted or conditions prescribed under ORS 181.640 (1)(g)  
 7 or 181.650 (3).

8 **SECTION 2.** ORS 181.664 is amended to read:

9 181.664. (1) An instructor or a public safety officer, except a youth correction officer, aggrieved  
 10 by the findings and order of the Department of Public Safety Standards and Training may, as pro-  
 11 vided in ORS 183.480, file an appeal with the Court of Appeals from the final order of the depart-  
 12 ment.

13 (2) *[Any]* **The department shall recommend and the Board on Public Safety Standards and**  
 14 **Training shall establish by rule a policy and procedures governing the circumstances under**  
 15 **which a** public safety officer or instructor who has had certification **denied or** revoked pursuant  
 16 to ORS 181.661[,], **and** 181.662 and subsection (1) of this section may reapply for certification *[but*  
 17 *not sooner than four years after the date on which the order of the department revoking certification*  
 18 *became final]* **and specifying the circumstances under which the public safety officer or in-**  
 19 **structor may not reapply.**

20 **SECTION 3.** ORS 181.640 is amended to read:

21 181.640. (1) In accordance with any applicable provision of ORS chapter 183, to promote  
 22 enforcement of law and fire services by improving the competence of public safety personnel and  
 23 their support staffs, and in consultation with the agencies for which the Board on Public Safety  
 24 Standards and Training and Department of Public Safety Standards and Training provide standards,  
 25 certification, accreditation and training:

26 (a) The department shall recommend and the board shall establish by rule reasonable minimum  
 27 standards of physical, emotional, intellectual and moral fitness for public safety personnel and in-  
 28 structors.

29 (b) The department shall recommend and the board shall establish by rule reasonable minimum  
 30 training for all levels of professional development, basic through executive, including but not limited  
 31 to courses or subjects for instruction and qualifications for public safety personnel and instructors.  
 32 Training requirements shall be consistent with the funding available in the department's  
 33 legislatively approved budget.

34 (c) The department, in consultation with the board, shall establish by rule a procedure or pro-  
 35 cedures to be used by law enforcement units, public or private safety agencies or the Oregon Youth  
 36 Authority to determine whether public safety personnel meet minimum standards or have minimum  
 37 training.

38 (d) Subject to such terms and conditions as the department may impose, the department shall  
 39 certify instructors and public safety personnel, except youth correction officers, as being qualified  
 40 under the rules established by the board.

41 (e) The department shall **deny applications for training and deny and** revoke certification in  
 42 the manner provided in ORS 181.661, 181.662 and 181.664 (1).

43 (f) The department shall cause inspection of standards and training for instructors and public  
 44 safety personnel, except youth correction officers, to be made.

45 (g) The department may recommend and the board may establish by rule accreditation stan-

1 dards, levels and categories for mandated and nonmandated public safety personnel training or ed-  
2 ucational programs. The department and board, in consultation, may establish to what extent  
3 training or educational programs provided by an accredited university, college, community college  
4 or public safety agency may serve as equivalent to mandated training or as a prerequisite to man-  
5 dated training. Programs offered by accredited universities, colleges or community colleges may be  
6 considered equivalent to mandated training only in academic areas.

7 (2) The department may:

8 (a) Contract or otherwise cooperate with any person or agency of government for the procure-  
9 ment of services or property;

10 (b) Accept gifts or grants of services or property;

11 (c) Establish fees for determining whether a training or educational program meets the accred-  
12 itation standards established under subsection (1)(g) of this section;

13 (d) Maintain and furnish to law enforcement units and public and private safety agencies infor-  
14 mation on applicants for appointment as instructors or public safety personnel, except youth cor-  
15 rection officers, in any part of the state; and

16 (e) Establish fees to allow recovery of the full costs incurred in providing services to private  
17 entities or in providing services as experts or expert witnesses.

18 (3) The department, in consultation with the board, may:

19 (a) Upon the request of a law enforcement unit or public safety agency, conduct surveys or aid  
20 cities and counties to conduct surveys through qualified public or private agencies and assist in the  
21 implementation of any recommendations resulting from such surveys.

22 (b) Upon the request of law enforcement units or public safety agencies, conduct studies and  
23 make recommendations concerning means by which requesting units can coordinate or combine their  
24 resources.

25 (c) Stimulate research by public and private agencies to improve police, fire service, corrections  
26 and adult parole and probation administration and law enforcement.

27 (d) Provide grants from funds appropriated or available therefor, to law enforcement units,  
28 public safety agencies, special districts, cities and counties to carry out the provisions of this sub-  
29 section.

30 (e) Provide optional training programs for persons who operate lockups. The term "lockup" has  
31 the meaning given it in ORS 169.005.

32 (f) Provide optional training programs for public safety personnel and their support staffs.

33 (g) Enter into agreements with federal, state or other governmental agencies to provide training  
34 or other services in exchange for receiving training, fees or services of generally equivalent value.

35 (h) Upon the request of a law enforcement unit or public safety agency employing public safety  
36 personnel, except youth correction officers, grant an officer, fire service professional, telecommu-  
37 nicator or emergency medical dispatcher a multidiscipline certification consistent with the minimum  
38 requirements adopted or approved by the board. Multidiscipline certification authorizes an officer,  
39 fire service professional, telecommunicator or emergency medical dispatcher to work in any of the  
40 disciplines for which the officer, fire service professional, telecommunicator or emergency medical  
41 dispatcher is certified. The provisions of ORS 181.652, 181.653 and 181.667 relating to lapse of cer-  
42 tification do not apply to an officer or fire service professional certified under this paragraph as  
43 long as the officer or fire service professional maintains full-time employment in one of the certified  
44 disciplines and meets the training standards established by the board.

45 (4) Pursuant to ORS chapter 183, the board, in consultation with the department, shall adopt

1 rules necessary to carry out the board's duties and powers.

2 (5) Pursuant to ORS chapter 183, the department, in consultation with the board, shall adopt  
3 rules necessary to carry out the department's duties and powers.

4 (6) For efficiency, board and department rules may be adopted jointly as a single set of combined  
5 rules with the approval of the board and the department.

6 (7) The department shall obtain approval of the board before submitting its legislative concepts,  
7 Emergency Board request or budget requests to the Oregon Department of Administrative Services.

8

---