

# House Bill 3114

Sponsored by COMMITTEE ON HIGHER EDUCATION AND WORKFORCE DEVELOPMENT

## 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.

Modifies authority of Oregon Health and Science University to establish police departments.  
Permits community college districts to establish police departments.  
Authorizes public universities, Oregon Health and Science University and community college districts to prohibit possession of firearms on campus, including by persons with concealed handgun licenses. Eliminates exemption for crime of possession of firearm in public building for person with concealed handgun license if university or district has prohibited such possession.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to higher education safety; creating new provisions; amending ORS 40.275, 44.550, 90.440,  
3 124.050, 133.005, 133.525, 133.721, 133.726, 136.595, 146.003, 147.425, 153.005, 161.015, 163.730,  
4 165.535, 166.262, 166.370, 180.320, 181.010, 181.610, 181.715, 181.781, 181.860, 236.350, 238.005,  
5 243.005, 348.270, 353.050, 414.805, 419B.005, 419B.902, 420.905, 430.735, 441.630, 506.521, 609.652,  
6 659A.320, 686.450, 756.160, 801.395, 811.720, 811.745, 811.747, 823.081 and 830.005; and declaring  
7 an emergency.

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

9 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS chapter 353.**

10 **SECTION 2. (1) The Oregon Health and Science University Board of Directors, or Oregon**  
11 **Health and Science University officials acting under the authority of the board, may establish**  
12 **a police department and commission one or more employees as police officers. A police de-**  
13 **partment established under this section has all of the authority and immunity of a municipal**  
14 **police department of this state.**

15 **(2) Police officers commissioned under this section:**

16 **(a) May enforce criminal laws and any administrative rules and policies adopted by the**  
17 **university; and**

18 **(b) Have all the authority and immunity of a peace officer or police officer of this state.**

19 **(3) When the university establishes a police department and commissions one or more**  
20 **employees as police officers under this section, the university, in cooperation with the chief**  
21 **of the police department, shall establish a process by which the university will receive and**  
22 **respond to complaints involving the policies of the police department and the conduct of the**  
23 **police officers.**

24 **(4) The university may:**

25 **(a) Enter into an agreement with a municipal corporation or any department, agency or**  
26 **political subdivision of this state for the provision of mutual aid by their respective police**  
27 **officers; and**

28 **(b) Adopt rules to carry out the provisions of this section.**

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       **SECTION 3.** Section 4 of this 2013 Act is added to and made a part of ORS chapter 341.

2       **SECTION 4.** (1) The board of education of a community college district, or officials of the  
3 community college district acting under the authority of the board, may establish a police  
4 department and commission one or more employees as police officers. A police department  
5 established under this section has all the authority and immunity of a municipal police de-  
6 partment of this state.

7       (2) Police officers commissioned under this section:

8       (a) May enforce criminal laws and any administrative rules and policies adopted by the  
9 board of education of a community college district; and

10       (b) Have all the authority and immunity of a police officer or police officer of this state.

11       (3) When a community college district establishes a police department and commissions  
12 one or more employees as police officers under this section, a community college district, in  
13 cooperation with the chief of the police department, shall establish a process by which the  
14 community college district will receive and respond to complaints involving the policies of  
15 the police department and the conduct of the police officers.

16       (4) A community college district may:

17       (a) Enter into an agreement with a municipal corporation or any department, agency or  
18 political subdivision of this state for the provision of mutual aid by their respective officers;  
19 and

20       (b) Adopt rules to carry out the provisions of this section.

21       **SECTION 5.** ORS 40.275 is amended to read:

22       40.275. (1) As used in this section, "unit of government" means:

23       (a) The federal government or any state or political subdivision thereof;

24       (b) A university that has commissioned police officers under ORS 352.383 or section 2 of this  
25 2013 Act or a community college district that has commissioned police officers under section  
26 4 of this 2013 Act; or

27       (c) A tribal government as defined in section 1, chapter 644, Oregon Laws 2011, if the informa-  
28 tion relates to or assists in an investigation conducted by an authorized tribal police officer as de-  
29 fined in section 1, chapter 644, Oregon Laws 2011.

30       (2) A unit of government has a privilege to refuse to disclose the identity of a person who has  
31 furnished information relating to or assisting in an investigation of a possible violation of law to a  
32 law enforcement officer or member of a legislative committee or its staff conducting an investi-  
33 gation.

34       (3) The privilege created by this section may be claimed by an appropriate representative of the  
35 unit of government if the information was furnished to an officer thereof.

36       (4) No privilege exists under this section:

37       (a) If the identity of the informer or the informer's interest in the subject matter of the com-  
38 munication has been disclosed to those who would have cause to resent the communication by a  
39 holder of the privilege or by the informer's own action, or if the informer appears as a witness for  
40 the unit of government.

41       (b) If it appears from the evidence in the case or from other showing by a party that an informer  
42 may be able to give testimony necessary to a fair determination of the issue of guilt or innocence  
43 in a criminal case or of a material issue on the merits in a civil case to which the unit of govern-  
44 ment is a party, and the unit of government invokes the privilege, and the judge gives the unit of  
45 government an opportunity to show in camera facts relevant to determining whether the informer

1 can, in fact, supply that testimony. The showing will ordinarily be in the form of affidavits, but the  
2 judge may direct that testimony be taken if the judge finds that the matter cannot be resolved sat-  
3 isfactorily upon affidavit. If the judge finds that there is a reasonable probability that the informer  
4 can give the testimony, and the unit of government elects not to disclose identity of the informer,  
5 the judge on motion of the defendant in a criminal case shall dismiss the charges to which the tes-  
6 timony would relate, and the judge may do so on the judge's own motion. In civil cases, the judge  
7 may make any order that justice requires. Evidence submitted to the judge shall be sealed and pre-  
8 served to be made available to the appellate court in the event of an appeal, and the contents shall  
9 not otherwise be revealed without consent of the unit of government. All counsel and parties shall  
10 be permitted to be present at every stage of proceedings under this paragraph except a showing in  
11 camera, at which no counsel or party shall be permitted to be present.

12 (c) If information from an informer is relied upon to establish the legality of the means by which  
13 evidence was obtained and the judge is not satisfied that the information was received from an in-  
14 former reasonably believed to be reliable or credible. The judge may require the identity of the  
15 informer to be disclosed. The judge shall, on request of the unit of government, direct that the dis-  
16 closure be made in camera. All counsel and parties concerned with the issue of legality shall be  
17 permitted to be present at every stage of proceedings under this paragraph except a disclosure in  
18 camera, at which no counsel or party shall be permitted to be present. If disclosure of the identity  
19 of the informer is made in camera, the record thereof shall be sealed and preserved to be made  
20 available to the appellate court in the event of an appeal, and the contents shall not otherwise be  
21 revealed without consent of the unit of government.

22 **SECTION 6.** ORS 40.275, as amended by section 37, chapter 644, Oregon Laws 2011, is amended  
23 to read:

24 40.275. (1) As used in this section, "unit of government" means:

25 (a) The federal government or any state or political subdivision thereof; or

26 (b) A university that has commissioned police officers under ORS 352.383 or **section 2 of this**  
27 **2013 Act or a community college district that has commissioned police officers under section**  
28 **4 of this 2013 Act.**

29 (2) A unit of government has a privilege to refuse to disclose the identity of a person who has  
30 furnished information relating to or assisting in an investigation of a possible violation of law to a  
31 law enforcement officer or member of a legislative committee or its staff conducting an investi-  
32 gation.

33 (3) The privilege created by this section may be claimed by an appropriate representative of the  
34 unit of government if the information was furnished to an officer thereof.

35 (4) No privilege exists under this section:

36 (a) If the identity of the informer or the informer's interest in the subject matter of the com-  
37 munication has been disclosed to those who would have cause to resent the communication by a  
38 holder of the privilege or by the informer's own action, or if the informer appears as a witness for  
39 the unit of government.

40 (b) If it appears from the evidence in the case or from other showing by a party that an informer  
41 may be able to give testimony necessary to a fair determination of the issue of guilt or innocence  
42 in a criminal case or of a material issue on the merits in a civil case to which the unit of govern-  
43 ment is a party, and the unit of government invokes the privilege, and the judge gives the unit of  
44 government an opportunity to show in camera facts relevant to determining whether the informer  
45 can, in fact, supply that testimony. The showing will ordinarily be in the form of affidavits, but the

1 judge may direct that testimony be taken if the judge finds that the matter cannot be resolved sat-  
 2 isfactorily upon affidavit. If the judge finds that there is a reasonable probability that the informer  
 3 can give the testimony, and the unit of government elects not to disclose identity of the informer,  
 4 the judge on motion of the defendant in a criminal case shall dismiss the charges to which the tes-  
 5 timony would relate, and the judge may do so on the judge's own motion. In civil cases, the judge  
 6 may make any order that justice requires. Evidence submitted to the judge shall be sealed and pre-  
 7 served to be made available to the appellate court in the event of an appeal, and the contents shall  
 8 not otherwise be revealed without consent of the unit of government. All counsel and parties shall  
 9 be permitted to be present at every stage of proceedings under this paragraph except a showing in  
 10 camera, at which no counsel or party shall be permitted to be present.

11 (c) If information from an informer is relied upon to establish the legality of the means by which  
 12 evidence was obtained and the judge is not satisfied that the information was received from an in-  
 13 former reasonably believed to be reliable or credible. The judge may require the identity of the  
 14 informer to be disclosed. The judge shall, on request of the unit of government, direct that the dis-  
 15 closure be made in camera. All counsel and parties concerned with the issue of legality shall be  
 16 permitted to be present at every stage of proceedings under this paragraph except a disclosure in  
 17 camera, at which no counsel or party shall be permitted to be present. If disclosure of the identity  
 18 of the informer is made in camera, the record thereof shall be sealed and preserved to be made  
 19 available to the appellate court in the event of an appeal, and the contents shall not otherwise be  
 20 revealed without consent of the unit of government.

21 **SECTION 7.** ORS 44.550 is amended to read:

22 44.550. As used in ORS 44.550 to 44.566:

23 (1) "Civil case" means any proceeding other than a criminal prosecution.

24 (2) "Law enforcement unit" means:

25 (a) The police department of a city;

26 (b) The sheriff's department or other police organization of a county; [or]

27 (c) A police department established by a university under ORS 352.383 or **section 2 of this 2013**  
 28 **Act; or**

29 **(d) A police department established by a community college district under section 4 of**  
 30 **this 2013 Act.**

31 (3) "Police officer" means an officer or member of a law enforcement unit who is employed  
 32 full-time as a peace officer by the city, [or] county, **university or community college district** and  
 33 who is responsible for enforcing the criminal laws of this state.

34 (4) "Tribunal" means any person or body before which attendance of witnesses may be required  
 35 by subpoena, including an arbitrator in arbitration proceedings.

36 **SECTION 8.** ORS 90.440 is amended to read:

37 90.440. (1) As used in this section:

38 (a) "Group recovery home" means a place that provides occupants with shared living facilities  
 39 and that meets the description of a group home under 42 U.S.C. 300x-25.

40 (b) "Illegal drugs" includes controlled substances or prescription drugs:

41 (A) For which the tenant does not have a valid prescription; or

42 (B) That are used by the tenant in a manner contrary to the prescribed regimen.

43 (c) "Peace officer" means:

44 (A) A sheriff, constable, marshal or deputy;

45 (B) A member of a state or city police force;

1 (C) A police officer commissioned by a university under ORS 352.383 or section 2 of this 2013  
2 Act or a police officer commissioned by a community college district under section 4 of this  
3 2013 Act; or

4 (D) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011.

5 (2) Notwithstanding ORS 90.375 and 90.435, a group recovery home may terminate a tenancy and  
6 peaceably remove a tenant without complying with ORS 105.105 to 105.168 if the tenant has used  
7 or possessed alcohol or illegal drugs within the preceding seven days. For purposes of this sub-  
8 section, the following are sufficient proof that a tenant has used or possessed alcohol or illegal  
9 drugs:

10 (a) The tenant fails a test for alcohol or illegal drug use;

11 (b) The tenant refuses a request made in good faith by the group recovery home that the tenant  
12 take a test for alcohol or illegal drug use; or

13 (c) Any person has personally observed the tenant using or possessing alcohol or illegal drugs.

14 (3) A group recovery home that undertakes the removal of a tenant under this section shall  
15 personally deliver to the tenant a written notice that:

16 (a) Describes why the tenant is being removed;

17 (b) Describes the proof that the tenant has used or possessed alcohol or illegal drugs within the  
18 seven days preceding delivery of the notice;

19 (c) Specifies the date and time by which the tenant must move out of the group recovery home;

20 (d) Explains that if the removal was wrongful or in bad faith the tenant may seek injunctive  
21 relief to recover possession under ORS 105.121 and may bring an action to recover monetary dam-  
22 ages; and

23 (e) Gives contact information for the local legal services office and for the Oregon State Bar's  
24 Lawyer Referral Service, identifying those services as possible sources for free or reduced-cost legal  
25 services.

26 (4) A written notice in substantially the following form meets the requirements of subsection (3)  
27 of this section:

28 \_\_\_\_\_

29  
30 This notice is to inform you that you must move out of \_\_\_\_\_ (insert address of group  
31 recovery home) by \_\_\_\_\_ (insert date and time that is not less than 24 hours after delivery  
32 of notice).

33 The reason for this notice is \_\_\_\_\_ (specify use or possession of alcohol or illegal drugs,  
34 as applicable, and dates of occurrence).

35 The proof of your use or possession is \_\_\_\_\_ (specify facts).

36 If you did not use or possess alcohol or illegal drugs within the seven days before delivery of  
37 this notice, if this notice was given in bad faith or if your group recovery home has not substantially  
38 complied with ORS 90.440, you may be able to get a court to order the group recovery home to let  
39 you move back in. You may also be able to recover monetary damages.

40 You may be eligible for free legal services at your local legal services office \_\_\_\_\_ (in-  
41 sert telephone number) or reduced fee legal services through the Oregon State Bar at 1-800-452-7636.

42 \_\_\_\_\_

43  
44 (5) Within the notice period, a group recovery home shall allow a tenant removed under this  
45 section to follow any emergency departure plan that was prepared by the tenant and approved by

1 the group recovery home at the time the tenancy began. If the removed tenant does not have an  
 2 emergency departure plan, a representative of the group recovery home shall offer to take the re-  
 3 moved tenant to a public shelter, detoxification center or similar location if existing in the commu-  
 4 nity.

5 (6) The date and time for moving out specified in a notice under subsection (3) of this section  
 6 must be at least 24 hours after the date and time the notice is delivered to the tenant. If the tenant  
 7 remains on the group recovery home premises after the date and time for moving out specified in  
 8 the notice, the tenant is a person remaining unlawfully in a dwelling as described in ORS 164.255  
 9 and not a person described in ORS 105.115. Only a peace officer may forcibly remove a tenant who  
 10 remains on the group recovery home premises after the date and time specified for moving out.

11 (7) A group recovery home that removes a tenant under this section shall send a copy of the  
 12 notice described in subsection (3) of this section to the Oregon Health Authority no later than 72  
 13 hours after delivering the notice to the tenant.

14 (8) A tenant who is removed under subsection (2) of this section may obtain injunctive relief to  
 15 recover possession and may recover an amount equal to the greater of actual damages or three  
 16 times the tenant's monthly rent if:

17 (a) The group recovery home removed the tenant in bad faith or without substantially complying  
 18 with this section; or

19 (b) If removal is under subsection (2)(c) of this section, the removal was wrongful because the  
 20 tenant did not use or possess alcohol or illegal drugs.

21 (9) Notwithstanding ORS 12.125, a tenant who seeks to obtain injunctive relief to recover pos-  
 22 session under ORS 105.121 must commence the action to seek relief not more than 90 days after the  
 23 date specified in the notice for the tenant to move out.

24 (10) In any court action regarding the removal of a tenant under this section, a group recovery  
 25 home may present evidence that the tenant used or possessed alcohol or illegal drugs within seven  
 26 days preceding the removal, whether or not the evidence was described in the notice required by  
 27 subsection (3) of this section.

28 (11) This section does not prevent a group recovery home from terminating a tenancy as pro-  
 29 vided by any other provision of this chapter and evicting a tenant as provided in ORS 105.105 to  
 30 105.168.

31 **SECTION 9.** ORS 90.440, as amended by section 69, chapter 644, Oregon Laws 2011, is amended  
 32 to read:

33 90.440. (1) As used in this section:

34 (a) "Group recovery home" means a place that provides occupants with shared living facilities  
 35 and that meets the description of a group home under 42 U.S.C. 300x-25.

36 (b) "Illegal drugs" includes controlled substances or prescription drugs:

37 (A) For which the tenant does not have a valid prescription; or

38 (B) That are used by the tenant in a manner contrary to the prescribed regimen.

39 (c) "Peace officer" means:

40 (A) A sheriff, constable, marshal or deputy;

41 (B) A member of a state or city police force; or

42 (C) A police officer commissioned by a university under ORS 352.383 or section 2 of this 2013  
 43 Act or a police officer commissioned by a community college district under section 4 of this  
 44 2013 Act.

45 (2) Notwithstanding ORS 90.375 and 90.435, a group recovery home may terminate a tenancy and

1 peaceably remove a tenant without complying with ORS 105.105 to 105.168 if the tenant has used  
2 or possessed alcohol or illegal drugs within the preceding seven days. For purposes of this sub-  
3 section, the following are sufficient proof that a tenant has used or possessed alcohol or illegal  
4 drugs:

5 (a) The tenant fails a test for alcohol or illegal drug use;

6 (b) The tenant refuses a request made in good faith by the group recovery home that the tenant  
7 take a test for alcohol or illegal drug use; or

8 (c) Any person has personally observed the tenant using or possessing alcohol or illegal drugs.

9 (3) A group recovery home that undertakes the removal of a tenant under this section shall  
10 personally deliver to the tenant a written notice that:

11 (a) Describes why the tenant is being removed;

12 (b) Describes the proof that the tenant has used or possessed alcohol or illegal drugs within the  
13 seven days preceding delivery of the notice;

14 (c) Specifies the date and time by which the tenant must move out of the group recovery home;

15 (d) Explains that if the removal was wrongful or in bad faith the tenant may seek injunctive  
16 relief to recover possession under ORS 105.121 and may bring an action to recover monetary dam-  
17 ages; and

18 (e) Gives contact information for the local legal services office and for the Oregon State Bar's  
19 Lawyer Referral Service, identifying those services as possible sources for free or reduced-cost legal  
20 services.

