

A-Engrossed
Senate Bill 65

Ordered by the Senate June 22
Including Senate Amendments dated June 22

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.

Authorizes Department of Public Safety Standards and Training to impose civil penalty on public safety agency for violation of statutes prohibiting employment of uncertified employees. Directs department and Board on Public Safety Standards and Training to establish schedule of civil penalties.

Creates presumption that public safety agency that terminates or reassigns employee who fails to meet certification standards is acting in good faith.

A BILL FOR AN ACT

Relating to certification of public safety officers.

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

SECTION 1. Section 2 of this 2005 Act is added to and made a part of ORS 181.610 to 181.712.

SECTION 2. (1) The Department of Public Safety Standards and Training may impose a civil penalty on a public safety agency for violation of ORS 181.644, 181.652, 181.653 or 181.665.

(2) The department shall recommend and the Board on Public Safety Standards and Training by rule shall adopt a schedule establishing civil penalties that may be imposed under subsection (1) of this section. Civil penalties imposed under subsection (1) of this section may not exceed \$1,500 for each violation.

(3) When the department imposes a civil penalty under subsection (1) of this section, the department shall impose the penalty in the manner provided by ORS 183.745.

(4) All penalties recovered under subsection (1) of this section shall be paid into the State Treasury and credited to the General Fund and are available for general governmental expenses.

(5) When, for the purpose of complying with ORS 181.644, 181.652, 181.653 or 181.665 and after notice from the department that an employee has not met the certification requirements of ORS 181.644, 181.652, 181.653 or 181.665, a public safety agency terminates or reassigns the employee solely because the employee has not met the certification requirements of ORS 181.644, 181.652, 181.653 or 181.665, the public safety agency is presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing evidence, is immune from civil liability for the termination or reassignment.

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.