

# C-Engrossed Senate Bill 301

Ordered by the House July 30  
Including Senate Amendments dated May 18 and July 21 and House  
Amendments dated July 30

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## 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.

Creates planning authority in each county to develop plan concerning use of deadly physical force by police officers. Directs planning authority to submit plan to governing body of each law enforcement agency within county except Department of State Police and Department of Justice. Specifies required elements of plan. Directs governing body to approve or disapprove plan.

Authorizes Department of Justice, to extent funds are appropriated for such purposes, to make grants to law enforcement agencies for expenses incurred in implementing and revising approved plans.

Establishes procedures for law enforcement agencies to follow in dealing with use of deadly physical force [*and for grand jury proceedings in which use of deadly physical force is element*].

Appropriates moneys from General Fund to Department of Justice for grants [*and for grand jury recording and transcription costs*].

**Directs Department of Public Safety Standards and Training to develop training program for conducting investigations of incidents involving use of deadly physical force that resulted in death.**

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to use of physical force; creating new provisions; amending ORS 132.330, 146.135, 181.640  
3 and 181.662; appropriating money; and declaring an emergency.

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

### **SECTION 1. As used in sections 1 to 7 of this 2005 Act:**

6 (1) **"Employ," when used in the context of the relationship between a law enforcement**  
7 **agency and a police officer, includes the assignment of law enforcement duties on a volunteer**  
8 **basis to a reserve officer.**

9 (2) **"Law enforcement agency" means the Department of State Police, the Department**  
10 **of Justice, a district attorney, a political subdivision of the State of Oregon and a municipal**  
11 **corporation of the State of Oregon, that maintains a law enforcement unit as defined in ORS**  
12 **181.610 (12)(a)(A).**

13 (3) **"Police officer" means a person who is:**

14 (a) **A police officer or reserve officer as defined in ORS 181.610; and**

15 (b) **Employed by a law enforcement agency to enforce the criminal laws of this state.**

16 **SECTION 2. (1) There is created in each county a deadly physical force planning author-**  
17 **ity consisting of the following members:**

18 (a) **The district attorney and sheriff of the county.**

19 (b) **A nonmanagement police officer selected by the district attorney and sheriff. If there**

**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 are unions representing police officers within the county, the district attorney and sheriff  
2 shall select the police officer from among candidates nominated by any union representing  
3 police officers within the county.

4 (c) If at least one city within the county employs a police chief, a police chief selected  
5 by the police chiefs within the county.

6 (d) A representative of the public selected by the district attorney and sheriff. The person  
7 selected under this paragraph may not be employed by a law enforcement agency.

8 (e) A representative of the Oregon State Police selected by the Superintendent of State  
9 Police.

10 (2) The district attorney and sheriff are cochairpersons of the planning authority.

11 (3) The law enforcement agency that employs the police officer selected under subsection  
12 (1)(b) of this section shall release the officer from other duties for at least 16 hours per year  
13 to enable the officer to serve on the planning authority. The agency shall compensate the  
14 officer at the officer's regular hourly wage while the officer is engaged in planning authority  
15 activities.

16 (4) The planning authority shall develop a plan consisting of the following:

17 (a) An element dealing with education, outreach and training regarding the use of deadly  
18 physical force for police officers, attorneys employed by state or local government within the  
19 county and members of the community.

20 (b) An element dealing with the immediate aftermath of an incident in which a police  
21 officer used deadly physical force.

22 (c) An element dealing with the investigation of an incident in which a police officer used  
23 deadly physical force.

24 (d) An element dealing with the exercise of district attorney discretion to resolve issues  
25 of potential criminal responsibility resulting from a police officer's use of deadly physical  
26 force.

27 (e) An element dealing with collecting information regarding a police officer's use of  
28 deadly physical force, debriefing after an incident in which a police officer used deadly  
29 physical force and revising a plan developed under this subsection based on experience.

30 (f) An estimate of the fiscal impact on the law enforcement agencies to which the plan  
31 applies of each element described in paragraphs (a) to (e) of this subsection.

32 (5) The planning authority shall conduct at least one public hearing in the county before  
33 submitting a plan, or a revision of a plan, to the governing bodies in the county under sub-  
34 section (7) of this section.