21 (4) A written notice in substantially the following form meets the requirements of subsection (3)  
22 of this section:

23 \_\_\_\_\_  
24  
25 This notice is to inform you that you must move out of \_\_\_\_\_ (insert address of group  
26 recovery home) by \_\_\_\_\_ (insert date and time that is not less than 24 hours after delivery  
27 of notice).

28 The reason for this notice is \_\_\_\_\_ (specify use or possession of alcohol or illegal drugs,  
29 as applicable, and dates of occurrence).

30 The proof of your use or possession is \_\_\_\_\_ (specify facts).

31 If you did not use or possess alcohol or illegal drugs within the seven days before delivery of  
32 this notice, if this notice was given in bad faith or if your group recovery home has not substantially  
33 complied with ORS 90.440, you may be able to get a court to order the group recovery home to let  
34 you move back in. You may also be able to recover monetary damages.

35 You may be eligible for free legal services at your local legal services office \_\_\_\_\_ (in-  
36 sert telephone number) or reduced fee legal services through the Oregon State Bar at 1-800-452-7636.

37 \_\_\_\_\_  
38  
39 (5) Within the notice period, a group recovery home shall allow a tenant removed under this  
40 section to follow any emergency departure plan that was prepared by the tenant and approved by  
41 the group recovery home at the time the tenancy began. If the removed tenant does not have an  
42 emergency departure plan, a representative of the group recovery home shall offer to take the re-  
43 moved tenant to a public shelter, detoxification center or similar location if existing in the commu-  
44 nity.

45 (6) The date and time for moving out specified in a notice under subsection (3) of this section

1 must be at least 24 hours after the date and time the notice is delivered to the tenant. If the tenant  
 2 remains on the group recovery home premises after the date and time for moving out specified in  
 3 the notice, the tenant is a person remaining unlawfully in a dwelling as described in ORS 164.255  
 4 and not a person described in ORS 105.115. Only a peace officer may forcibly remove a tenant who  
 5 remains on the group recovery home premises after the date and time specified for moving out.

6 (7) A group recovery home that removes a tenant under this section shall send a copy of the  
 7 notice described in subsection (3) of this section to the Oregon Health Authority no later than 72  
 8 hours after delivering the notice to the tenant.

9 (8) A tenant who is removed under subsection (2) of this section may obtain injunctive relief to  
 10 recover possession and may recover an amount equal to the greater of actual damages or three  
 11 times the tenant's monthly rent if:

12 (a) The group recovery home removed the tenant in bad faith or without substantially complying  
 13 with this section; or

14 (b) If removal is under subsection (2)(c) of this section, the removal was wrongful because the  
 15 tenant did not use or possess alcohol or illegal drugs.

16 (9) Notwithstanding ORS 12.125, a tenant who seeks to obtain injunctive relief to recover pos-  
 17 session under ORS 105.121 must commence the action to seek relief not more than 90 days after the  
 18 date specified in the notice for the tenant to move out.

19 (10) In any court action regarding the removal of a tenant under this section, a group recovery  
 20 home may present evidence that the tenant used or possessed alcohol or illegal drugs within seven  
 21 days preceding the removal, whether or not the evidence was described in the notice required by  
 22 subsection (3) of this section.

23 (11) This section does not prevent a group recovery home from terminating a tenancy as pro-  
 24 vided by any other provision of this chapter and evicting a tenant as provided in ORS 105.105 to  
 25 105.168.

26 **SECTION 10.** ORS 124.050 is amended to read:

27 124.050. As used in ORS 124.050 to 124.095:

28 (1) "Abuse" means one or more of the following:

29 (a) Any physical injury to an elderly person caused by other than accidental means, or which  
 30 appears to be at variance with the explanation given of the injury.

31 (b) Neglect.

32 (c) Abandonment, including desertion or willful forsaking of an elderly person or the withdrawal  
 33 or neglect of duties and obligations owed an elderly person by a caretaker or other person.

34 (d) Willful infliction of physical pain or injury upon an elderly person.

35 (e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427,  
 36 163.465 or 163.467.

37 (f) Verbal abuse.

38 (g) Financial exploitation.

39 (h) Sexual abuse.

40 (i) Involuntary seclusion of an elderly person for the convenience of a caregiver or to discipline  
 41 the person.

42 (j) A wrongful use of a physical or chemical restraint of an elderly person, excluding an act of  
 43 restraint prescribed by a licensed physician and any treatment activities that are consistent with  
 44 an approved treatment plan or in connection with a court order.

45 (2) "Elderly person" means any person 65 years of age or older who is not subject to the pro-



1 visions of ORS 441.640 to 441.665.

2 (3) "Facility" means:

3 (a) A long term care facility as that term is defined in ORS 442.015.

4 (b) A residential facility as that term is defined in ORS 443.400, including but not limited to an  
5 assisted living facility.

6 (c) An adult foster home as that term is defined in ORS 443.705.

7 (4) "Financial exploitation" means:

8 (a) Wrongfully taking the assets, funds or property belonging to or intended for the use of an  
9 elderly person or a person with a disability.

10 (b) Alarming an elderly person or a person with a disability by conveying a threat to wrongfully  
11 take or appropriate money or property of the person if the person would reasonably believe that the  
12 threat conveyed would be carried out.

13 (c) Misappropriating, misusing or transferring without authorization any money from any ac-  
14 count held jointly or singly by an elderly person or a person with a disability.

15 (d) Failing to use the income or assets of an elderly person or a person with a disability effec-  
16 tively for the support and maintenance of the person.

17 (5) "Intimidation" means compelling or deterring conduct by threat.

18 (6) "Law enforcement agency" means:

19 (a) Any city or municipal police department.

20 (b) Any county sheriff's office.

21 (c) The Oregon State Police.

22 (d) Any district attorney.

23 (e) A police department established by a university under ORS 352.383 or **section 2 of this 2013**  
24 **Act; or**

25 **(f) A police department established by a community college district under section 4 of**  
26 **this 2013 Act.**

27 (7) "Neglect" means:

28 (a) Failure to provide the care, supervision or services necessary to maintain the physical and  
29 mental health of an elderly person that may result in physical harm or significant emotional harm  
30 to the elderly person; or

31 (b) The failure of a caregiver to make a reasonable effort to protect an elderly person from  
32 abuse.

33 (8) "Person with a disability" means a person described in:

34 (a) ORS 410.040 (7); or

35 (b) ORS 410.715.

36 (9) "Public or private official" means:

37 (a) Physician, naturopathic physician, osteopathic physician, chiropractor, physician assistant  
38 or podiatric physician and surgeon, including any intern or resident.

39 (b) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide  
40 or employee of an in-home health service.

41 (c) Employee of the Department of Human Services or community developmental disabilities  
42 program.

43 (d) Employee of the Oregon Health Authority, county health department or community mental  
44 health program.

45 (e) Peace officer.

- 1 (f) Member of the clergy.
- 2 (g) Regulated social worker.
- 3 (h) Physical, speech or occupational therapist.
- 4 (i) Senior center employee.
- 5 (j) Information and referral or outreach worker.
- 6 (k) Licensed professional counselor or licensed marriage and family therapist.
- 7 (L) Any public official who comes in contact with elderly persons in the performance of the
- 8 official's official duties.
- 9 (m) Firefighter or emergency medical services provider.
- 10 (n) Psychologist.
- 11 (o) Provider of adult foster care or an employee of the provider.
- 12 (p) Audiologist.
- 13 (q) Speech-language pathologist.
- 14 (10) "Services" includes but is not limited to the provision of food, clothing, medicine, housing,
- 15 medical services, assistance with bathing or personal hygiene or any other service essential to the
- 16 well-being of an elderly person.
- 17 (11)(a) "Sexual abuse" means:
- 18 (A) Sexual contact with an elderly person who does not consent or is considered incapable of
- 19 consenting to a sexual act under ORS 163.315;
- 20 (B) Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit mate-
- 21 rial or language;
- 22 (C) Any sexual contact between an employee of a facility or paid caregiver and an elderly per-
- 23 son served by the facility or caregiver;
- 24 (D) Any sexual contact between an elderly person and a relative of the elderly person other
- 25 than a spouse; or
- 26 (E) Any sexual contact that is achieved through force, trickery, threat or coercion.
- 27 (b) "Sexual abuse" does not mean consensual sexual contact between an elderly person and a
- 28 paid caregiver who is the spouse of the elderly person.
- 29 (12) "Sexual contact" has the meaning given that term in ORS 163.305.
- 30 (13) "Verbal abuse" means to threaten significant physical or emotional harm to an elderly
- 31 person or a person with a disability through the use of:
- 32 (a) Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; or
- 33 (b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate
- 34 sexual comments.
- 35 **SECTION 11.** ORS 133.005, as amended by section 6, chapter 54, Oregon Laws 2012, and section
- 36 3, chapter 67, Oregon Laws 2012, is amended to read:
- 37 133.005. As used in ORS 133.005 to 133.400 and 133.410 to 133.450, unless the context requires
- 38 otherwise:
- 39 (1) "Arrest" means to place a person under actual or constructive restraint or to take a person
- 40 into custody for the purpose of charging that person with an offense. A "stop" as authorized under
- 41 ORS 131.605 to 131.625 is not an arrest.
- 42 (2) "Federal officer" means a special agent or law enforcement officer employed by a federal
- 43 agency who is empowered to effect an arrest with or without a warrant for violations of the United
- 44 States Code and who is authorized to carry firearms in the performance of duty.
- 45 (3) "Peace officer" means:

- 1 (a) A member of the Oregon State Police;
- 2 (b) A sheriff, constable, marshal, municipal police officer or reserve officer, [or] a police officer  
3 commissioned by a university under ORS 352.383 or section 2 of this 2013 Act or a police officer  
4 commissioned by a community college district under section 4 of this 2013 Act;
- 5 (c) An investigator of a district attorney's office if the investigator is or has been certified as  
6 a peace officer in this or any other state;
- 7 (d) An investigator of the Criminal Justice Division of the Department of Justice of the State  
8 of Oregon;
- 9 (e) A humane special agent as defined in section 2, chapter 67, Oregon Laws 2012;
- 10 (f) A liquor enforcement inspector exercising authority described in ORS 471.775 (2); or
- 11 (g) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011.
- 12 (4) "Reserve officer" means an officer or member of a law enforcement agency who is:
- 13 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,  
14 school district, mass transit district, county, county service district authorized to provide law  
15 enforcement services under ORS 451.010, the Criminal Justice Division of the Department of Justice,  
16 the Oregon State Lottery Commission or the Governor or a member of the Department of State  
17 Police;
- 18 (b) Armed with a firearm; and
- 19 (c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordi-  
20 nances relating to airport security.
- 21 **SECTION 12.** ORS 133.005, as amended by section 39, chapter 644, Oregon Laws 2011, section  
22 7, chapter 54, Oregon Laws 2012, and section 4, chapter 67, Oregon Laws 2012, is amended to read:
- 23 133.005. As used in ORS 133.005 to 133.400 and 133.410 to 133.450, unless the context requires  
24 otherwise:
- 25 (1) "Arrest" means to place a person under actual or constructive restraint or to take a person  
26 into custody for the purpose of charging that person with an offense. A "stop" as authorized under  
27 ORS 131.605 to 131.625 is not an arrest.
- 28 (2) "Federal officer" means a special agent or law enforcement officer employed by a federal  
29 agency who is empowered to effect an arrest with or without a warrant for violations of the United  
30 States Code and who is authorized to carry firearms in the performance of duty.
- 31 (3) "Peace officer" means:
- 32 (a) A member of the Oregon State Police;
- 33 (b) A sheriff, constable, marshal, municipal police officer or reserve officer, [or] a police officer  
34 commissioned by a university under ORS 352.383 or section 2 of this 2013 Act or a police officer  
35 commissioned by a community college district under section 4 of this 2013 Act;
- 36 (c) An investigator of a district attorney's office if the investigator is or has been certified as  
37 a peace officer in this or any other state;
- 38 (d) An investigator of the Criminal Justice Division of the Department of Justice of the State  
39 of Oregon;
- 40 (e) A humane special agent as defined in section 2, chapter 67, Oregon Laws 2012; or
- 41 (f) A liquor enforcement inspector exercising authority described in ORS 471.775 (2).
- 42 (4) "Reserve officer" means an officer or member of a law enforcement agency who is:
- 43 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,  
44 school district, mass transit district, county, county service district authorized to provide law  
45 enforcement services under ORS 451.010, the Criminal Justice Division of the Department of Justice,

1 the Oregon State Lottery Commission or the Governor or a member of the Department of State  
2 Police;

3 (b) Armed with a firearm; and

4 (c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordi-  
5 nances relating to airport security.

6 **SECTION 13.** ORS 133.525, as amended by section 8, chapter 54, Oregon Laws 2012, and section  
7 5, chapter 67, Oregon Laws 2012, is amended to read:

8 133.525. As used in ORS 133.525 to 133.703, unless the context requires otherwise:

9 (1) "Judge" means any judge of the circuit court, the Court of Appeals, the Supreme Court, any  
10 justice of the peace or municipal judge authorized to exercise the powers and perform the duties  
11 of a justice of the peace.

12 (2) "Police officer" means:

13 (a) A member of the Oregon State Police;

14 (b) A sheriff or municipal police officer, a police officer commissioned by a university under ORS  
15 352.383 or section 2 of this 2013 Act, a police officer commissioned by a community college  
16 district under section 4 of this 2013 Act or an authorized tribal police officer as defined in section  
17 1, chapter 644, Oregon Laws 2011;

18 (c) An investigator of a district attorney's office if the investigator is or has been certified as  
19 a peace officer in this or any other state;

20 (d) An investigator of the Criminal Justice Division of the Department of Justice;

21 (e) A humane special agent as defined in section 2, chapter 67, Oregon Laws 2012; or

22 (f) A liquor enforcement inspector exercising authority described in ORS 471.775 (2).

23 **SECTION 14.** ORS 133.525, as amended by section 40, chapter 644, Oregon Laws 2011, section  
24 9, chapter 54, Oregon Laws 2012, and section 6, chapter 67, Oregon Laws 2012, is amended to read:

25 133.525. As used in ORS 133.525 to 133.703, unless the context requires otherwise:

26 (1) "Judge" means any judge of the circuit court, the Court of Appeals, the Supreme Court, any  
27 justice of the peace or municipal judge authorized to exercise the powers and perform the duties  
28 of a justice of the peace.

29 (2) "Police officer" means:

30 (a) A member of the Oregon State Police;

31 (b) A sheriff or municipal police officer, [or] a police officer commissioned by a university under  
32 ORS 352.383 or section 2 of this 2013 Act or a police officer commissioned by a community  
33 college district under section 4 of this 2013 Act;

34 (c) An investigator of a district attorney's office if the investigator is or has been certified as  
35 a peace officer in this or any other state;

36 (d) An investigator of the Criminal Justice Division of the Department of Justice;

37 (e) A humane special agent as defined in section 2, chapter 67, Oregon Laws 2012; or

38 (f) A liquor enforcement inspector exercising authority described in ORS 471.775 (2).

39 **SECTION 15.** ORS 133.721, as amended by section 10, chapter 54, Oregon Laws 2012, is  
40 amended to read:

41 133.721. As used in ORS 41.910 and 133.721 to 133.739, unless the context requires otherwise:

42 (1) "Aggrieved person" means a person who was a party to any wire, electronic or oral com-  
43 munication intercepted under ORS 133.724 or 133.726 or a person against whom the interception was  
44 directed and who alleges that the interception was unlawful.

45 (2) "Contents," when used with respect to any wire, electronic or oral communication, includes

1 any information concerning the identity of the parties to such communication or the existence,  
2 substance, purport or meaning of that communication.

3 (3) "Electronic communication" means any transfer of signs, signals, writing, images, sounds,  
4 data or intelligence of any nature transmitted in whole or in part by a radio, electromagnetic,  
5 photoelectronic or photo-optical system, or transmitted in part by wire, but does not include:

6 (a) Any oral communication or any communication that is completely by wire; or

7 (b) Any communication made through a tone-only paging device.

8 (4) "Electronic, mechanical or other device" means any device or apparatus that can be used  
9 to intercept a wire, electronic or oral communication other than:

10 (a) Any telephone or telegraph instrument, equipment or facility, or any component thereof that  
11 is furnished to the subscriber or user by a telecommunications carrier in the ordinary course of its  
12 business and that is being used by the subscriber or user in the ordinary course of its business or  
13 being used by a telecommunications carrier in the ordinary course of its business, or by an investi-  
14 gative or law enforcement officer in the ordinary course of official duties; or

15 (b) A hearing aid or similar device being used to correct subnormal hearing to not better than  
16 normal.

17 (5) "Intercept" means the acquisition, by listening or recording, of the contents of any wire,  
18 electronic or oral communication through the use of any electronic, mechanical or other device.

19 (6) "Investigative or law enforcement officer" means:

20 (a) An officer or other person employed to investigate or enforce the law by:

21 (A) A county sheriff or municipal police department, [or] a police department established by a  
22 university under ORS 352.383 or section 2 of this 2013 Act or a police department established  
23 by a community college district under section 4 of this 2013 Act;

24 (B) The Oregon State Police, the Department of Corrections, the Attorney General or a district  
25 attorney; or

26 (C) Law enforcement agencies of other states or the federal government;

27 (b) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011;  
28 or

29 (c) A liquor enforcement inspector exercising authority described in ORS 471.775 (2).

30 (7) "Oral communication" means:

31 (a) Any oral communication, other than a wire or electronic communication, uttered by a person  
32 exhibiting an expectation that such communication is not subject to interception under circum-  
33 stances justifying such expectation; or

34 (b) An utterance by a person who is participating in a wire or electronic communication, if the  
35 utterance is audible to another person who, at the time the wire or electronic communication oc-  
36 curs, is in the immediate presence of the person participating in the communication.

37 (8) "Telecommunications carrier" means:

38 (a) A telecommunications utility as defined in ORS 759.005; or

39 (b) A cooperative corporation organized under ORS chapter 62 that provides telecommunications  
40 services.

41 (9) "Telecommunications service" has the meaning given that term in ORS 759.005.

42 (10) "Wire communication" means any communication made in whole or in part through the use  
43 of facilities for the transmission of communications by the aid of wire, cable or other like connection  
44 between the point of origin and the point of reception, whether furnished or operated by a public  
45 utility or privately owned or leased.

1        **SECTION 16.** ORS 133.721, as amended by section 70, chapter 644, Oregon Laws 2011, and  
 2 section 11, chapter 54, Oregon Laws 2012, is amended to read:

3        133.721. As used in ORS 41.910 and 133.721 to 133.739, unless the context requires otherwise:

4        (1) "Aggrieved person" means a person who was a party to any wire, electronic or oral com-  
 5 munication intercepted under ORS 133.724 or 133.726 or a person against whom the interception was  
 6 directed and who alleges that the interception was unlawful.

7        (2) "Contents," when used with respect to any wire, electronic or oral communication, includes  
 8 any information concerning the identity of the parties to such communication or the existence,  
 9 substance, purport or meaning of that communication.

10        (3) "Electronic communication" means any transfer of signs, signals, writing, images, sounds,  
 11 data or intelligence of any nature transmitted in whole or in part by a radio, electromagnetic,  
 12 photoelectronic or photo-optical system, or transmitted in part by wire, but does not include:

13        (a) Any oral communication or any communication that is completely by wire; or

14        (b) Any communication made through a tone-only paging device.

15        (4) "Electronic, mechanical or other device" means any device or apparatus that can be used  
 16 to intercept a wire, electronic or oral communication other than:

17        (a) Any telephone or telegraph instrument, equipment or facility, or any component thereof that  
 18 is furnished to the subscriber or user by a telecommunications carrier in the ordinary course of its  
 19 business and that is being used by the subscriber or user in the ordinary course of its business or  
 20 being used by a telecommunications carrier in the ordinary course of its business, or by an investi-  
 21 gative or law enforcement officer in the ordinary course of official duties; or

22        (b) A hearing aid or similar device being used to correct subnormal hearing to not better than  
 23 normal.

24        (5) "Intercept" means the acquisition, by listening or recording, of the contents of any wire,  
 25 electronic or oral communication through the use of any electronic, mechanical or other device.

26        (6) "Investigative or law enforcement officer" means:

27        (a) An officer or other person employed to investigate or enforce the law by:

28        (A) A county sheriff or municipal police department, [or] a police department established by a  
 29 university under ORS 352.383 or **section 2 of this 2013 Act** or a **police department established**  
 30 **by a community college district under section 4 of this 2013 Act;**

31        (B) The Oregon State Police, the Department of Corrections, the Attorney General or a district  
 32 attorney; or

33        (C) Law enforcement agencies of other states or the federal government; or

34        (b) A liquor enforcement inspector exercising authority described in ORS 471.775 (2).

35        (7) "Oral communication" means:

36        (a) Any oral communication, other than a wire or electronic communication, uttered by a person  
 37 exhibiting an expectation that such communication is not subject to interception under circum-  
 38 stances justifying such expectation; or

39        (b) An utterance by a person who is participating in a wire or electronic communication, if the  
 40 utterance is audible to another person who, at the time the wire or electronic communication oc-  
 41 curs, is in the immediate presence of the person participating in the communication.

42        (8) "Telecommunications carrier" means:

43        (a) A telecommunications utility as defined in ORS 759.005; or

44        (b) A cooperative corporation organized under ORS chapter 62 that provides telecommunications  
 45 services.

1 (9) "Telecommunications service" has the meaning given that term in ORS 759.005.

2 (10) "Wire communication" means any communication made in whole or in part through the use  
3 of facilities for the transmission of communications by the aid of wire, cable or other like connection  
4 between the point of origin and the point of reception, whether furnished or operated by a public  
5 utility or privately owned or leased.

6 SECTION 17. ORS 133.726, as amended by section 12, chapter 54, Oregon Laws 2012, is  
7 amended to read:

8 133.726. (1) Notwithstanding ORS 133.724, under the circumstances described in this section, a  
9 law enforcement officer is authorized to intercept an oral communication to which the officer or a  
10 person under the direct supervision of the officer is a party, without obtaining an order for the in-  
11 terception of a wire, electronic or oral communication under ORS 133.724.

12 (2) For purposes of this section and ORS 133.736, a person is a party to an oral communication  
13 if the oral communication is made in the person's immediate presence and is audible to the person  
14 regardless of whether the communication is specifically directed to the person.

15 (3) An ex parte order for intercepting an oral communication in any county of this state under  
16 this section may be issued by any judge as defined in ORS 133.525 upon written application made  
17 upon oath or affirmation of the district attorney or a deputy district attorney authorized by the  
18 district attorney for the county in which the order is sought or upon the oath or affirmation of any  
19 peace officer as defined in ORS 133.005. The application shall include:

20 (a) The name of the applicant and the applicant's authority to make the application;

21 (b) A statement demonstrating that there is probable cause to believe that a person whose oral  
22 communication is to be intercepted is engaged in committing, has committed or is about to commit  
23 a particular felony, or a misdemeanor under ORS 167.007 or 167.008, and that intercepting the oral  
24 communication will yield evidence thereof; and

25 (c) The identity of the person, if known, suspected of committing the crime and whose oral  
26 communication is to be intercepted.

27 (4) The judge may require the applicant to furnish further testimony or documentary evidence  
28 in support of the application.

29 (5) Upon examination of the application and evidence, the judge may enter an ex parte order,  
30 as requested or as modified, authorizing or approving the interception of an oral communication  
31 within the state if the judge determines on the basis of the facts submitted by the applicant that:

32 (a) There is probable cause to believe that a person is engaged in committing, has committed  
33 or is about to commit a particular felony, or a misdemeanor under ORS 167.007 or 167.008; and

34 (b) There is probable cause to believe that the oral communication to be obtained will contain  
35 evidence concerning that crime.

36 (6) An order authorizing or approving the interception of an oral communication under this  
37 section must specify:

38 (a) The identity of the person, if known, whose oral communication is to be intercepted;

39 (b) A statement identifying the particular crime to which the oral communication is expected  
40 to relate;

41 (c) The agency authorized under the order to intercept the oral communication;

42 (d) The name and office of the applicant and the signature and title of the issuing judge;

43 (e) A period of time after which the order shall expire; and

44 (f) A statement that the order authorizes only the interception of an oral communication to  
45 which a law enforcement officer or a person under the direct supervision of a law enforcement of-

1 ficer is a party.

2 (7) An order under ORS 133.724 or this section is not required when a law enforcement officer  
 3 intercepts an oral communication to which the officer or a person under the direct supervision of  
 4 the officer is a party if the oral communication is made by a person whom the officer has probable  
 5 cause to believe has committed, is engaged in committing or is about to commit:

6 (a) A crime punishable as a felony under ORS 475.752, 475.806 to 475.894 or 475.906 or as a  
 7 misdemeanor under ORS 167.007 or 167.008; or

8 (b) Any other crime punishable as a felony if the circumstances at the time the oral communi-  
 9 cation is intercepted are of such exigency that it would be unreasonable to obtain a court order  
 10 under ORS 133.724 or this section.

11 (8) A law enforcement officer who intercepts an oral communication pursuant to this section  
 12 may not intentionally fail to record and preserve the oral communication in its entirety. A law  
 13 enforcement officer, or a person under the direct supervision of the officer, who is authorized under  
 14 this section to intercept an oral communication is not required to exclude from the interception an  
 15 oral communication made by a person for whom probable cause does not exist if the officer or the  
 16 person under the officer's direct supervision is a party to the oral communication.

17 (9) A law enforcement officer may not divulge the contents of an oral communication intercepted  
 18 under this section before a preliminary hearing or trial in which an oral communication is going to  
 19 be introduced as evidence against a person except:

20 (a) To a superior officer or other official with whom the law enforcement officer is cooperating  
 21 in the enforcement of the criminal laws of this state or the United States;

22 (b) To a magistrate;

23 (c) In a presentation to a federal or state grand jury; or

24 (d) In compliance with a court order.

25 (10) A law enforcement officer may intercept an oral communication under this section only  
 26 when acting within the scope of the officer's employment and as a part of assigned duties.

27 (11) As used in this section, "law enforcement officer" means:

28 (a) An officer employed to enforce criminal laws by:

29 (A) The United States, this state or a municipal government within this state;

30 (B) A political subdivision, agency, department or bureau of the governments described in sub-  
 31 paragraph (A) of this paragraph; or

32 (C) A police department established by a university under ORS 352.383 or section 2 of this 2013  
 33 Act or a police department established by a community college district under section 4 of  
 34 this 2013 Act;

35 (b) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011;  
 36 or

37 (c) A liquor enforcement inspector as defined in ORS 471.001.

38 (12) Violation of subsection (9) of this section is a Class A misdemeanor.

39 **SECTION 18.** ORS 133.726, as amended by section 71, chapter 644, Oregon Laws 2011, and  
 40 section 13, chapter 54, Oregon Laws 2012, is amended to read:

41 133.726. (1) Notwithstanding ORS 133.724, under the circumstances described in this section, a  
 42 law enforcement officer is authorized to intercept an oral communication to which the officer or a  
 43 person under the direct supervision of the officer is a party, without obtaining an order for the in-  
 44 terception of a wire, electronic or oral communication under ORS 133.724.

45 (2) For purposes of this section and ORS 133.736, a person is a party to an oral communication



1 if the oral communication is made in the person's immediate presence and is audible to the person  
 2 regardless of whether the communication is specifically directed to the person.

3 (3) An ex parte order for intercepting an oral communication in any county of this state under  
 4 this section may be issued by any judge as defined in ORS 133.525 upon written application made  
 5 upon oath or affirmation of the district attorney or a deputy district attorney authorized by the  
 6 district attorney for the county in which the order is sought or upon the oath or affirmation of any  
 7 peace officer as defined in ORS 133.005. The application shall include:

8 (a) The name of the applicant and the applicant's authority to make the application;

9 (b) A statement demonstrating that there is probable cause to believe that a person whose oral  
 10 communication is to be intercepted is engaged in committing, has committed or is about to commit  
 11 a particular felony, or a misdemeanor under ORS 167.007 or 167.008, and that intercepting the oral  
 12 communication will yield evidence thereof; and

13 (c) The identity of the person, if known, suspected of committing the crime and whose oral  
 14 communication is to be intercepted.

15 (4) The judge may require the applicant to furnish further testimony or documentary evidence  
 16 in support of the application.

17 (5) Upon examination of the application and evidence, the judge may enter an ex parte order,  
 18 as requested or as modified, authorizing or approving the interception of an oral communication  
 19 within the state if the judge determines on the basis of the facts submitted by the applicant that:

20 (a) There is probable cause to believe that a person is engaged in committing, has committed  
 21 or is about to commit a particular felony, or a misdemeanor under ORS 167.007 or 167.008; and

22 (b) There is probable cause to believe that the oral communication to be obtained will contain  
 23 evidence concerning that crime.

24 (6) An order authorizing or approving the interception of an oral communication under this  
 25 section must specify:

26 (a) The identity of the person, if known, whose oral communication is to be intercepted;

27 (b) A statement identifying the particular crime to which the oral communication is expected  
 28 to relate;

29 (c) The agency authorized under the order to intercept the oral communication;

30 (d) The name and office of the applicant and the signature and title of the issuing judge;

31 (e) A period of time after which the order shall expire; and

32 (f) A statement that the order authorizes only the interception of an oral communication to  
 33 which a law enforcement officer or a person under the direct supervision of a law enforcement of-  
 34 ficer is a party.

35 (7) An order under ORS 133.724 or this section is not required when a law enforcement officer  
 36 intercepts an oral communication to which the officer or a person under the direct supervision of  
 37 the officer is a party if the oral communication is made by a person whom the officer has probable  
 38 cause to believe has committed, is engaged in committing or is about to commit:

39 (a) A crime punishable as a felony under ORS 475.752, 475.806 to 475.894 or 475.906 or as a  
 40 misdemeanor under ORS 167.007 or 167.008; or

41 (b) Any other crime punishable as a felony if the circumstances at the time the oral communi-  
 42 cation is intercepted are of such exigency that it would be unreasonable to obtain a court order  
 43 under ORS 133.724 or this section.

44 (8) A law enforcement officer who intercepts an oral communication pursuant to this section  
 45 may not intentionally fail to record and preserve the oral communication in its entirety. A law

1 enforcement officer, or a person under the direct supervision of the officer, who is authorized under  
 2 this section to intercept an oral communication is not required to exclude from the interception an  
 3 oral communication made by a person for whom probable cause does not exist if the officer or the  
 4 person under the officer's direct supervision is a party to the oral communication.

5 (9) A law enforcement officer may not divulge the contents of an oral communication intercepted  
 6 under this section before a preliminary hearing or trial in which an oral communication is going to  
 7 be introduced as evidence against a person except:

8 (a) To a superior officer or other official with whom the law enforcement officer is cooperating  
 9 in the enforcement of the criminal laws of this state or the United States;

10 (b) To a magistrate;

11 (c) In a presentation to a federal or state grand jury; or

12 (d) In compliance with a court order.

13 (10) A law enforcement officer may intercept an oral communication under this section only  
 14 when acting within the scope of the officer's employment and as a part of assigned duties.

15 (11) As used in this section, "law enforcement officer" means:

16 (a) An officer employed to enforce criminal laws by:

17 (A) The United States, this state or a municipal government within this state;

18 (B) A political subdivision, agency, department or bureau of the governments described in sub-  
 19 paragraph (A) of this paragraph; or

20 (C) A police department established by a university under ORS 352.383 or section 2 of this 2013  
 21 Act or a police department established by a community college district under section 4 of  
 22 this 2013 Act; or

23 (b) A liquor enforcement inspector as defined in ORS 471.001.

24 (12) Violation of subsection (9) of this section is a Class A misdemeanor.

25 **SECTION 19.** ORS 136.595 is amended to read:

26 136.595. (1) Except as provided in ORS 136.447 and 136.583 and subsection (2) of this section, a  
 27 subpoena is served by delivering a copy to the witness personally. If the witness is under 14 years  
 28 of age, the subpoena may be served by delivering a copy to the witness or to the witness's parent,  
 29 guardian or guardian ad litem. Proof of the service is made in the same manner as in the service  
 30 of a summons.

31 (2)(a) Every law enforcement agency shall designate an individual or individuals upon whom  
 32 service of subpoena may be made. At least one of the designated individuals shall be available dur-  
 33 ing normal business hours. In the absence of the designated individuals, service of subpoena pursu-  
 34 ant to paragraph (b) of this subsection may be made upon the officer in charge of the law  
 35 enforcement agency.

36 (b) If a peace officer's attendance at trial is required as a result of employment as a peace of-  
 37 ficer, a subpoena may be served on such officer by delivering a copy personally to the officer or to  
 38 one of the individuals designated by the agency that employs the officer. A subpoena may be served  
 39 by delivery to one of the individuals designated by the agency that employs the officer only if the  
 40 subpoena is delivered at least 10 days before the date the officer's attendance is required, the officer  
 41 is currently employed as a peace officer by the agency, and the officer is present within the state  
 42 at the time of service.

43 (c) When a subpoena has been served as provided in paragraph (b) of this subsection, the law  
 44 enforcement agency shall make a good faith effort to actually notify the officer whose attendance  
 45 is sought of the date, time and location of the court appearance. If the officer cannot be notified,

1 the law enforcement agency shall contact the court and a continuance may be granted to allow the  
 2 officer to be personally served.

3 (d) As used in this subsection, "law enforcement agency" means the Oregon State Police, a  
 4 county sheriff's department, a municipal police department, a police department established by a  
 5 university under ORS 352.383 or **section 2 of this 2013 Act**, a **police department established by**  
 6 **a community college district under section 4 of this 2013 Act** or, if the witness whose attend-  
 7 ance at trial is required is an authorized tribal police officer as defined in section 1, chapter 644,  
 8 Oregon Laws 2011, a tribal government as defined in section 1, chapter 644, Oregon Laws 2011.

9 (3) When a subpoena has been served as provided in ORS 136.583 or subsection (1) or (2) of this  
 10 section and, subsequent to service, the date on, or the time at, which the person subpoenaed is to  
 11 appear has changed, a new subpoena is not required to be served if:

12 (a) The subpoena is continued orally in open court in the presence of the person subpoenaed;  
 13 or

14 (b) The party who issued the original subpoena notifies the person subpoenaed of the change  
 15 by first class mail and by:

16 (A) Certified or registered mail, return receipt requested; or

17 (B) Express mail.

18 **SECTION 20.** ORS 136.595, as amended by section 72, chapter 644, Oregon Laws 2011, is  
 19 amended to read:

20 136.595. (1) Except as provided in ORS 136.447 and 136.583 and subsection (2) of this section, a  
 21 subpoena is served by delivering a copy to the witness personally. If the witness is under 14 years  
 22 of age, the subpoena may be served by delivering a copy to the witness or to the witness's parent,  
 23 guardian or guardian ad litem. Proof of the service is made in the same manner as in the service  
 24 of a summons.

25 (2)(a) Every law enforcement agency shall designate an individual or individuals upon whom  
 26 service of subpoena may be made. At least one of the designated individuals shall be available dur-  
 27 ing normal business hours. In the absence of the designated individuals, service of subpoena pursu-  
 28 ant to paragraph (b) of this subsection may be made upon the officer in charge of the law  
 29 enforcement agency.

30 (b) If a peace officer's attendance at trial is required as a result of employment as a peace of-  
 31 ficer, a subpoena may be served on such officer by delivering a copy personally to the officer or to  
 32 one of the individuals designated by the agency that employs the officer. A subpoena may be served  
 33 by delivery to one of the individuals designated by the agency that employs the officer only if the  
 34 subpoena is delivered at least 10 days before the date the officer's attendance is required, the officer  
 35 is currently employed as a peace officer by the agency, and the officer is present within the state  
 36 at the time of service.

37 (c) When a subpoena has been served as provided in paragraph (b) of this subsection, the law  
 38 enforcement agency shall make a good faith effort to actually notify the officer whose attendance  
 39 is sought of the date, time and location of the court appearance. If the officer cannot be notified,  
 40 the law enforcement agency shall contact the court and a continuance may be granted to allow the  
 41 officer to be personally served.

42 (d) As used in this subsection, "law enforcement agency" means the Oregon State Police, a  
 43 county sheriff's department, a municipal police department, [or] a police department established by  
 44 a university under ORS 352.383 or **section 2 of this 2013 Act** or a **police department established**  
 45 **by a community college district under section 4 of this 2013 Act**.