35 (6) The planning authority may consult with anyone the planning authority determines  
36 may be helpful in carrying out its responsibilities.

37 (7) The planning authority shall submit the plan developed under subsection (4) of this  
38 section, and revisions of the plan, to the governing body of each law enforcement agency  
39 within the county except for the Department of State Police and the Department of Justice.

40 (8) A governing body shall approve or disapprove the plan submitted to it under sub-  
41 section (7) of this section within 60 days after receiving the plan. The governing body may  
42 not amend the plan.

43 (9) If the plan is not approved by at least two-thirds of the governing bodies to which the  
44 plan is submitted, the planning authority shall develop and submit a revised plan.

45 (10) If the plan is approved by at least two-thirds of the governing bodies to which the

1 plan is submitted, the planning authority shall submit the approved plan to the Attorney  
2 General. No later than 30 days after receiving the plan, the Attorney General shall review  
3 the plan for compliance with the minimum requirements described in section 3 of this 2005  
4 Act. If the Attorney General determines that the plan complies with the minimum require-  
5 ments, the Attorney General shall approve the plan. Upon approval of the plan:

6 (a) Each law enforcement agency within the county to which the plan applies is subject  
7 to the provisions of the plan; and

8 (b) Each law enforcement agency subject to the plan is entitled to grants as provided in  
9 section 4 of this 2005 Act.

10 (11) Notwithstanding subsection (10)(a) of this section, a law enforcement agency is not  
11 subject to a provision of a plan approved under subsection (10) of this section that:

12 (a) Conflicts with a provision of a city or county charter or a general ordinance that  
13 applies to the law enforcement agency; or

14 (b) Imposes an obligation not required by section 5 of this 2005 Act if complying with the  
15 provision would require the law enforcement agency to budget moneys, or submit a revenue  
16 measure for a vote of the people, in order to comply with the provision.

17 (12) The Attorney General shall periodically publish all approved plans.

18 (13) A law enforcement agency within a county has a duty to participate in good faith in  
19 the planning process of the planning authority for the county.

20 (14) A person bringing an action challenging the validity or enforceability of a plan ap-  
21 proved under subsection (10) of this section shall serve the Attorney General with a copy of  
22 the complaint. If the Attorney General is not a party to the action, the Attorney General  
23 may intervene in the action.

24 **SECTION 3.** In the plan required by section 2 (4) of this 2005 Act, a deadly physical force  
25 planning authority shall, at a minimum:

26 (1)(a) Address, under section 2 (4)(a) of this 2005 Act, the manner in which each law  
27 enforcement agency within the county will comply with section 5 (2) of this 2005 Act; and

28 (b) Attach a copy of each policy adopted under section 5 (2) of this 2005 Act to the plan.

29 (2) Address, under section 2 (4)(b) of this 2005 Act, the manner in which each law  
30 enforcement agency within the county will comply with section 5 (3)(a) and (4) of this 2005  
31 Act.

32 (3) Address, under section 2 (4)(c) of this 2005 Act, the manner in which each law  
33 enforcement agency within the county will comply with section 5 (5)(a) of this 2005 Act.

34 (4) Address, under section 2 (4)(d) of this 2005 Act, the manner in which the district at-  
35 torney of the county will comply with ORS 146.135 (2).

36 (5) Address, under section 2 (4)(e) of this 2005 Act, the manner in which each law  
37 enforcement agency within the county will comply with section 5 (6) of this 2005 Act.

38 **SECTION 4.** (1) As used in this section, “expenses” does not include personnel costs.

39 (2) To the extent that funds are appropriated to it for such purposes, the Department  
40 of Justice shall make grants to law enforcement agencies to reimburse the law enforcement  
41 agencies for expenses incurred in implementing and revising the plans required by section 2  
42 of this 2005 Act. A grant under this section may not exceed 75 percent of the expenses in-  
43 curred by the law enforcement agency.

44 (3) The department may not make a grant under this section to a law enforcement  
45 agency unless the law enforcement agency is subject to a plan that has been approved by the

1 Attorney General under section 2 (10) of this 2005 Act.

2 (4) The department shall adopt rules necessary for the administration of this section.