1 (3) When a subpoena has been served as provided in ORS 136.583 or subsection (1) or (2) of this  
2 section and, subsequent to service, the date on, or the time at, which the person subpoenaed is to  
3 appear has changed, a new subpoena is not required to be served if:

4 (a) The subpoena is continued orally in open court in the presence of the person subpoenaed;  
5 or

6 (b) The party who issued the original subpoena notifies the person subpoenaed of the change  
7 by first class mail and by:

8 (A) Certified or registered mail, return receipt requested; or

9 (B) Express mail.

10 **SECTION 21.** ORS 146.003 is amended to read:

11 146.003. As used in ORS 146.003 to 146.189 and 146.710 to 146.992, unless the context requires  
12 otherwise:

13 (1) "Approved laboratory" means a laboratory approved by the State Medical Examiner as  
14 competent to perform the blood sample analysis required by ORS 146.113 (2).

15 (2) "Assistant district medical examiner" means a physician appointed by the district medical  
16 examiner to investigate and certify deaths within a county or district.

17 (3) "Cause of death" means the primary or basic disease process or injury ending life.

18 (4) "Death requiring investigation" means the death of a person occurring in any one of the  
19 circumstances set forth in ORS 146.090.

20 (5) "Deputy medical examiner" means a person appointed by the district medical examiner to  
21 assist in the investigation of deaths within a county.

22 (6) "District medical examiner" means a physician appointed by the State Medical Examiner to  
23 investigate and certify deaths within a county or district, including a Deputy State Medical Exam-  
24 iner.

25 (7) "Law enforcement agency" means a county sheriff's office, municipal police department, po-  
26 lice department established by a university under ORS 352.383 or section 2 of this 2013 Act, a  
27 police department established by a community college district under section 4 of this 2013  
28 Act and the Oregon State Police.

29 (8) "Legal intervention" includes an execution pursuant to ORS 137.463, 137.467 and 137.473 and  
30 other legal use of force resulting in death.

31 (9) "Manner of death" means the designation of the probable mode of production of the cause  
32 of death, including natural, accidental, suicidal, homicidal, legal intervention or undetermined.

33 (10) "Medical examiner" means a physician appointed as provided by ORS 146.003 to 146.189 to  
34 investigate and certify the cause and manner of deaths requiring investigation, including the State  
35 Medical Examiner.

36 (11) "Pathologist" means a physician holding a current license to practice medicine and surgery  
37 and who is eligible for certification by the American Board of Pathology.

38 (12) "Unidentified human remains" does not include human remains that are unidentified human  
39 remains that are part of an archaeological site or suspected of being Native American and covered  
40 under ORS chapters 97 and 390 and ORS 358.905 to 358.961.

41 **SECTION 22.** ORS 147.425 is amended to read:

42 147.425. (1) As used in this section:

43 (a) "Health care provider" has the meaning given that term in ORS 192.556.

44 (b) "Law enforcement agency" means:

45 (A) A city or municipal police department.

1 (B) A county sheriff's office.

2 (C) The Oregon State Police.

3 (D) A district attorney.

4 (E) A police department established by a university under ORS 352.383 or section 2 of this 2013  
5 Act or a police department established by a community college district under section 4 of  
6 this 2013 Act.

7 (F) A special campus security officer commissioned under ORS 352.385 [or 353.050].

8 (G) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011.

9 (c) "Person crime" means a person felony or person Class A misdemeanor, as those terms are  
10 defined in the rules of the Oregon Criminal Justice Commission.

11 (d) "Personal representative" means a person selected under subsection (2) of this section to  
12 accompany the victim of a crime to certain phases of an investigation and prosecution.

13 (e) "Protective service worker" means an employee or contractor of a local or state agency  
14 whose role it is to protect children or vulnerable adults from abuse or neglect.

15 (2) A victim of a person crime, who is at least 15 years of age at the time the crime is com-  
16 mitted, may select a person who is at least 18 years of age as the victim's personal representative  
17 for purposes of this section. The victim may not select a person who is a suspect in, or a party or  
18 witness to, the crime as a personal representative.

19 (3) Except for grand jury proceedings and child abuse assessments occurring at a child advocacy  
20 center recognized by the Department of Justice, a personal representative may accompany the vic-  
21 tim to those phases of the investigation, including medical examinations, and prosecution of the  
22 crime at which the victim is entitled or required to be present.

23 (4) A health care provider, law enforcement agency, protective service worker or court may not  
24 prohibit a personal representative from accompanying a victim as authorized by subsection (3) of  
25 this section unless the health care provider, law enforcement agency, protective service worker or  
26 court believes that the personal representative would compromise the process.

27 (5) A health care provider, law enforcement agency, protective service worker or court is im-  
28 mune from any liability, civil or criminal, that might otherwise be incurred or imposed with respect  
29 to a decision under subsection (4) of this section to prohibit a personal representative from accom-  
30 panying a victim.

31 (6) The fact that a personal representative was allowed or was not allowed to accompany a  
32 victim may not be used as a basis for excluding otherwise admissible evidence.

33 (7) The fact that a victim has or has not selected a personal representative under this section  
34 may not be used as evidence in the criminal case.

35 **SECTION 23.** ORS 147.425, as amended by section 44, chapter 644, Oregon Laws 2011, is  
36 amended to read:

37 147.425. (1) As used in this section:

38 (a) "Health care provider" has the meaning given that term in ORS 192.556.

39 (b) "Law enforcement agency" means:

40 (A) A city or municipal police department.

41 (B) A county sheriff's office.

42 (C) The Oregon State Police.

43 (D) A district attorney.

44 (E) A police department established by a university under ORS 352.383 or section 2 of this 2013  
45 Act or a police department established by a community college district under section 4 of

1 **this 2013 Act.**

2 (F) A special campus security officer commissioned under ORS 352.385 [or 353.050].

3 (c) "Person crime" means a person felony or person Class A misdemeanor, as those terms are  
4 defined in the rules of the Oregon Criminal Justice Commission.

5 (d) "Personal representative" means a person selected under subsection (2) of this section to  
6 accompany the victim of a crime to certain phases of an investigation and prosecution.

7 (e) "Protective service worker" means an employee or contractor of a local or state agency  
8 whose role it is to protect children or vulnerable adults from abuse or neglect.

9 (2) A victim of a person crime, who is at least 15 years of age at the time the crime is com-  
10 mitted, may select a person who is at least 18 years of age as the victim's personal representative  
11 for purposes of this section. The victim may not select a person who is a suspect in, or a party or  
12 witness to, the crime as a personal representative.

13 (3) Except for grand jury proceedings and child abuse assessments occurring at a child advocacy  
14 center recognized by the Department of Justice, a personal representative may accompany the vic-  
15 tim to those phases of the investigation, including medical examinations, and prosecution of the  
16 crime at which the victim is entitled or required to be present.

17 (4) A health care provider, law enforcement agency, protective service worker or court may not  
18 prohibit a personal representative from accompanying a victim as authorized by subsection (3) of  
19 this section unless the health care provider, law enforcement agency, protective service worker or  
20 court believes that the personal representative would compromise the process.

21 (5) A health care provider, law enforcement agency, protective service worker or court is im-  
22 mune from any liability, civil or criminal, that might otherwise be incurred or imposed with respect  
23 to a decision under subsection (4) of this section to prohibit a personal representative from accom-  
24 panying a victim.

25 (6) The fact that a personal representative was allowed or was not allowed to accompany a  
26 victim may not be used as a basis for excluding otherwise admissible evidence.

27 (7) The fact that a victim has or has not selected a personal representative under this section  
28 may not be used as evidence in the criminal case.

29 **SECTION 24.** ORS 153.005, as amended by section 14, chapter 54, Oregon Laws 2012, and sec-  
30 tion 7, chapter 67, Oregon Laws 2012, is amended to read:

31 153.005. As used in this chapter:

32 (1) "Enforcement officer" means:

33 (a) A member of the Oregon State Police.

34 (b) A sheriff or deputy sheriff.

35 (c) A city marshal or a member of the police of a city, municipal or quasi-municipal corporation.

36 (d) A police officer commissioned by a university under ORS 352.383 or section 2 of this 2013  
37 Act or a police officer commissioned by a community college district under section 4 of this  
38 2013 Act.

39 (e) An investigator of a district attorney's office if the investigator is or has been certified as  
40 a peace officer in this or any other state.

41 (f) An investigator of the Criminal Justice Division of the Department of Justice of the State  
42 of Oregon.

43 (g) A Port of Portland peace officer.

44 (h) A humane special agent as defined in section 2, chapter 67, Oregon Laws 2012.

45 (i) A liquor enforcement inspector exercising authority described in ORS 471.775 (2).

1 (j) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011.

2 (k) Any other person specifically authorized by law to issue citations for the commission of vi-  
3 olations.

4 (2) "Traffic offense" has the meaning given that term in ORS 801.555.

5 (3) "Violation" means an offense described in ORS 153.008.

6 (4) "Violation proceeding" means a judicial proceeding initiated by issuance of a citation that  
7 charges a person with commission of a violation.

8 **SECTION 25.** ORS 153.005, as amended by section 45, chapter 644, Oregon Laws 2011, section  
9 15, chapter 54, Oregon Laws 2012, and section 8, chapter 67, Oregon Laws 2012, is amended to read:  
10 153.005. As used in this chapter:

11 (1) "Enforcement officer" means:

12 (a) A member of the Oregon State Police.

13 (b) A sheriff or deputy sheriff.

14 (c) A city marshal or a member of the police of a city, municipal or quasi-municipal corporation.

15 (d) A police officer commissioned by a university under ORS 352.383 or section 2 of this 2013  
16 Act or a police officer commissioned by a community college district under section 4 of this  
17 2013 Act.

18 (e) An investigator of a district attorney's office if the investigator is or has been certified as  
19 a peace officer in this or any other state.

20 (f) An investigator of the Criminal Justice Division of the Department of Justice of the State  
21 of Oregon.

22 (g) A Port of Portland peace officer.

23 (h) A humane special agent as defined in section 2, chapter 67, Oregon Laws 2012.

24 (i) A liquor enforcement inspector exercising authority described in ORS 471.775 (2).

25 (j) Any other person specifically authorized by law to issue citations for the commission of vio-  
26 lations.

27 (2) "Traffic offense" has the meaning given that term in ORS 801.555.

28 (3) "Violation" means an offense described in ORS 153.008.

29 (4) "Violation proceeding" means a judicial proceeding initiated by issuance of a citation that  
30 charges a person with commission of a violation.

31 **SECTION 26.** ORS 161.015, as amended by section 16, chapter 54, Oregon Laws 2012, and sec-  
32 tion 9, chapter 67, Oregon Laws 2012, is amended to read:

33 161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635, unless the context requires  
34 otherwise:

35 (1) "Dangerous weapon" means any weapon, device, instrument, material or substance which  
36 under the circumstances in which it is used, attempted to be used or threatened to be used, is  
37 readily capable of causing death or serious physical injury.

38 (2) "Deadly weapon" means any instrument, article or substance specifically designed for and  
39 presently capable of causing death or serious physical injury.

40 (3) "Deadly physical force" means physical force that under the circumstances in which it is  
41 used is readily capable of causing death or serious physical injury.

42 (4) "Peace officer" means:

43 (a) A member of the Oregon State Police;

44 (b) A sheriff, constable, marshal, municipal police officer or reserve officer as defined in ORS  
45 133.005, [or] a police officer commissioned by a university under ORS 352.383 or section 2 of this

1 **2013 Act or a police officer commissioned by a community college district under section 4**  
 2 **of this 2013 Act;**

3 (c) An investigator of the Criminal Justice Division of the Department of Justice or investigator  
 4 of a district attorney's office;

5 (d) A humane special agent as defined in section 2, chapter 67, Oregon Laws 2012;

6 (e) A liquor enforcement inspector exercising authority described in ORS 471.775 (2);

7 (f) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011;  
 8 and

9 (g) Any other person designated by law as a peace officer.

10 (5) "Person" means a human being and, where appropriate, a public or private corporation, an  
 11 unincorporated association, a partnership, a government or a governmental instrumentality.

12 (6) "Physical force" includes, but is not limited to, the use of an electrical stun gun, tear gas  
 13 or mace.

14 (7) "Physical injury" means impairment of physical condition or substantial pain.

15 (8) "Serious physical injury" means physical injury which creates a substantial risk of death or  
 16 which causes serious and protracted disfigurement, protracted impairment of health or protracted  
 17 loss or impairment of the function of any bodily organ.

18 (9) "Possess" means to have physical possession or otherwise to exercise dominion or control  
 19 over property.

20 (10) "Public place" means a place to which the general public has access and includes, but is  
 21 not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting  
 22 rooms or apartments designed for actual residence, and highways, streets, schools, places of  
 23 amusement, parks, playgrounds and premises used in connection with public passenger transporta-  
 24 tion.

25 **SECTION 27.** ORS 161.015, as amended by section 46, chapter 644, Oregon Laws 2011, section  
 26 17, chapter 54, Oregon Laws 2012, and section 10, chapter 67, Oregon Laws 2012, is amended to  
 27 read:

28 161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635, unless the context requires  
 29 otherwise:

30 (1) "Dangerous weapon" means any weapon, device, instrument, material or substance which  
 31 under the circumstances in which it is used, attempted to be used or threatened to be used, is  
 32 readily capable of causing death or serious physical injury.

33 (2) "Deadly weapon" means any instrument, article or substance specifically designed for and  
 34 presently capable of causing death or serious physical injury.

35 (3) "Deadly physical force" means physical force that under the circumstances in which it is  
 36 used is readily capable of causing death or serious physical injury.

37 (4) "Peace officer" means:

38 (a) A member of the Oregon State Police;

39 (b) A sheriff, constable, marshal, municipal police officer or reserve officer as defined in ORS  
 40 133.005, [or] a police officer commissioned by a university under ORS 352.383 or **section 2 of this**  
 41 **2013 Act or a police officer commissioned by a community college district under section 4**  
 42 **of this 2013 Act;**

43 (c) An investigator of the Criminal Justice Division of the Department of Justice or investigator  
 44 of a district attorney's office;

45 (d) A humane special agent as defined in section 2, chapter 67, Oregon Laws 2012;



1 (e) A liquor enforcement inspector exercising authority described in ORS 471.775 (2); and

2 (f) Any other person designated by law as a peace officer.

3 (5) "Person" means a human being and, where appropriate, a public or private corporation, an  
4 unincorporated association, a partnership, a government or a governmental instrumentality.

5 (6) "Physical force" includes, but is not limited to, the use of an electrical stun gun, tear gas  
6 or mace.

7 (7) "Physical injury" means impairment of physical condition or substantial pain.

8 (8) "Serious physical injury" means physical injury which creates a substantial risk of death or  
9 which causes serious and protracted disfigurement, protracted impairment of health or protracted  
10 loss or impairment of the function of any bodily organ.

11 (9) "Possess" means to have physical possession or otherwise to exercise dominion or control  
12 over property.

13 (10) "Public place" means a place to which the general public has access and includes, but is  
14 not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting  
15 rooms or apartments designed for actual residence, and highways, streets, schools, places of  
16 amusement, parks, playgrounds and premises used in connection with public passenger transporta-  
17 tion.

18 **SECTION 28.** ORS 163.730 is amended to read:

19 163.730. As used in ORS 30.866 and 163.730 to 163.750, unless the context requires otherwise:

20 (1) "Alarm" means to cause apprehension or fear resulting from the perception of danger.

21 (2) "Coerce" means to restrain, compel or dominate by force or threat.

22 (3) "Contact" includes but is not limited to:

23 (a) Coming into the visual or physical presence of the other person;

24 (b) Following the other person;

25 (c) Waiting outside the home, property, place of work or school of the other person or of a  
26 member of that person's family or household;

27 (d) Sending or making written or electronic communications in any form to the other person;

28 (e) Speaking with the other person by any means;

29 (f) Communicating with the other person through a third person;

30 (g) Committing a crime against the other person;

31 (h) Communicating with a third person who has some relationship to the other person with the  
32 intent of affecting the third person's relationship with the other person;

33 (i) Communicating with business entities with the intent of affecting some right or interest of  
34 the other person;

35 (j) Damaging the other person's home, property, place of work or school;

36 (k) Delivering directly or through a third person any object to the home, property, place of work  
37 or school of the other person; or

38 (L) Service of process or other legal documents unless the other person is served as provided  
39 in ORCP 7 or 9.

40 (4) "Household member" means any person residing in the same residence as the victim.

41 (5) "Immediate family" means father, mother, child, sibling, spouse, grandparent, stepparent and  
42 stepchild.

43 (6) "Law enforcement officer" means:

44 (a) A person employed in this state as a police officer by:

45 (A) A county sheriff, constable or marshal;

1 (B) A police department established by a university under ORS 352.383 or section 2 of this 2013  
2 Act or a police department established by a community college district under section 4 of  
3 this 2013 Act; or

4 (C) A municipal or state police agency; or

5 (b) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011.

6 (7) "Repeated" means two or more times.

7 (8) "School" means a public or private institution of learning or a child care facility.

8 **SECTION 29.** ORS 163.730, as amended by section 73, chapter 644, Oregon Laws 2011, is  
9 amended to read:

10 163.730. As used in ORS 30.866 and 163.730 to 163.750, unless the context requires otherwise:

11 (1) "Alarm" means to cause apprehension or fear resulting from the perception of danger.

12 (2) "Coerce" means to restrain, compel or dominate by force or threat.

13 (3) "Contact" includes but is not limited to:

14 (a) Coming into the visual or physical presence of the other person;

15 (b) Following the other person;

16 (c) Waiting outside the home, property, place of work or school of the other person or of a  
17 member of that person's family or household;

18 (d) Sending or making written or electronic communications in any form to the other person;

19 (e) Speaking with the other person by any means;

20 (f) Communicating with the other person through a third person;

21 (g) Committing a crime against the other person;

22 (h) Communicating with a third person who has some relationship to the other person with the  
23 intent of affecting the third person's relationship with the other person;

24 (i) Communicating with business entities with the intent of affecting some right or interest of  
25 the other person;

26 (j) Damaging the other person's home, property, place of work or school;

27 (k) Delivering directly or through a third person any object to the home, property, place of work  
28 or school of the other person; or

29 (L) Service of process or other legal documents unless the other person is served as provided  
30 in ORCP 7 or 9.

31 (4) "Household member" means any person residing in the same residence as the victim.

32 (5) "Immediate family" means father, mother, child, sibling, spouse, grandparent, stepparent and  
33 stepchild.

34 (6) "Law enforcement officer" means a person employed in this state as a police officer by:

35 (a) A county sheriff, constable or marshal;

36 (b) A police department established by a university under ORS 352.383 or section 2 of this 2013  
37 Act or a police department established by a community college district under section 4 of  
38 this 2013 Act; or

39 (c) A municipal or state police agency.

40 (7) "Repeated" means two or more times.

41 (8) "School" means a public or private institution of learning or a child care facility.

42 **SECTION 30.** ORS 165.535 is amended to read:

43 165.535. As used in ORS 41.910, 133.723, 133.724, 165.540 and 165.545:

44 (1) "Conversation" means the transmission between two or more persons of an oral communi-  
45 cation which is not a telecommunication or a radio communication.

1 (2) "Person" has the meaning given that term in ORS 174.100 and includes:

2 (a) Public officials and law enforcement officers of:

3 (A) The state and of a county, municipal corporation or any other political subdivision of the  
4 state; [and]

5 (B) A police department established by a university under ORS 352.383 or section 2 of this 2013  
6 Act; and

7 (C) A police department established by a community college district under section 4 of  
8 this 2013 Act; and

9 (b) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011.

10 (3) "Radio communication" means the transmission by radio or other wireless methods of writ-  
11 ing, signs, signals, pictures and sounds of all kinds, including all instrumentalities, facilities, equip-  
12 ment and services (including, among other things, the receipt, forwarding and delivering of  
13 communications) incidental to such transmission.

14 (4) "Telecommunication" means the transmission of writing, signs, signals, pictures and sounds  
15 of all kinds by aid of wire, cable or other similar connection between the points of origin and re-  
16 ception of such transmission, including all instrumentalities, facilities, equipment and services (in-  
17 cluding, among other things, the receipt, forwarding and delivering of communications) incidental  
18 to such transmission.

19 **SECTION 31.** ORS 165.535, as amended by section 74, chapter 644, Oregon Laws 2011, is  
20 amended to read:

21 165.535. As used in ORS 41.910, 133.723, 133.724, 165.540 and 165.545:

22 (1) "Conversation" means the transmission between two or more persons of an oral communi-  
23 cation which is not a telecommunication or a radio communication.

24 (2) "Person" has the meaning given that term in ORS 174.100 and includes public officials and  
25 law enforcement officers of:

26 (a) The state and of a county, municipal corporation or any other political subdivision of the  
27 state; [and]

28 (b) A police department established by a university under ORS 352.383 or section 2 of this 2013  
29 Act; and

30 (c) A police department established by a community college district under section 4 of  
31 this 2013 Act.

32 (3) "Radio communication" means the transmission by radio or other wireless methods of writ-  
33 ing, signs, signals, pictures and sounds of all kinds, including all instrumentalities, facilities, equip-  
34 ment and services (including, among other things, the receipt, forwarding and delivering of  
35 communications) incidental to such transmission.

36 (4) "Telecommunication" means the transmission of writing, signs, signals, pictures and sounds  
37 of all kinds by aid of wire, cable or other similar connection between the points of origin and re-  
38 ception of such transmission, including all instrumentalities, facilities, equipment and services (in-  
39 cluding, among other things, the receipt, forwarding and delivering of communications) incidental  
40 to such transmission.

41 **SECTION 32.** ORS 180.320 is amended to read:

42 180.320. (1) All state agencies, district attorneys, [and all] police officers of the state, county or  
43 any municipality[, university] or court thereof, and police officers of any university or commu-  
44 nity college, shall cooperate with the Division of Child Support of the Department of Justice in  
45 furnishing and making available information, records and documents necessary to assist in estab-

1 lishing or enforcing support obligations or paternity, in performing the duties set out in ORS 25.080  
 2 and in determining the location of any absent parent or child for the purpose of enforcing any state  
 3 or federal law regarding the unlawful taking or restraint of a child or for the purpose of making or  
 4 enforcing a child custody determination. Notwithstanding the provisions of ORS 109.225, 416.430,  
 5 432.121, 432.230 and 432.430, records pertaining to the paternity of a child shall be made available  
 6 upon written request of an authorized representative of the Division of Child Support. Any infor-  
 7 mation obtained pursuant to this subsection is confidential, and shall be used only for the purposes  
 8 set out in this subsection.

9 (2) Information furnished to the Division of Child Support by the Department of Revenue and  
 10 made confidential by ORS 314.835 shall be used by the division and its employees solely for the  
 11 purpose of enforcing the provisions of ORS 180.320 to 180.365 and shall not be disclosed or made  
 12 known for any other purpose. Any person who violates the prohibition against disclosure contained  
 13 in this subsection, upon conviction, is punishable as provided in ORS 314.991 (2).

14 **SECTION 33.** ORS 181.010, as amended by section 18, chapter 54, Oregon Laws 2012, and sec-  
 15 tion 11, chapter 67, Oregon Laws 2012, is amended to read:

16 181.010. As used in ORS 181.010 to 181.560 and 181.715 to 181.730, unless the context requires  
 17 otherwise:

18 (1) "Criminal justice agency" means:

19 (a) The Governor;

20 (b) Courts of criminal jurisdiction;

21 (c) The Attorney General;

22 (d) District attorneys, city attorneys with criminal prosecutorial functions, attorney employees  
 23 of the office of public defense services and nonprofit public defender organizations established under  
 24 contract with the Public Defense Services Commission;

25 (e) Law enforcement agencies;

26 (f) The Department of Corrections;

27 (g) The Oregon Youth Authority;

28 (h) The State Board of Parole and Post-Prison Supervision;

29 (i) The Department of Public Safety Standards and Training;

30 (j) The Oregon Liquor Control Commission;

31 (k) Regional information systems that share programs to track, identify and remove cross-  
 32 jurisdictional criminal and terrorist conspiracies; and

33 (L) Any other state or local agency with law enforcement authority.

34 (2) "Criminal offender information" includes records and related data as to physical description  
 35 and vital statistics, fingerprints received and compiled for purposes of identifying criminal offenders  
 36 and alleged offenders, records of arrests and the nature and disposition of criminal charges, includ-  
 37 ing sentencing, confinement, parole and release.

38 (3) "Department" means the Department of State Police established under ORS 181.020.

39 (4) "Deputy superintendent" means the Deputy Superintendent of State Police appointed under  
 40 ORS 181.220.

41 (5) "Designated agency" means any state, county or municipal government agency where Oregon  
 42 criminal offender information is required to implement a federal or state statute, executive order  
 43 or administrative rule that expressly refers to criminal conduct and contains requirements or ex-  
 44 clusions expressly based on such conduct or for agency employment purposes, licensing purposes or  
 45 other demonstrated and legitimate needs when designated by order of the Governor.

1 (6) "Disposition report" means a form or process prescribed or furnished by the department,  
 2 containing a description of the ultimate action taken subsequent to an arrest.

3 (7) "Law enforcement agency" means:

4 (a) County sheriffs, municipal police departments, police departments established by a university  
 5 under ORS 352.383 or section 2 of this 2013 Act, police departments established by a commu-  
 6 nity college district under section 4 of this 2013 Act and State Police;

7 (b) Other police officers of this state or another state, including humane special agents as de-  
 8 fined in section 2, chapter 67, Oregon Laws 2012;

9 (c) A tribal government as defined in section 1, chapter 644, Oregon Laws 2011, that employs  
 10 authorized tribal police officers as defined in section 1, chapter 644, Oregon Laws 2011; and

11 (d) Law enforcement agencies of the federal government.

12 (8) "State police" means the sworn members of the state police force appointed under ORS  
 13 181.250.

14 (9) "Superintendent" means the Superintendent of State Police appointed under ORS 181.200.

15 **SECTION 34.** ORS 181.010, as amended by section 49, chapter 644, Oregon Laws 2011, section  
 16 19, chapter 54, Oregon Laws 2012, and section 12, chapter 67, Oregon Laws 2012, is amended to  
 17 read:

18 181.010. As used in ORS 181.010 to 181.560 and 181.715 to 181.730, unless the context requires  
 19 otherwise:

20 (1) "Criminal justice agency" means:

21 (a) The Governor;

22 (b) Courts of criminal jurisdiction;

23 (c) The Attorney General;

24 (d) District attorneys, city attorneys with criminal prosecutorial functions, attorney employees  
 25 of the office of public defense services and nonprofit public defender organizations established under  
 26 contract with the Public Defense Services Commission;

27 (e) Law enforcement agencies;

28 (f) The Department of Corrections;

29 (g) The Oregon Youth Authority;

30 (h) The State Board of Parole and Post-Prison Supervision;

31 (i) The Department of Public Safety Standards and Training;

32 (j) The Oregon Liquor Control Commission;

33 (k) Regional information systems that share programs to track, identify and remove cross-  
 34 jurisdictional criminal and terrorist conspiracies; and

35 (L) Any other state or local agency with law enforcement authority.

36 (2) "Criminal offender information" includes records and related data as to physical description  
 37 and vital statistics, fingerprints received and compiled for purposes of identifying criminal offenders  
 38 and alleged offenders, records of arrests and the nature and disposition of criminal charges, includ-  
 39 ing sentencing, confinement, parole and release.

40 (3) "Department" means the Department of State Police established under ORS 181.020.

41 (4) "Deputy superintendent" means the Deputy Superintendent of State Police appointed under  
 42 ORS 181.220.

43 (5) "Designated agency" means any state, county or municipal government agency where Oregon  
 44 criminal offender information is required to implement a federal or state statute, executive order  
 45 or administrative rule that expressly refers to criminal conduct and contains requirements or ex-

1 clusions expressly based on such conduct or for agency employment purposes, licensing purposes or  
 2 other demonstrated and legitimate needs when designated by order of the Governor.

3 (6) "Disposition report" means a form or process prescribed or furnished by the department,  
 4 containing a description of the ultimate action taken subsequent to an arrest.

5 (7) "Law enforcement agency" means:

6 (a) County sheriffs, municipal police departments, police departments established by a university  
 7 under ORS 352.383 or section 2 of this 2013 Act, police departments established by a commu-  
 8 nity college district under section 4 of this 2013 Act and State Police;

9 (b) Other police officers of this state or another state, including humane special agents as de-  
 10 fined in section 2, chapter 67, Oregon Laws 2012; and

11 (c) Law enforcement agencies of the federal government.

12 (8) "State police" means the sworn members of the state police force appointed under ORS  
 13 181.250.

14 (9) "Superintendent" means the Superintendent of State Police appointed under ORS 181.200.

15 **SECTION 35.** ORS 181.610, as amended by section 22, chapter 54, Oregon Laws 2012, section  
 16 13, chapter 67, Oregon Laws 2012, and section 4, chapter 88, Oregon Laws 2012, is amended to read:  
 17 181.610. In ORS 181.610 to 181.712, unless the context requires otherwise:

18 (1) "Abuse" has the meaning given the term in ORS 107.705.

19 (2) "Board" means the Board on Public Safety Standards and Training appointed pursuant to  
 20 ORS 181.620.

21 (3) "Certified reserve officer" means a reserve officer who has been designated by a local law  
 22 enforcement unit, has received training necessary for certification and has met the minimum stan-  
 23 dards and training requirements established under ORS 181.640.

24 (4) "Commissioned" means being authorized to perform various acts or duties of a police officer  
 25 or certified reserve officer and acting under the supervision and responsibility of a county sheriff  
 26 or as otherwise provided by law.

27 (5) "Corrections officer" means an officer or member employed full-time by a law enforcement  
 28 unit who:

29 (a) Is charged with and primarily performs the duty of custody, control or supervision of indi-  
 30 viduals convicted of or arrested for a criminal offense and confined in a place of incarceration or  
 31 detention other than a place used exclusively for incarceration or detention of juveniles; or

32 (b) Has been certified as a corrections officer described in paragraph (a) of this subsection and  
 33 has supervisory or management authority for corrections officers described in paragraph (a) of this  
 34 subsection.

35 (6) "Department" means the Department of Public Safety Standards and Training.

36 (7) "Director" means the Director of the Department of Public Safety Standards and Training.

37 (8) "Domestic violence" means abuse between family or household members.

38 (9) "Emergency medical dispatcher" means a person who has responsibility to process requests  
 39 for medical assistance from the public or to dispatch medical care providers.

40 (10) "Family or household members" has the meaning given that term in ORS 107.705.

41 (11) "Fire service professional" means a paid or volunteer firefighter, an officer or a member  
 42 of a public or private fire protection agency that is engaged primarily in fire investigation, fire  
 43 prevention, fire safety, fire control or fire suppression or providing emergency medical services, light  
 44 and heavy rescue services, search and rescue services or hazardous materials incident response.  
 45 "Fire service professional" does not mean forest fire protection agency personnel.

1 (12) "Law enforcement unit" means:

2 (a) A police force or organization of the state, a city, university that has established a police  
3 department under ORS 352.383 or section 2 of this 2013 Act, community college district that  
4 has established a police department under section 4 of this 2013 Act, port, school district, mass  
5 transit district, county, county service district authorized to provide law enforcement services under  
6 ORS 451.010, tribal government as defined in section 1, chapter 644, Oregon Laws 2011, that employs  
7 authorized tribal police officers as defined in section 1, chapter 644, Oregon Laws 2011, the Criminal  
8 Justice Division of the Department of Justice, the Department of Corrections, the Oregon State  
9 Lottery Commission, the Security and Emergency Preparedness Office of the Judicial Department  
10 or common carrier railroad the primary duty of which, as prescribed by law, ordinance or directive,  
11 is one or more of the following:

12 (A) Detecting crime and enforcing the criminal laws of this state or laws or ordinances relating  
13 to airport security;

14 (B) The custody, control or supervision of individuals convicted of or arrested for a criminal  
15 offense and confined to a place of incarceration or detention other than a place used exclusively for  
16 incarceration or detention of juveniles; or

17 (C) The control, supervision and reformation of adult offenders placed on parole or sentenced  
18 to probation and investigation of adult offenders on parole or probation or being considered for  
19 parole or probation;

20 (b) A police force or organization of a private entity with a population of more than 1,000 resi-  
21 dents in an unincorporated area the employees of which are commissioned by a county sheriff;

22 (c) A district attorney's office;

23 (d) The Oregon Liquor Control Commission with regard to liquor enforcement inspectors; or

24 (e) A humane investigation agency as defined in section 1, chapter 67, Oregon Laws 2012.

25 (13) "Liquor enforcement inspector" has the meaning given that term in ORS 471.001.

26 (14) "Parole and probation officer" means:

27 (a) An officer who is employed full-time by the Department of Corrections, a county or a court  
28 and who is charged with and performs the duty of:

29 (A) Community protection by controlling, investigating, supervising and providing or making  
30 referrals to reformative services for adult parolees or probationers or offenders on post-prison  
31 supervision; or

32 (B) Investigating adult offenders on parole or probation or being considered for parole or pro-  
33 bation; or

34 (b) An officer who:

35 (A) Is certified and has been employed as a full-time parole and probation officer for more than  
36 one year;

37 (B) Is employed part-time by the Department of Corrections, a county or a court; and

38 (C) Is charged with and performs the duty of:

39 (i) Community protection by controlling, investigating, supervising and providing or making re-  
40 ferrals to reformative services for adult parolees or probationers or offenders on post-prison super-  
41 vision; or

42 (ii) Investigating adult offenders on parole or probation or being considered for parole or pro-  
43 bation.

44 (15) "Police officer" means:

45 (a) An officer, member or employee of a law enforcement unit employed full-time as a peace of-

1 ficer who is:

2 (A) Commissioned by a city, port, school district, mass transit district, county, county service  
 3 district authorized to provide law enforcement services under ORS 451.010, tribal government as  
 4 defined in section 1, chapter 644, Oregon Laws 2011, the Criminal Justice Division of the Depart-  
 5 ment of Justice, the Oregon State Lottery Commission, a university that has established a police  
 6 department under ORS 352.383 or **section 2 of this 2013 Act**, a **community college district that**  
 7 **has established a police department under section 4 of this 2013 Act**, the Governor or the De-  
 8 partment of State Police; and

9 (B) Responsible for enforcing the criminal laws of this state or laws or ordinances relating to  
 10 airport security;

11 (b) An investigator of a district attorney's office if the investigator is or has been certified as  
 12 a peace officer in this or another state, an authorized tribal police officer as defined in section 1,  
 13 chapter 644, Oregon Laws 2011, or a humane special agent commissioned under section 1, chapter  
 14 67, Oregon Laws 2012; or

15 (c) An individual member of the judicial security personnel identified pursuant to ORS 1.177 who  
 16 is trained pursuant to section 3, chapter 88, Oregon Laws 2012.

17 (16) "Public or private safety agency" means a unit of state or local government, a special pur-  
 18 pose district or a private firm that provides, or has authority to provide, fire fighting, police, am-  
 19 bulance or emergency medical services.

20 (17) "Public safety personnel" and "public safety officer" include corrections officers, youth  
 21 correction officers, emergency medical dispatchers, parole and probation officers, police officers,  
 22 certified reserve officers, telecommunicators, liquor enforcement inspectors and fire service profes-  
 23 sionals.

24 (18) "Reserve officer" means an officer or member of a law enforcement unit who is:

25 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,  
 26 school district, mass transit district, county, county service district authorized to provide law  
 27 enforcement services under ORS 451.010, tribal government as defined in section 1, chapter 644,  
 28 Oregon Laws 2011, the Criminal Justice Division of the Department of Justice, the Oregon State  
 29 Lottery Commission, a university that has established a police department under ORS 352.383 or  
 30 **section 2 of this 2013 Act**, a **community college district that has established a police depart-**  
 31 **ment under section 4 of this 2013 Act**, the Governor or the Department of State Police;

32 (b) Armed with a firearm; and

33 (c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordi-  
 34 nances relating to airport security.

35 (19) "Telecommunicator" means a person employed as an emergency telephone worker as de-  
 36 fined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing  
 37 and transmitting public safety information received through a 9-1-1 emergency reporting system as  
 38 defined in ORS 403.105.

39 (20) "Youth correction officer" means an employee of the Oregon Youth Authority who is  
 40 charged with and primarily performs the duty of custody, control or supervision of youth offenders  
 41 confined in a youth correction facility.