3 **SECTION 5.** (1) As used in this section, “involved officer” means a police officer:

4 (a) Whose official conduct, or official order to use deadly physical force, was a cause in  
5 fact of the death of a person. As used in this paragraph, “order to use deadly physical  
6 force” means an order issued to another officer to use deadly physical force in a specific  
7 incident or an order or directive establishing rules of engagement for the use of deadly  
8 physical force for a specific incident.

9 (b) Whose official conduct was not a cause in fact of the death of a person but whose  
10 official involvement in an incident in which the use of deadly physical force by a police officer  
11 resulted in the death of a person:

12 (A) Began before or during the use of the deadly physical force; and

13 (B) Was reasonably likely to have exposed the police officer to greater stresses or trauma  
14 than other police officers experienced as a result of their involvement in the incident before  
15 or during the use of the deadly physical force.

16 (2) A law enforcement agency shall adopt a policy dealing with the use of deadly physical  
17 force by its police officers. At a minimum, the policy must include guidelines for the use of  
18 deadly physical force.

19 (3)(a) For each involved officer employed by a law enforcement agency, the law enforce-  
20 ment agency shall pay the costs of at least two sessions with a mental health professional  
21 that are attended by the officer. The sessions must be held within six months after the in-  
22 cident in which the officer was involved.

23 (b) An involved officer shall attend at least one of the sessions described in paragraph  
24 (a) of this subsection.

25 (c) Sessions with a mental health professional under this subsection may not be substi-  
26 tuted for a fitness for duty examination required or requested as a condition of employment  
27 by the law enforcement agency that employs the involved officer.

28 (4) For at least 72 hours immediately following an incident in which the use of deadly  
29 physical force by a police officer resulted in the death of a person, a law enforcement agency  
30 may not return an involved officer to duties that might place the officer in a situation in  
31 which the officer has to use deadly physical force. A law enforcement agency may not reduce  
32 an involved officer’s pay or benefits as a result of the law enforcement agency’s compliance  
33 with this subsection. Notwithstanding section 4 (1) of this 2005 Act, a personnel cost in-  
34 curred in complying with this subsection by a law enforcement agency employing 40 or fewer  
35 police officers is an expense for purposes of section 4 of this 2005 Act.

36 (5)(a) A law enforcement agency employing an involved officer shall include at least one  
37 police officer from a different law enforcement agency in the investigation of the incident in  
38 which the involved officer was involved.

39 (b) The failure of a law enforcement agency to comply with paragraph (a) of this sub-  
40 section is not grounds for suppressing evidence obtained in the investigation.

41 (6)(a) A law enforcement agency shall collect at least the following information relating  
42 to incidents in which a police officer’s use of deadly physical force resulted in the death of  
43 a person:

44 (A) The name, gender, race, ethnicity and age of the decedent.

45 (B) The date, time and location of the incident.

1 (C) A brief description of the circumstances surrounding the incident.

2 (b) A law enforcement agency shall promptly submit the information collected under  
3 paragraph (a) of this subsection to the Department of Justice.

4 (7) The department shall compile and periodically publish information submitted under  
5 subsection (6) of this section. The department, by rule, may specify a form to be used by law  
6 enforcement agencies in submitting information under subsection (6) of this section.

7 **SECTION 6.** Conclusions and recommendations for future action made by or for a law  
8 enforcement agency that result from activities conducted pursuant to the element of a plan  
9 described in section 2 (4)(e) of this 2005 Act are not admissible as evidence in any subsequent  
10 civil action or administrative proceeding.

11 **SECTION 7.** Notwithstanding sections 2, 3 and 5 (3) or (6) of this 2005 Act, if sufficient  
12 moneys are not appropriated to the Department of Justice for purposes of making grants  
13 under section 4 of this 2005 Act, a deadly physical force planning authority created by section  
14 2 of this 2005 Act or a law enforcement agency is not required to comply with any require-  
15 ment of section 2, 3 or 5 (3) or (6) of this 2005 Act for which the law enforcement agency is  
16 entitled to reimbursement under section 4 of this 2005 Act.

17 **SECTION 8.** ORS 132.330 is amended to read:

18 132.330. (1) The district attorney may submit an indictment to the grand jury in any case when  
19 the district attorney has good reason to believe that a crime has been committed which is triable  
20 within the county.

21 (2) The district attorney may present facts to the grand jury about an incident in which  
22 a police officer used deadly physical force.