42 **SECTION 36.** ORS 181.610, as amended by section 50, chapter 644, Oregon Laws 2011, section  
 43 23, chapter 54, Oregon Laws 2012, section 14, chapter 67, Oregon Laws 2012, and section 5, chapter  
 44 88, Oregon Laws 2012, is amended to read:

45 181.610. In ORS 181.610 to 181.712, unless the context requires otherwise:



- 1 (1) "Abuse" has the meaning given the term in ORS 107.705.
- 2 (2) "Board" means the Board on Public Safety Standards and Training appointed pursuant to  
3 ORS 181.620.
- 4 (3) "Certified reserve officer" means a reserve officer who has been designated by a local law  
5 enforcement unit, has received training necessary for certification and has met the minimum stan-  
6 dards and training requirements established under ORS 181.640.
- 7 (4) "Commissioned" means being authorized to perform various acts or duties of a police officer  
8 or certified reserve officer and acting under the supervision and responsibility of a county sheriff  
9 or as otherwise provided by law.
- 10 (5) "Corrections officer" means an officer or member employed full-time by a law enforcement  
11 unit who:
- 12 (a) Is charged with and primarily performs the duty of custody, control or supervision of indi-  
13 viduals convicted of or arrested for a criminal offense and confined in a place of incarceration or  
14 detention other than a place used exclusively for incarceration or detention of juveniles; or
- 15 (b) Has been certified as a corrections officer described in paragraph (a) of this subsection and  
16 has supervisory or management authority for corrections officers described in paragraph (a) of this  
17 subsection.
- 18 (6) "Department" means the Department of Public Safety Standards and Training.
- 19 (7) "Director" means the Director of the Department of Public Safety Standards and Training.
- 20 (8) "Domestic violence" means abuse between family or household members.
- 21 (9) "Emergency medical dispatcher" means a person who has responsibility to process requests  
22 for medical assistance from the public or to dispatch medical care providers.
- 23 (10) "Family or household members" has the meaning given that term in ORS 107.705.
- 24 (11) "Fire service professional" means a paid or volunteer firefighter, an officer or a member  
25 of a public or private fire protection agency that is engaged primarily in fire investigation, fire  
26 prevention, fire safety, fire control or fire suppression or providing emergency medical services, light  
27 and heavy rescue services, search and rescue services or hazardous materials incident response.  
28 "Fire service professional" does not mean forest fire protection agency personnel.
- 29 (12) "Law enforcement unit" means:
- 30 (a) A police force or organization of the state, a city, university that has established a police  
31 department under ORS 352.383 or section 2 of this 2013 Act, **community college district that**  
32 **has established a police department under section 4 of this 2013 Act**, port, school district, mass  
33 transit district, county, county service district authorized to provide law enforcement services under  
34 ORS 451.010, tribal government, the Criminal Justice Division of the Department of Justice, the  
35 Department of Corrections, the Oregon State Lottery Commission, the Security and Emergency  
36 Preparedness Office of the Judicial Department or common carrier railroad the primary duty of  
37 which, as prescribed by law, ordinance or directive, is one or more of the following:
- 38 (A) Detecting crime and enforcing the criminal laws of this state or laws or ordinances relating  
39 to airport security;
- 40 (B) The custody, control or supervision of individuals convicted of or arrested for a criminal  
41 offense and confined to a place of incarceration or detention other than a place used exclusively for  
42 incarceration or detention of juveniles; or
- 43 (C) The control, supervision and reformation of adult offenders placed on parole or sentenced  
44 to probation and investigation of adult offenders on parole or probation or being considered for  
45 parole or probation;

1 (b) A police force or organization of a private entity with a population of more than 1,000 resi-  
2 dents in an unincorporated area the employees of which are commissioned by a county sheriff;

3 (c) A district attorney's office;

4 (d) The Oregon Liquor Control Commission with regard to liquor enforcement inspectors; or

5 (e) A humane investigation agency as defined in section 1, chapter 67, Oregon Laws 2012.

6 (13) "Liquor enforcement inspector" has the meaning given that term in ORS 471.001.

7 (14) "Parole and probation officer" means:

8 (a) An officer who is employed full-time by the Department of Corrections, a county or a court  
9 and who is charged with and performs the duty of:

10 (A) Community protection by controlling, investigating, supervising and providing or making  
11 referrals to reformatory services for adult parolees or probationers or offenders on post-prison  
12 supervision; or

13 (B) Investigating adult offenders on parole or probation or being considered for parole or pro-  
14 bation; or

15 (b) An officer who:

16 (A) Is certified and has been employed as a full-time parole and probation officer for more than  
17 one year;

18 (B) Is employed part-time by the Department of Corrections, a county or a court; and

19 (C) Is charged with and performs the duty of:

20 (i) Community protection by controlling, investigating, supervising and providing or making re-  
21 ferrals to reformatory services for adult parolees or probationers or offenders on post-prison super-  
22 vision; or

23 (ii) Investigating adult offenders on parole or probation or being considered for parole or pro-  
24 bation.

25 (15) "Police officer" means:

26 (a) An officer, member or employee of a law enforcement unit employed full-time as a peace of-  
27 ficer who is:

28 (A) Commissioned by a city, port, school district, mass transit district, county, county service  
29 district authorized to provide law enforcement services under ORS 451.010, tribal government, the  
30 Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a  
31 university that has established a police department under ORS 352.383 or section 2 of this 2013  
32 Act, a community college district that has established a police department under section 4  
33 of this 2013 Act, the Governor or the Department of State Police; and

34 (B) Responsible for enforcing the criminal laws of this state or laws or ordinances relating to  
35 airport security;

36 (b) An investigator of a district attorney's office if the investigator is or has been certified as  
37 a peace officer in this or another state or a humane special agent commissioned under section 1,  
38 chapter 67, Oregon Laws 2012; or

39 (c) An individual member of the judicial security personnel identified pursuant to ORS 1.177 who  
40 is trained pursuant to section 3, chapter 88, Oregon Laws 2012.

41 (16) "Public or private safety agency" means a unit of state or local government, a special pur-  
42 pose district or a private firm that provides, or has authority to provide, fire fighting, police, am-  
43 bulance or emergency medical services.

44 (17) "Public safety personnel" and "public safety officer" include corrections officers, youth  
45 correction officers, emergency medical dispatchers, parole and probation officers, police officers,

1 certified reserve officers, telecommunicators, liquor enforcement inspectors and fire service profes-  
 2 sionals.

3 (18) "Reserve officer" means an officer or member of a law enforcement unit who is:

4 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,  
 5 school district, mass transit district, county, county service district authorized to provide law  
 6 enforcement services under ORS 451.010, tribal government, the Criminal Justice Division of the  
 7 Department of Justice, the Oregon State Lottery Commission, a university that has established a  
 8 police department under ORS 352.383 or section 2 of this 2013 Act, a community college district  
 9 that has established a police department under section 4 of this 2013 Act, the Governor or the  
 10 Department of State Police;

11 (b) Armed with a firearm; and

12 (c) Responsible for enforcing the criminal laws and traffic laws of this state or laws or ordi-  
 13 nances relating to airport security.

14 (19) "Telecommunicator" means a person employed as an emergency telephone worker as de-  
 15 fined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing  
 16 and transmitting public safety information received through a 9-1-1 emergency reporting system as  
 17 defined in ORS 403.105.

18 (20) "Youth correction officer" means an employee of the Oregon Youth Authority who is  
 19 charged with and primarily performs the duty of custody, control or supervision of youth offenders  
 20 confined in a youth correction facility.

21 **SECTION 37.** ORS 181.715, as amended by section 35, chapter 37, Oregon Laws 2012, is  
 22 amended to read:

23 181.715. (1) The Department of State Police or another criminal justice agency designated by the  
 24 Director of the Oregon Department of Administrative Services shall operate a Criminal Justice In-  
 25 formation Standards program that coordinates information among state criminal justice agencies.  
 26 The program shall:

27 (a) Ensure that in developing new information systems, data can be retrieved to support evalu-  
 28 ation of criminal justice planning and programs, including, but not limited to, the ability of the  
 29 programs to reduce future criminal conduct;

30 (b) Ensure that maximum effort is made for the safety of public safety officers;

31 (c) Establish methods and standards for data interchange and information access between crim-  
 32 inal justice information systems, in compliance with the technology standards and policies of the  
 33 Oregon Department of Administrative Services;

34 (d) Design and implement improved applications for exchange of agency information; and

35 (e) Implement the capability to exchange images between criminal justice agencies.

36 (2) The program shall develop a plan to accelerate data sharing and information integration  
 37 among criminal justice agencies. The plan shall include, but is not limited to, priorities, timelines,  
 38 development costs, resources needed, the projected ongoing cost of support, critical success factors  
 39 and any known barriers to accomplishing the plan. Representatives of criminal justice agencies and  
 40 public safety agencies, including but not limited to local law enforcement agencies, courts of crimi-  
 41 nal jurisdiction, district attorneys, city attorneys with criminal prosecutive functions, public  
 42 defender organizations established under ORS chapter 151, community corrections directors, jail  
 43 managers and county juvenile departments, shall be invited to participate in the planning process.  
 44 The program shall present the plan to the Director of the Oregon Department of Administrative  
 45 Services no later than May 30 of each even-numbered year for development of the Governor's budget

1 report. The program shall submit the plan to the Joint Legislative Committee on Information Man-  
 2 agement and Technology no later than December 31 of each even-numbered year.

3 (3) Notwithstanding the meaning given "criminal justice agency" in ORS 181.010, as used in this  
 4 section and ORS 181.720, "criminal justice agency" includes, but is not limited to:

- 5 (a) The Judicial Department;
- 6 (b) The Attorney General;
- 7 (c) The Department of Corrections;
- 8 (d) The Department of State Police;
- 9 (e) Any other state agency with law enforcement authority designated by order of the Governor;
- 10 (f) The Department of Transportation;
- 11 (g) The State Board of Parole and Post-Prison Supervision;
- 12 (h) The Department of Public Safety Standards and Training;
- 13 (i) The State Department of Fish and Wildlife;
- 14 (j) The Oregon Liquor Control Commission;
- 15 (k) The Oregon Youth Authority;
- 16 (L) The Youth Development Council; [and]
- 17 (m) A university that has established a police department under ORS 352.383 or section 2 of  
 18 this 2013 Act; and
- 19 (n) A community college district that has established a police department under section  
 20 4 of this 2013 Act.

21 **SECTION 38.** ORS 181.781 is amended to read:

22 181.781. As used in ORS 181.781 to 181.796:

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

26 (2) "Law enforcement agency" means the Department of State Police, the Department of Justice,  
 27 a district attorney, a political subdivision of the State of Oregon, a municipal corporation of the  
 28 State of Oregon, a tribal government, [and] a university and a community college district[,] that  
 29 maintains a law enforcement unit as defined in ORS 181.610 (12)(a)(A).

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

- 31 (a) A police officer or reserve officer as defined in ORS 181.610; and
- 32 (b) Employed by a law enforcement agency to enforce the criminal laws of this state.

33 (4) "Tribal government" means a tribal government as defined in section 1, chapter 644, Oregon  
 34 Laws 2011:

35 (a) With land that is contiguous to the county in which the deadly physical force planning au-  
 36 thority is created; and

37 (b) That has adopted the provision of tribal law described in section 2 (4)(d)(A), chapter 644,  
 38 Oregon Laws 2011.

39 **SECTION 39.** ORS 181.781, as amended by section 50a, chapter 644, Oregon Laws 2011, is  
 40 amended to read:

41 181.781. As used in ORS 181.781 to 181.796:

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

45 (2) "Law enforcement agency" means the Department of State Police, the Department of Justice,

1 a district attorney, a political subdivision of the State of Oregon, a municipal corporation of the  
 2 State of Oregon, [and] a university and a community college district[,] that maintains a law  
 3 enforcement unit as defined in ORS 181.610 (12)(a)(A).

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

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

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

7 **SECTION 40.** ORS 181.860 is amended to read:

8 181.860. (1) For the purposes of this section:

9 (a) "Emergency services provider" means any public employer that employs persons to provide  
 10 firefighting services.

11 (b) "Emergency services personnel" means any employee of an emergency services provider who  
 12 is engaged in providing firefighting services.

13 (c) "Employee assistance program" means a program established by a law enforcement agency  
 14 or emergency services provider to provide counseling or support services to employees of the law  
 15 enforcement agency or emergency services provider.

16 (d) "Law enforcement agency" means any county sheriff, municipal police department, police  
 17 department established by a university under ORS 352.383 or section 2 of this 2013 Act, police  
 18 department established by a community college district under section 4 of this 2013 Act, the  
 19 Oregon State Police and any state or local public body that employs public safety personnel.

20 (e) "Public safety personnel" means a sheriff, deputy sheriff, municipal police officer, police of-  
 21 ficer commissioned by a university under ORS 352.383 or section 2 of this 2013 Act, police officer  
 22 commissioned by a community college district under section 4 of this 2013 Act, state police  
 23 officer, parole and probation officer, corrections employee, certified reserve officer, telecommunica-  
 24 tor or emergency medical dispatcher.

25 (2) Any communication made by a participant or counselor in a peer support counseling session  
 26 conducted by a law enforcement agency or by an emergency services provider for public safety  
 27 personnel or emergency services personnel, and any oral or written information conveyed in the  
 28 peer support counseling session, is confidential and may not be disclosed by any person participating  
 29 in the peer support counseling session.

30 (3) Any communication relating to a peer support counseling session made confidential under  
 31 subsection (2) of this section that is made between counselors, between counselors and the supervi-  
 32 sors or staff of an employee assistance program, or between the supervisors or staff of an employee  
 33 assistance program, is confidential and may not be disclosed.

34 (4) The provisions of this section apply only to peer support counseling sessions conducted by  
 35 an employee or other person who:

36 (a) Has been designated by a law enforcement agency or emergency services provider, or by an  
 37 employee assistance program, to act as a counselor; and

38 (b) Has received training in counseling and in providing emotional and moral support to public  
 39 safety personnel or emergency services personnel who have been involved in emotionally traumatic  
 40 incidents by reason of their employment.

41 (5) The provisions of this section apply to all oral communications, notes, records and reports  
 42 arising out of a peer support counseling session. Any notes, records or reports arising out of a peer  
 43 support counseling session are not public records for the purpose of ORS 192.410 to 192.505.

44 (6) Any communication made by a participant or counselor in a peer support counseling session  
 45 subject to this section, and any oral or written information conveyed in a peer support counseling

1 session subject to this section, is not admissible in any judicial proceeding, administrative proceed-  
2 ing, arbitration proceeding or other adjudicatory proceeding. Communications and information made  
3 confidential under this section may not be disclosed by the participants in any judicial proceeding,  
4 administrative proceeding, arbitration proceeding or other adjudicatory proceeding. The limitations  
5 on disclosure imposed by this subsection include disclosure during any discovery conducted as part  
6 of an adjudicatory proceeding.

7 (7) Nothing in this section limits the discovery or introduction in evidence of knowledge ac-  
8 quired in the course of a confidential relationship between a participant and a counselor, or between  
9 a participant and a counselor who is a member of the same faith community as the participant.

10 7) Nothing in this section limits the discovery or introduction in evidence of knowledge ac-  
11 quired in the course of a confidential relationship between a participant and a counselor, or between  
12 a participant and a counselor who is a member of the same faith community as the participant.

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1 in this chapter.

2 (3) "Board" means the Public Employees Retirement Board.

3 (4) "Calendar year" means 12 calendar months commencing on January 1 and ending on De-  
4 cember 31 following.

5 (5) "Continuous service" means service not interrupted for more than five years, except that  
6 such continuous service shall be computed without regard to interruptions in the case of:

7 (a) An employee who had returned to the service of the employer as of January 1, 1945, and  
8 who remained in that employment until having established membership in the Public Employees  
9 Retirement System.

10 (b) An employee who was in the armed services on January 1, 1945, and returned to the service  
11 of the employer within one year of the date of being otherwise than dishonorably discharged and  
12 remained in that employment until having established membership in the Public Employees Retirement  
13 System.

14 (6) "Creditable service" means any period of time during which an active member is being paid  
15 a salary by a participating public employer and for which benefits under this chapter are funded by  
16 employer contributions and earnings on the fund. For purposes of computing years of "creditable  
17 service," full months and major fractions of a month shall be considered to be one-twelfth of a year  
18 and shall be added to all full years. "Creditable service" includes all retirement credit received by  
19 a member.

20 (7) "Earliest service retirement age" means the age attained by a member when the member  
21 could first make application for retirement under the provisions of ORS 238.280.

22 (8) "Employee" includes, in addition to employees, public officers, but does not include:

23 (a) Persons engaged as independent contractors.

24 (b) Seasonal, emergency or casual workers whose periods of employment with any public em-  
25 ployer or public employers do not total 600 hours in any calendar year.

26 (c) Persons, other than workers in the Oregon Industries for the Blind under ORS 346.190, pro-  
27 vided sheltered employment or made-work by a public employer in an employment or industries  
28 program maintained for the benefit of such persons.

29 (d) Persons employed and paid from federal funds received under a federal program intended  
30 primarily to alleviate unemployment. However, any such person shall be considered an "employee"  
31 if not otherwise excluded by paragraphs (a) to (c) of this subsection and the public employer elects  
32 to have the person so considered by an irrevocable written notice to the board.

33 (e) Persons who are employees of a railroad, as defined in ORS 824.020, and who, as such em-  
34 ployees, are included in a retirement plan under federal railroad retirement statutes. This paragraph  
35 shall be deemed to have been in effect since the inception of the system.

36 (9) "Final average salary" means whichever of the following is greater:

37 (a) The average salary per calendar year paid by one or more participating public employers to  
38 an employee who is an active member of the system in three of the calendar years of membership  
39 before the effective date of retirement of the employee, in which three years the employee was paid  
40 the highest salary. The three calendar years in which the employee was paid the largest total salary  
41 may include calendar years in which the employee was employed for less than a full calendar year.  
42 If the number of calendar years of active membership before the effective date of retirement of the  
43 employee is three or fewer, the final average salary for the employee is the average salary per cal-  
44 endar year paid by one or more participating public employers to the employee in all of those years,  
45 without regard to whether the employee was employed for the full calendar year.

1 (b) One-third of the total salary paid by a participating public employer to an employee who is  
 2 an active member of the system in the last 36 calendar months of active membership before the ef-  
 3 fective date of retirement of the employee.

4 (10) "Firefighter" does not include a volunteer firefighter, but does include:

5 (a) The State Fire Marshal, the chief deputy fire marshal and deputy state fire marshals; and

6 (b) An employee of the State Forestry Department who is certified by the State Forester as a  
 7 professional wildland firefighter and whose primary duties include the abatement of uncontrolled  
 8 fires as described in ORS 477.064.

9 (11) "Fiscal year" means 12 calendar months commencing on July 1 and ending on June 30 fol-  
 10 lowing.

11 (12) "Fund" means the Public Employees Retirement Fund.