23 **NOTE:** Sections 9 through 12 were deleted by amendment. Subsequent sections were not re-  
24 numbered.

25 **SECTION 13.** ORS 146.135 is amended to read:

26 146.135. (1) The district attorney for the county where the death occurs may order an inquest  
27 to obtain a jury finding of the cause and manner of death in any case requiring investigation.

28 (2) The district attorney may not order an inquest under this section concerning a death  
29 that resulted from a police officer's use of, or order to use, deadly physical force until after  
30 the district attorney has determined that the police officer did not commit a crime or a  
31 grand jury has received testimony concerning the incident and has declined to indict the  
32 police officer. As used in this subsection, "police officer" has the meaning given that term  
33 in section 1 of this 2005 Act.

34 [(2)] (3) For the purpose of conducting an inquest, the district attorney shall have the powers  
35 of a judicial officer as described by ORS 1.240 and 1.250.

36 [(3)] (4) The district attorney shall advise the jury of inquest as to its duties and instruct the  
37 jury on questions of law.

38 [(4)] (5) The district attorney shall cause a record of the inquest proceedings to be made which  
39 shall include the written order of inquest, a record of the testimony of witnesses and the written  
40 verdict of the jury.

41 [(5)] (6) Within a reasonable time after the verdict is returned, the record of inquest shall be  
42 filed in the district medical examiner's office for the county where the inquest was held.

43 [(6)] (7) A copy of the order of inquest and verdict of the jury shall be filed in the State Medical  
44 Examiner's office.

45 [(7)] (8) The record of inquest shall be available for inspection as provided by ORS 146.035 (5).

1        **SECTION 14.** ORS 146.135, as amended by section 13 of this 2005 Act, is amended to read:

2        146.135. (1) The district attorney for the county where the death occurs may order an inquest  
3 to obtain a jury finding of the cause and manner of death in any case requiring investigation.

4        (2) The district attorney may not order an inquest under this section concerning a death that  
5 resulted from a police officer's use of, or order to use, deadly physical force [*until after the district*  
6 *attorney has determined that the police officer did not commit a crime or a grand jury has received*  
7 *testimony concerning the incident and has declined to indict the police officer*]. As used in this sub-  
8 section, "police officer" has the meaning given that term in section 1 of this 2005 Act.

9        (3) For the purpose of conducting an inquest, the district attorney shall have the powers of a  
10 judicial officer as described by ORS 1.240 and 1.250.

11        (4) The district attorney shall advise the jury of inquest as to its duties and instruct the jury  
12 on questions of law.

13        (5) The district attorney shall cause a record of the inquest proceedings to be made which shall  
14 include the written order of inquest, a record of the testimony of witnesses and the written verdict  
15 of the jury.

16        (6) Within a reasonable time after the verdict is returned, the record of inquest shall be filed in  
17 the district medical examiner's office for the county where the inquest was held.

18        (7) A copy of the order of inquest and verdict of the jury shall be filed in the State Medical  
19 Examiner's office.

20        (8) The record of inquest shall be available for inspection as provided by ORS 146.035 (5).

21        **SECTION 15.** ORS 181.662 is amended to read:

22        181.662. (1) The Department of Public Safety Standards and Training may deny or revoke the  
23 certification of any instructor or public safety officer, except a youth correction officer or fire ser-  
24 vice professional, after written notice and hearing consistent with the provisions of ORS 181.661,  
25 based upon a finding that:

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

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

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

33        **(d) The public safety officer failed to comply with section 5 (3)(b) of this 2005 Act.**

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

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

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

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

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

1 or instructor.

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

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

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

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

11 **SECTION 16.** (1) A deadly physical force planning authority created by section 2 of this  
12 2005 Act shall submit the plan required by section 2 (4) of this 2005 Act to the governing  
13 bodies described in section 2 (7) of this 2005 Act no later than July 1, 2006.

14 (2) Notwithstanding section 2 (3) of this 2005 Act, for the period of time from the effective  
15 date of this 2005 Act to June 30, 2006, the law enforcement agency that employs the police  
16 officer selected under section 2 (1)(b) of this 2005 Act shall release the officer from other  
17 duties for at least 80 hours to enable the officer to serve on the planning authority. The  
18 agency shall compensate the officer at the officer's regular hourly wage while the officer is  
19 engaged in planning authority activities during that period of time.

20 **SECTION 17.** A law enforcement agency shall adopt the policy required by section 5 (2)  
21 of this 2005 Act no later than July 1, 2006.

22 **SECTION 18.** (1) A law enforcement agency that participates in the development of the  
23 plan required by section 2 of this 2005 Act shall keep track of the expenses it incurs by rea-  
24 son of its participation. For purposes of this subsection and subsection (2) of this section,  
25 "expenses" includes, but is not limited to, personnel costs.

26 (2) The Department of Justice shall award a law enforcement agency one credit for each  
27 dollar of expense incurred before July 1, 2006, by reason of the law enforcement agency's  
28 participation in the development of the plan required by section 2 of this 2005 Act.

29 (3) Notwithstanding section 4 (2) of this 2005 Act, when a law enforcement agency applies  
30 for a grant under section 4 of this 2005 Act, the department, to the extent that funds are  
31 appropriated to the department for the purpose, shall make a grant that exceeds 75 percent  
32 of the expenses incurred by the law enforcement agency if the law enforcement agency has  
33 unused credits awarded under subsection (2) of this section. When the department makes a  
34 grant that exceeds 75 percent of the expenses incurred by a law enforcement agency, the  
35 department shall deduct the amount of the grant that exceeds 75 percent from the credits  
36 awarded the law enforcement agency under subsection (2) of this section.

37 (4) The department may adopt rules necessary for the administration of this section.

38 **NOTE:** Section 19 was deleted by amendment. Subsequent sections were not renumbered.

39 **SECTION 20.** A law enforcement agency, as defined in section 1 of this 2005 Act, may not  
40 use moneys it receives under section 4 of this 2005 Act to supplant moneys from another  
41 source that the law enforcement agency has been previously authorized to expend.

42 **SECTION 21.** There is appropriated to the Department of Justice, for the biennium be-  
43 ginning July 1, 2005, out of the General Fund, the amount of \$300,000 for the purpose of  
44 carrying out the provisions of section 4 of this 2005 Act.

45 **SECTION 22.** ORS 181.640 is amended to read:

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

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

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

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

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

21 (e) The department shall revoke certification in the manner provided in ORS 181.661, 181.662  
22 and 181.664 (1).

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

25 (g) The department may recommend and the board may establish by rule accreditation stan-  
26 dards, levels and categories for mandated and nonmandated public safety personnel training or ed-  
27 ucational programs. The department and board, in consultation, may establish to what extent  
28 training or educational programs provided by an accredited university, college, community college  
29 or public safety agency may serve as equivalent to mandated training or as a prerequisite to man-  
30 dated training. Programs offered by accredited universities, colleges or community colleges may be  
31 considered equivalent to mandated training only in academic areas.

32 (2) The department may:

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

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

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

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

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

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

44 (a) Upon the request of a law enforcement unit or public safety agency, conduct surveys or aid  
45 cities and counties to conduct surveys through qualified public or private agencies and assist in the

1 implementation of any recommendations resulting from such surveys.

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

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

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

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

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

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

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

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

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

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

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

33 **(8) The department shall develop a training program for conducting investigations re-**  
34 **quired under section 5 of this 2005 Act.**

35 **SECTION 23. The Department of Public Safety Standards and Training shall complete**  
36 **development of the training program required by ORS 181.640 (8) no later than August 31,**  
37 **2006. The department shall submit a report summarizing the training program to the legis-**  
38 **lative interim committee dealing with the judiciary no later than September 30, 2006.**

39 **SECTION 24. (1) Sections 4 and 20 of this 2005 Act and the amendments to ORS 181.640**  
40 **and 181.662 by sections 15 and 22 of this 2005 Act become operative on July 1, 2006.**

41 **(2) The amendments to ORS 146.135 by section 14 of this 2005 Act become operative on**  
42 **July 1, 2007.**

43 **SECTION 25. Notwithstanding the effective date of section 5 of this 2005 Act, section 5**  
44 **(3) to (7) of this 2005 Act applies to incidents occurring on or after July 1, 2006.**

45 **SECTION 26. This 2005 Act being necessary for the immediate preservation of the public**

1 **peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect**  
2 **on its passage.**

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