12 (13) "Inactive member" means a member who is not employed in a qualifying position, whose  
 13 membership has not been terminated in the manner described by ORS 238.095 and who is not retired  
 14 for service or disability.

15 (14) "Institution of higher education" means a public university listed in ORS 352.002, the  
 16 Oregon Health and Science University and a community college, as defined in ORS 341.005.

17 (15) "Member" means a person who has established membership in the system and whose mem-  
 18 bership has not been terminated as described in ORS 238.095. "Member" includes active, inactive  
 19 and retired members.

20 (16) "Member account" means the regular account and the variable account.

21 (17) "Normal retirement age" means:

22 (a) For a person who establishes membership in the system before January 1, 1996, as described  
 23 in ORS 238.430, 55 years of age if the employee retires at that age as a police officer or firefighter  
 24 or 58 years of age if the employee retires at that age as other than a police officer or firefighter.

25 (b) For a person who establishes membership in the system on or after January 1, 1996, as de-  
 26 scribed in ORS 238.430, 55 years of age if the employee retires at that age as a police officer or  
 27 firefighter or 60 years of age if the employee retires at that age as other than a police officer or  
 28 firefighter.

29 (18) "Pension" means annual payments for life derived from contributions by one or more public  
 30 employers.

31 (19) "Police officer" includes:

32 (a) Employees of institutions defined in ORS 421.005 as Department of Corrections institutions  
 33 whose duties, as assigned by the Director of the Department of Corrections, include the custody of  
 34 persons committed to the custody of or transferred to the Department of Corrections and employees  
 35 of the Department of Corrections who were classified as police officers on or before July 27, 1989,  
 36 whether or not such classification was authorized by law.

37 (b) Employees of the Department of State Police who are classified as police officers by the  
 38 Superintendent of State Police.

39 (c) Employees of the Oregon Liquor Control Commission who are classified as liquor enforce-  
 40 ment inspectors by the administrator of the commission.

41 (d) Sheriffs and those deputy sheriffs or other employees of a sheriff whose duties, as classified  
 42 by the sheriff, are the regular duties of police officers or corrections officers.

43 (e) Police chiefs and police personnel of a city who are classified as police officers by the  
 44 council or other governing body of the city.

45 (f) Police officers who are commissioned by a university under ORS 352.383 or section 2 of this



1 **2013 Act, or police officers who are commissioned by a community college district under**  
2 **section 4 of this 2013 Act, and who are classified as police officers by the university or the**  
3 **community college district.**

4 (g) Parole and probation officers employed by the Department of Corrections, parole and pro-

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1 (21) "Public employer" means the state, one of its agencies, any city, county, or municipal or  
 2 public corporation, any political subdivision of the state or any instrumentality thereof, or an agency  
 3 created by one or more such governmental organizations to provide governmental services. For  
 4 purposes of this chapter, such agency created by one or more governmental organizations is a gov-  
 5 ernmental instrumentality and a legal entity with power to enter into contracts, hold property and  
 6 sue and be sued.

7 (22) "Qualifying position" means one or more jobs with one or more participating public em-  
 8 ployers in which an employee performs 600 or more hours of service in a calendar year, excluding  
 9 any service in a job for which a participating public employer does not provide benefits under this  
 10 chapter pursuant to an application made under ORS 238.035.

11 (23) "Regular account" means the account established for each active and inactive member un-  
 12 der ORS 238.250.

13 (24) "Retired member" means a member who is retired for service or disability.

14 (25) "Retirement credit" means a period of time that is treated as creditable service for the  
 15 purposes of this chapter.

16 (26)(a) "Salary" means the remuneration paid an employee in cash out of the funds of a public  
 17 employer in return for services to the employer, plus the monetary value, as determined by the  
 18 Public Employees Retirement Board, of whatever living quarters, board, lodging, fuel, laundry and  
 19 other advantages the employer furnishes the employee in return for services.

20 (b) "Salary" includes but is not limited to:

21 (A) Payments of employee and employer money into a deferred compensation plan, which are  
 22 deemed salary paid in each month of deferral;

23 (B) The amount of participation in a tax-sheltered or deferred annuity, which is deemed salary  
 24 paid in each month of participation;

25 (C) Retroactive payments described in ORS 238.008; and

26 (D) Wages of a deceased member paid to a surviving spouse or dependent children under ORS  
 27 652.190.

28 (c) "Salary" or "other advantages" does not include:

29 (A) Travel or any other expenses incidental to employer's business which is reimbursed by the  
 30 employer;

31 (B) Payments for insurance coverage by an employer on behalf of employee or employee and  
 32 dependents, for which the employee has no cash option;

33 (C) Payments made on account of an employee's death;

34 (D) Any lump sum payment for accumulated unused sick leave;

35 (E) Any accelerated payment of an employment contract for a future period or an advance  
 36 against future wages;

37 (F) Any retirement incentive, retirement severance pay, retirement bonus or retirement  
 38 gratuitous payment;

39 (G) Payments for periods of leave of absence after the date the employer and employee have  
 40 agreed that no future services qualifying pursuant to ORS 238.015 (3) will be performed, except for  
 41 sick leave and vacation;

42 (H) Payments for instructional services rendered to public universities of the Oregon University  
 43 System or the Oregon Health and Science University when such services are in excess of full-time  
 44 employment subject to this chapter. A person employed under a contract for less than 12 months is  
 45 subject to this subparagraph only for the months to which the contract pertains; or

1 (I) Payments made by an employer for insurance coverage provided to a domestic partner of an  
2 employee.

3 (27) "School year" means the period beginning July 1 and ending June 30 next following.

4 (28) "System" means the Public Employees Retirement System.

5 (29) "Variable account" means the account established for a member who participates in the  
6 Variable Annuity Account under ORS 238.260.

7 (30) "Vested" means being an active member of the system in each of five calendar years.

8 (31) "Volunteer firefighter" means a firefighter whose position normally requires less than 600  
9 hours of service per year.

10 **SECTION 43.** ORS 243.005 is amended to read:

11 243.005. As used in ORS 243.005 to 243.045:

12 (1) "Firefighter" means persons employed by a city, county or district whose duties involve fire  
13 fighting and includes a volunteer firefighter whose position normally requires less than 600 hours  
14 of service per year.

15 (2) "Police officer" includes police chiefs and police officers of a city who are classified as police  
16 officers by the council or other governing body of the city; police officers commissioned by a uni-  
17 versity under ORS 352.383 or section 2 of this 2013 Act and police officers commissioned by a  
18 community college district under section 4 of this 2013 Act who are classified as police officers  
19 by the university or community college district; sheriffs and those deputy sheriffs whose duties,  
20 as classified by the county governing body are the regular duties of police officers; employees of  
21 districts, whose duties, as classified by the governing body of the district are the regular duties of  
22 police officers; employees of the Department of State Police who are classified as police officers by  
23 the Superintendent of State Police; employees of the Criminal Justice Division of the Department  
24 of Justice who are classified by the Attorney General as criminal investigators or criminal financial  
25 investigators; employees of the Oregon State Lottery Commission who are classified by the Director  
26 of the Oregon State Lottery as enforcement agents; and employees of Department of Corrections  
27 institutions as defined in ORS 421.005 whose duties, as assigned by the superintendent, include the  
28 custody of persons committed to the custody of or transferred to the Department of Corrections in-  
29 stitution; but "police officer" does not include volunteer or reserve police officers or persons con-  
30 sidered by the respective governing bodies to be civil deputies or clerical personnel.

31 (3) "Public employer" means a city, a county or the state, or one of its agencies or political  
32 subdivisions that employs police officers or firefighters.

33 **SECTION 44.** ORS 348.270 is amended to read:

34 348.270. (1) In addition to any other scholarships provided by law, the commission shall award  
35 scholarships in any public university listed in ORS 352.002, in the Oregon Health and Science Uni-  
36 versity, in any community college operated under ORS chapter 341, or in any Oregon-based re-  
37 gionally accredited independent institution, to any student applying for enrollment or who is  
38 enrolled therein, who is:

39 (a) The natural child, adopted child or stepchild of any public safety officer who, in the line of  
40 duty, was killed or so disabled, as determined by the commission, that the income of the public  
41 safety officer is less than that earned by public safety officers performing duties comparable to those  
42 performed at the highest rank or grade attained by the public safety officer; or

43 (b) A current foster child or former foster child who enrolls in an institution of higher education  
44 as an undergraduate student not later than three years from the date the student was removed from  
45 the care of the Department of Human Services, the date the student graduated from high school or

1 the date the student received the equivalent of a high school diploma, whichever date is earliest.

2 (2) Scholarships awarded under this section to students who are dependents of public safety of-  
 3 ficers or who are current foster children or former foster children shall equal the amount of tuition  
 4 and all fees levied by the institution against the recipient of the scholarship. However, scholarships  
 5 awarded to students who attend independent institutions shall not exceed the amount of tuition and  
 6 all fees levied by the University of Oregon.

7 (3) If the student who is the dependent of a deceased public safety officer continues to remain  
 8 enrolled in a public university listed in ORS 352.002 or a community college or an independent in-  
 9 stitution within the State of Oregon, the student shall be entitled to renewal of the scholarship until  
 10 the student has received the equivalent of four years of undergraduate education and four years of  
 11 post-graduate education.

12 (4) If the student who is a current foster child or former foster child or who is the dependent  
 13 of a public safety officer with a disability continues to remain enrolled in a public university listed  
 14 in ORS 352.002 or a community college or an independent institution within the State of Oregon, the  
 15 student shall be entitled to renewal of the scholarship until the student has received the equivalent  
 16 of four years of undergraduate education.

17 (5) The commission may require proof of the student's relationship to a public safety officer de-  
 18 scribed in subsection (1) of this section or proof that the student is a current foster child or former  
 19 foster child.

20 (6) As used in this section:

21 (a) "Former foster child" means an individual who, for a total of 12 or more months while be-  
 22 tween the ages of 16 and 21, was a ward of the court pursuant to ORS 419B.100 (1)(b) to (e) and in  
 23 the legal custody of the Department of Human Services for out-of-home placement.

24 (b) "Public safety officer" means:

25 (A) A firefighter or police officer as those terms are defined in ORS 237.610.

26 (B) A member of the Oregon State Police.

27 (C) A police officer commissioned by a university under ORS 352.383 or **section 2 of this 2013**  
 28 **Act or a police officer commissioned by a community college district under section 4 of this**  
 29 **2013 Act.**

30 (D) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011.

31 **SECTION 45.** ORS 348.270, as amended by section 51, chapter 644, Oregon Laws 2011, is  
 32 amended to read:

33 348.270. (1) In addition to any other scholarships provided by law, the commission shall award  
 34 scholarships in any public university listed in ORS 352.002, in the Oregon Health and Science Uni-  
 35 versity, in any community college operated under ORS chapter 341, or in any Oregon-based re-  
 36 gionally accredited independent institution, to any student applying for enrollment or who is  
 37 enrolled therein, who is:

38 (a) The natural child, adopted child or stepchild of any public safety officer who, in the line of  
 39 duty, was killed or so disabled, as determined by the commission, that the income of the public  
 40 safety officer is less than that earned by public safety officers performing duties comparable to those  
 41 performed at the highest rank or grade attained by the public safety officer; or

42 (b) A current foster child or former foster child who enrolls in an institution of higher education  
 43 as an undergraduate student not later than three years from the date the student was removed from  
 44 the care of the Department of Human Services, the date the student graduated from high school or  
 45 the date the student received the equivalent of a high school diploma, whichever date is earliest.

1 (2) Scholarships awarded under this section to students who are dependents of public safety of-  
 2 ficers or who are current foster children or former foster children shall equal the amount of tuition  
 3 and all fees levied by the institution against the recipient of the scholarship. However, scholarships  
 4 awarded to students who attend independent institutions shall not exceed the amount of tuition and  
 5 all fees levied by the University of Oregon.

6 (3) If the student who is the dependent of a deceased public safety officer continues to remain  
 7 enrolled in a public university listed in ORS 352.002 or a community college or an independent in-  
 8 stitution within the State of Oregon, the student shall be entitled to renewal of the scholarship until  
 9 the student has received the equivalent of four years of undergraduate education and four years of  
 10 post-graduate education.

11 (4) If the student who is a current foster child or former foster child or who is the dependent  
 12 of a public safety officer with a disability continues to remain enrolled in a public university listed  
 13 in ORS 352.002 or a community college or an independent institution within the State of Oregon, the  
 14 student shall be entitled to renewal of the scholarship until the student has received the equivalent  
 15 of four years of undergraduate education.

16 (5) The commission may require proof of the student's relationship to a public safety officer de-  
 17 scribed in subsection (1) of this section or proof that the student is a current foster child or former  
 18 foster child.

19 (6) As used in this section:

20 (a) "Former foster child" means an individual who, for a total of 12 or more months while be-  
 21 tween the ages of 16 and 21, was a ward of the court pursuant to ORS 419B.100 (1)(b) to (e) and in  
 22 the legal custody of the Department of Human Services for out-of-home placement.

23 (b) "Public safety officer" means:

24 (A) A firefighter or police officer as those terms are defined in ORS 237.610.

25 (B) A member of the Oregon State Police.

26 (C) A police officer commissioned by a university under ORS 352.383 or section 2 of this 2013  
 27 Act or a police officer commissioned by a community college district under section 4 of this  
 28 2013 Act.

29 **SECTION 46.** ORS 353.050 is amended to read:

30 353.050. Except as otherwise provided in this chapter, the Oregon Health and Science University  
 31 Board of Directors, or university officials acting under the authority of the board, shall exercise all  
 32 the powers of the Oregon Health and Science University and shall govern the university. In carrying  
 33 out its powers, rights and privileges, the university shall be a governmental entity performing gov-  
 34 ernmental functions and exercising governmental powers. The university or the board may either  
 35 within or outside the state:

36 (1) Determine or approve policies for the organization, administration and development of the  
 37 university.

38 (2) Appoint and employ any instructional, administrative, professional, trade, occupational and  
 39 other personnel as are necessary or appropriate to carry out the missions of the university, and  
 40 prescribe their compensation and terms of office or employment.

41 (3) Make any and all contracts and agreements, enter into any partnership, joint venture or  
 42 other business arrangement, create and participate fully in the operation of any business structure,  
 43 including but not limited to the development of business structures for health care delivery systems  
 44 and networks with any public or private government, nonprofit or for-profit person or entity that in  
 45 the judgment of the university or the board is necessary or appropriate to carry out the university's

1 missions and goals.

2 (4) Acquire, purchase, receive, hold, control, convey, sell, manage, operate, lease, license, lend,  
3 invest, improve, develop, use, dispose of and hold title to real and personal property of any nature,  
4 including intellectual property, in its own name.

5 (5) Sue in its own name and be sued, plead and be impleaded in all actions, suits or proceedings  
6 in any forum brought by or against it by any and all private or state, local, federal or other public  
7 entities, agencies or persons.

8 (6) Encourage gifts and donations for the benefit of the university, and subject to the terms of  
9 the gift, retain, invest and use such gifts as deemed appropriate by the university or the board.

10 (7) Acquire, receive, hold, keep, pledge, control, convey, manage, use, lend, expend and invest  
11 all funds, appropriations, gifts, bequests, stock and revenue from any source to the university.

12 (8) Borrow money for the needs of the university, in such amounts and for such time and upon  
13 such terms as may be determined by the university or the board.

14 (9) Erect, construct, improve, develop, repair, maintain, equip, furnish, lease, lend, convey, sell,  
15 manage, operate, use, dispose of and hold title to buildings, structures and lands for the university.

16 (10) Purchase any and all insurance, operate a self-insurance program or otherwise arrange for  
17 the equivalent of insurance coverage of any nature and the indemnity and defense of its officers,  
18 agents and employees or other persons designated by the university to carry out or further the  
19 missions of the university.

20 (11) Create, develop, supervise, control and adopt academic programs, including standards,  
21 qualifications, policies or practices relating to admissions, curriculum, academic advancement,  
22 grading policy, student conduct, credits and scholarships and the granting of academic degrees,  
23 certificates and other forms of recognition.

24 (12) Authorize, create, eliminate, establish, operate, reorganize, reduce or expand any program,  
25 school, institute, health care facility or other unit of operation.

26 (13) Establish, charge, collect and use charges for enrollment into the university, including  
27 charges such as tuition for education and general services, incidental fees and such other charges  
28 found by the university to be necessary to carry out its educational programs. Fees realized in ex-  
29 cess of amounts allocated and exceeding required reserves shall be considered surplus incidental  
30 fees and shall be allocated for programs under the control of the board and found to be advanta-  
31 geous to the cultural or physical development of students of the university upon the recommenda-  
32 tion of the recognized student government of the university.

33 (14) Establish, charge, collect and use charges and fees for university services and the use of  
34 university facilities.

35 (15) Impose charges, fines, fees and such other regulations considered convenient or necessary  
36 to control and regulate traffic and parking of vehicles to the same extent allowed the State Board  
37 of Higher Education. This authority includes the authority to enforce the regulations of the uni-  
38 versity in a court to the extent allowed the State Board of Higher Education in enforcing the state  
39 board's regulations as provided in ORS 352.360 (7).

40 [(16) Commission special campus security officers to be known as university police. University po-  
41 lice commissioned under this subsection have all the powers and authority given by statute to peace  
42 officers and police officers of this state. University police shall complete training necessary for certif-  
43 ication as police officers at an academy operated or authorized by the Department of Public Safety  
44 Standards and Training at the expense of the Oregon Health and Science University Board of Direc-  
45 tors. University police are not authorized to carry firearms as police officers and are not police officers

1 for purposes of ORS 238.005, 243.005 or 243.736. The university is a criminal justice agency for pur-  
2 poses of ORS 181.715 and 181.720 and a law enforcement unit within the meaning of ORS 181.610  
3 (12).]

4 [[(17)] (16) Enforce and recover for payment to the university any fines that are authorized by  
5 this chapter.

6 [[(18)] (17) Adopt, amend or repeal bylaws, administrative rules, regulations and orders applicable  
7 to the matters that are the subject of this chapter.

8 [[(19)] (18) Contract with any state agency for the performance of such duties, functions and  
9 powers as is appropriate. A state agency shall not charge the university for such services an amount  
10 that is greater than the actual cost of the services.

11 [[(20)] (19) Purchase, receive, subscribe for or otherwise acquire, own, hold, vote, use, sell,  
12 mortgage, lend, pledge, invest in or otherwise dispose of and deal in or with the shares, stock or  
13 other equity or interests in or obligations of any other entity. Separate funds may be established for  
14 such investments. The State of Oregon shall have no proprietary or other interest in such invest-  
15 ments or such funds.

16 [[(21)] (20) Make available, by lease or otherwise, or control access to any health care facilities  
17 or services or other of its properties and assets to such persons, firms, partnerships, associations  
18 or corporations and on such terms as considered appropriate, charge and collect rent or other fees  
19 or charges therefor and terminate or deny any such access or any such lease or other agreement  
20 for such reasons as considered appropriate and as may be consistent with its obligations under any  
21 such lease or other agreement.

22 [[(22)] (21) Contract for the operation of any department, section, equipment or holdings of the  
23 university and enter into any agreements with any person, firm or corporation for the management  
24 by said person, firm or corporation on behalf of the university of any of its properties or for the  
25 more efficient or economical performance of clerical, accounting, administrative and other functions  
26 relating to its health care facilities.

27 [[(23)] (22) Select and appoint faculty as medical and dental staff members and others licensed  
28 to practice the healing arts, delineate and define the privileges granted each such individual, adopt  
29 and direct a plan for faculty clinical income and set the terms and conditions of that plan (including  
30 such modifications to any such existing plan as considered necessary or appropriate upon expiration  
31 of the term of such plan), and determine the extent to which and the terms upon which each such  
32 individual may provide teaching, research, consulting or other services at the university or any  
33 other health care facility.

34 [[(24)] (23) Enter into affiliation, cooperation, territorial, management or other similar agree-  
35 ments with other public or private universities or health care providers for the sharing, division,  
36 allocation or furnishing of services on an exclusive or a nonexclusive basis, referral of patients,  
37 management of facilities, formation of health care delivery systems and other similar activities.

38 [[(25)] (24) Perform any other acts that in the judgment of the board or university are requisite,  
39 necessary or appropriate in accomplishing the purposes described in or carrying out the powers  
40 granted by this chapter.

41 [[(26)] (25) Exercise these powers, notwithstanding that as a consequence of the exercise of such  
42 powers, the university engages in activities that might otherwise be deemed anticompetitive within  
43 the contemplation of state or federal antitrust laws.

44 **SECTION 47.** ORS 414.805 is amended to read:

45 414.805. (1) An individual who receives medical services while in the custody of a law enforce-

1 ment officer is liable:

2 (a) To the provider of the medical services for the charges and expenses therefor; and

3 (b) To the Oregon Health Authority for any charges or expenses paid by the authority out of  
4 the Law Enforcement Medical Liability Account for the medical services.

5 (2) A person providing medical services to an individual described in subsection (1) of this sec-  
6 tion shall first make reasonable efforts to collect the charges and expenses thereof from the indi-  
7 vidual before seeking to collect them from the authority out of the Law Enforcement Medical  
8 Liability Account.

9 (3)(a) If the provider has not been paid within 45 days of the date of the billing, the provider  
10 may bill the authority who shall pay the account out of the Law Enforcement Medical Liability  
11 Account.

12 (b) A bill submitted to the authority under this subsection must be accompanied by evidence  
13 documenting that:

14 (A) The provider has billed the individual or the individual's insurer or health care service  
15 contractor for the charges or expenses owed to the provider; and

16 (B) The provider has made a reasonable effort to collect from the individual or the individual's  
17 insurer or health care service contractor the charges and expenses owed to the provider.

18 (c) If the provider receives payment from the individual or the insurer or health care service  
19 contractor after receiving payment from the authority, the provider shall repay the authority the  
20 amount received from the public agency less any difference between payment received from the in-  
21 dividual, insurer or contractor and the amount of the billing.

22 (4) As used in this section:

23 (a) "Law enforcement officer" means:

24 (A) An officer who is commissioned and employed by a public agency as a peace officer to en-  
25 force the criminal laws of this state or laws or ordinances of a public agency; or

26 (B) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011.

27 (b) "Public agency" means the state, a city, university that has established a police department  
28 under ORS 352.383 or section 2 of this 2013 Act, community college district that has estab-  
29 lished a police department under section 4 of this 2013 Act, port, school district, mass transit  
30 district or county.

31 **SECTION 48.** ORS 414.805, as amended by section 52, chapter 644, Oregon Laws 2011, is  
32 amended to read:

33 414.805. (1) An individual who receives medical services while in the custody of a law enforce-  
34 ment officer is liable:

35 (a) To the provider of the medical services for the charges and expenses therefor; and

36 (b) To the Oregon Health Authority for any charges or expenses paid by the authority out of  
37 the Law Enforcement Medical Liability Account for the medical services.

38 (2) A person providing medical services to an individual described in subsection (1) of this sec-  
39 tion shall first make reasonable efforts to collect the charges and expenses thereof from the indi-  
40 vidual before seeking to collect them from the authority out of the Law Enforcement Medical  
41 Liability Account.

42 (3)(a) If the provider has not been paid within 45 days of the date of the billing, the provider  
43 may bill the authority who shall pay the account out of the Law Enforcement Medical Liability  
44 Account.

45 (b) A bill submitted to the authority under this subsection must be accompanied by evidence



1 documenting that:

2 (A) The provider has billed the individual or the individual's insurer or health care service  
3 contractor for the charges or expenses owed to the provider; and

4 (B) The provider has made a reasonable effort to collect from the individual or the individual's  
5 insurer or health care service contractor the charges and expenses owed to the provider.

6 (c) If the provider receives payment from the individual or the insurer or health care service  
7 contractor after receiving payment from the authority, the provider shall repay the authority the  
8 amount received from the public agency less any difference between payment received from the in-  
9 dividual, insurer or contractor and the amount of the billing.

10 (4) As used in this section:

11 (a) "Law enforcement officer" means an officer who is commissioned and employed by a public  
12 agency as a peace officer to enforce the criminal laws of this state or laws or ordinances of a public  
13 agency.

14 (b) "Public agency" means the state, a city, university that has established a police department  
15 under ORS 352.383 or section 2 of this 2013 Act, community college district that has estab-  
16 lished a police department under section 4 of this 2013 Act, port, school district, mass transit  
17 district or county.

18 **SECTION 49.** ORS 419B.005, as amended by section 60, chapter 37, Oregon Laws 2012, and  
19 section 1, chapter 92, Oregon Laws 2012, is amended to read:

20 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

21 (1)(a) "Abuse" means:

22 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child  
23 which has been caused by other than accidental means, including any injury which appears to be  
24 at variance with the explanation given of the injury.

25 (B) Any mental injury to a child, which shall include only observable and substantial impairment  
26 of the child's mental or psychological ability to function caused by cruelty to the child, with due  
27 regard to the culture of the child.

28 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-  
29 tration and incest, as those acts are described in ORS chapter 163.

30 (D) Sexual abuse, as described in ORS chapter 163.

31 (E) Sexual exploitation, including but not limited to:

32 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any  
33 other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage  
34 in the performing for people to observe or the photographing, filming, tape recording or other ex-  
35 hibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or  
36 described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not in-  
37 cluding any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or  
38 which is designed to serve educational or other legitimate purposes; and

39 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution or to patronize  
40 a prostitute, as defined in ORS chapter 167.

41 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to  
42 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or  
43 welfare of the child.

44 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm  
45 to the child's health or welfare.

- 1 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.
- 2 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where  
3 methamphetamines are being manufactured.
- 4 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, that subjects a child  
5 to a substantial risk of harm to the child's health or safety.
- 6 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the  
7 conditions described in paragraph (a) of this subsection.
- 8 (2) "Child" means an unmarried person who is under 18 years of age.
- 9 (3) "Higher education institution" means:
- 10 (a) A community college as defined in ORS 341.005;
- 11 (b) A public university listed in ORS 352.002;
- 12 (c) The Oregon Health and Science University; and
- 13 (d) A private institution of higher education located in Oregon.
- 14 (4) "Law enforcement agency" means:
- 15 (a) A city or municipal police department.
- 16 (b) A county sheriff's office.
- 17 (c) The Oregon State Police.
- 18 (d) A police department established by a university under ORS 352.383 or section 2 of this 2013  
19 Act or a police department established by a community college district under section 4 of  
20 this 2013 Act.
- 21 (e) A county juvenile department.
- 22 (5) "Public or private official" means:
- 23 (a) Physician, osteopathic physician, physician assistant, naturopathic physician, podiatric phy-  
24 sician and surgeon, including any intern or resident.
- 25 (b) Dentist.
- 26 (c) School employee, including an employee of a higher education institution.
- 27 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide  
28 or employee of an in-home health service.
- 29 (e) Employee of the Department of Human Services, Oregon Health Authority, Early Learning  
30 Council, Youth Development Council, Child Care Division of the Employment Department, the  
31 Oregon Youth Authority, a county health department, a community mental health program, a com-  
32 munity developmental disabilities program, a county juvenile department, a licensed child-caring  
33 agency or an alcohol and drug treatment program.
- 34 (f) Peace officer.
- 35 (g) Psychologist.
- 36 (h) Member of the clergy.
- 37 (i) Regulated social worker.
- 38 (j) Optometrist.
- 39 (k) Chiropractor.
- 40 (L) Certified provider of foster care, or an employee thereof.
- 41 (m) Attorney.
- 42 (n) Licensed professional counselor.
- 43 (o) Licensed marriage and family therapist.
- 44 (p) Firefighter or emergency medical services provider.
- 45 (q) A court appointed special advocate, as defined in ORS 419A.004.

- 1 (r) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.
- 2 (s) Member of the Legislative Assembly.
- 3 (t) Physical, speech or occupational therapist.
- 4 (u) Audiologist.
- 5 (v) Speech-language pathologist.
- 6 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-  
7 gations or discipline by the commission.
- 8 (x) Pharmacist.
- 9 (y) An operator of a preschool recorded program under ORS 657A.255.
- 10 (z) An operator of a school-age recorded program under ORS 657A.257.
- 11 (aa) Employee of a private agency or organization facilitating the provision of respite services,  
12 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS  
13 109.056.
- 14 (bb) Employee of a public or private organization providing child-related services or activities:
  - 15 (A) Including but not limited to youth groups or centers, scout groups or camps, summer or day  
16 camps, survival camps or groups, centers or camps that are operated under the guidance, super-  
17 vision or auspices of religious, public or private educational systems or community service organ-  
18 izations; and
  - 19 (B) Excluding community-based, nonprofit organizations whose primary purpose is to provide  
20 confidential, direct services to victims of domestic violence, sexual assault, stalking or human traf-  
21 ficking.
- 22 (cc) A coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,  
23 if compensated and if the athlete is a child.
- 24 **SECTION 50.** ORS 419B.902 is amended to read:
  - 25 419B.902. (1) A subpoena may be served by the party or any other person 18 years of age or  
26 older. Except as provided in subsections (2), (3) and (4) of this section, the service must be made by  
27 delivering a copy to the witness personally. The service must be made so as to allow the witness a  
28 reasonable time for preparation and travel to the place of attendance. If the subpoena is not ac-  
29 companied by a command to appear at trial, hearing or deposition under ORS 419B.884, whether the  
30 subpoena is served personally or by mail, copies of a subpoena commanding production and in-  
31 spection of books, papers, documents or other tangible things before trial must be served on each  
32 party at least seven days before the subpoena is served on the person required to produce and per-  
33 mit inspection, unless the court orders a shorter period.
  - 34 (2)(a) A law enforcement agency shall designate an individual upon whom service of a subpoena  
35 may be made. A designated individual must be available during normal business hours. In the ab-  
36 sence of a designated individual, service of a subpoena under paragraph (b) of this subsection may  
37 be made upon the officer in charge of the law enforcement agency.
  - 38 (b) If a peace officer's attendance at trial is required as a result of employment as a peace of-  
39 ficer, a subpoena may be served on the officer by delivering a copy personally to the officer or to  
40 an individual designated by the agency that employs the officer no later than 10 days prior to the  
41 date attendance is sought. A subpoena may be served in this manner only if the officer is currently  
42 employed as a peace officer and is present within the state at the time of service.
  - 43 (c) When a subpoena has been served as provided in paragraph (b) of this subsection, the law  
44 enforcement agency shall make a good faith effort to give actual notice to the officer whose at-  
45 tendance is sought of the date, time and location of the court appearance. If the officer cannot be

1 notified, the law enforcement agency shall promptly notify the court and a postponement or contin-  
2 uance may be granted to allow the officer to be personally served.

3 (d) As used in this subsection, "law enforcement agency" means the Oregon State Police, a  
4 county sheriff's department, a municipal police department, a police department established by a  
5 university under ORS 352.383 or section 2 of this 2013 Act, a police department established by  
6 a community college district under section 4 of this 2013 Act, or, if the witness whose attend-  
7 ance at trial is required is an authorized tribal police officer as defined in section 1, chapter 644,  
8 Oregon Laws 2011, a tribal government as defined in section 1, chapter 644, Oregon Laws 2011.

9 (3) Under the following circumstances, service of a subpoena to a witness by mail has the same  
10 legal force and effect as personal service:

11 (a) The attorney mailing the subpoena certifies in connection with or upon the return of service  
12 that the attorney, or the attorney's agent, has had personal or telephone contact with the witness  
13 and the witness indicated a willingness to appear at trial if subpoenaed; or

14 (b) The subpoena was mailed to the witness more than five days before trial by certified mail  
15 or some other designation of mail that provides a receipt for the mail signed by the recipient and  
16 the attorney received a return receipt signed by the witness prior to trial.

17 (4) Service of subpoena by mail may be used for a subpoena commanding production of books,  
18 papers, documents or other tangible things that is not accompanied by a command to appear at trial  
19 or hearing or at a deposition under ORS 419B.884.

20 (5) Proof of service of a subpoena is made in the same manner as proof of service of a summons  
21 except that the server is not required to certify that the server is not a party in the action or an  
22 attorney for a party in the action.

23 **SECTION 51.** ORS 419B.902, as amended by section 75, chapter 644, Oregon Laws 2011, is  
24 amended to read:

25 419B.902. (1) A subpoena may be served by the party or any other person 18 years of age or  
26 older. Except as provided in subsections (2), (3) and (4) of this section, the service must be made by  
27 delivering a copy to the witness personally. The service must be made so as to allow the witness a  
28 reasonable time for preparation and travel to the place of attendance. If the subpoena is not ac-  
29 companied by a command to appear at trial, hearing or deposition under ORS 419B.884, whether the  
30 subpoena is served personally or by mail, copies of a subpoena commanding production and in-  
31 spection of books, papers, documents or other tangible things before trial must be served on each  
32 party at least seven days before the subpoena is served on the person required to produce and per-  
33 mit inspection, unless the court orders a shorter period.

34 (2)(a) A law enforcement agency shall designate an individual upon whom service of a subpoena  
35 may be made. A designated individual must be available during normal business hours. In the ab-  
36 sence of a designated individual, service of a subpoena under paragraph (b) of this subsection may  
37 be made upon the officer in charge of the law enforcement agency.

38 (b) If a peace officer's attendance at trial is required as a result of employment as a peace of-  
39 ficer, a subpoena may be served on the officer by delivering a copy personally to the officer or to  
40 an individual designated by the agency that employs the officer no later than 10 days prior to the  
41 date attendance is sought. A subpoena may be served in this manner only if the officer is currently  
42 employed as a peace officer and is present within the state at the time of service.

43 (c) When a subpoena has been served as provided in paragraph (b) of this subsection, the law  
44 enforcement agency shall make a good faith effort to give actual notice to the officer whose at-  
45 tendance is sought of the date, time and location of the court appearance. If the officer cannot be

1 notified, the law enforcement agency shall promptly notify the court and a postponement or contin-  
 2 uance may be granted to allow the officer to be personally served.

3 (d) As used in this subsection, "law enforcement agency" means the Oregon State Police, a  
 4 county sheriff's department, a municipal police department, [or] a police department established by  
 5 a university under ORS 352.383 or **section 2 of this 2013 Act or a police department established**  
 6 **by a community college district under section 4 of this 2013 Act.**

7 (3) Under the following circumstances, service of a subpoena to a witness by mail has the same  
 8 legal force and effect as personal service:

9 (a) The attorney mailing the subpoena certifies in connection with or upon the return of service  
 10 that the attorney, or the attorney's agent, has had personal or telephone contact with the witness  
 11 and the witness indicated a willingness to appear at trial if subpoenaed; or

12 (b) The subpoena was mailed to the witness more than five days before trial by certified mail  
 13 or some other designation of mail that provides a receipt for the mail signed by the recipient and  
 14 the attorney received a return receipt signed by the witness prior to trial.

15 (4) Service of subpoena by mail may be used for a subpoena commanding production of books,  
 16 papers, documents or other tangible things that is not accompanied by a command to appear at trial  
 17 or hearing or at a deposition under ORS 419B.884.

18 (5) Proof of service of a subpoena is made in the same manner as proof of service of a summons  
 19 except that the server is not required to certify that the server is not a party in the action or an  
 20 attorney for a party in the action.

21 **SECTION 52.** ORS 420.905 is amended to read:

22 420.905. As used in ORS 420.905 to 420.915, "peace officer" means:

23 (1) A sheriff, constable or marshal, or the deputy of any such officer;

24 (2) A member of the state police;

25 (3) A member of the police force of a city, [or] a university that has established a police de-  
 26 partment under ORS 352.383 or **section 2 of this 2013 Act or a community college district that**  
 27 **has established a police department under section 4 of this 2013 Act;** or

28 (4) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011.

29 **SECTION 53.** ORS 420.905, as amended by section 54, chapter 644, Oregon Laws 2011, is  
 30 amended to read:

31 420.905. As used in ORS 420.905 to 420.915, "peace officer" means:

32 (1) A sheriff, constable or marshal, or the deputy of any such officer;

33 (2) A member of the state police; or

34 (3) A member of the police force of a city, [or] a university that has established a police de-  
 35 partment under ORS 352.383 or **section 2 of this 2013 Act or a community college district that**  
 36 **has established a police department under section 4 of this 2013 Act.**

37 **SECTION 54.** ORS 430.735 is amended to read:

38 430.735. As used in ORS 430.735 to 430.765:

39 (1) "Abuse" means one or more of the following:

40 (a) Abandonment, including desertion or willful forsaking of a person with a developmental dis-  
 41 ability or the withdrawal or neglect of duties and obligations owed a person with a developmental  
 42 disability by a caregiver or other person.

43 (b) Any physical injury to an adult caused by other than accidental means, or that appears to  
 44 be at variance with the explanation given of the injury.

45 (c) Willful infliction of physical pain or injury upon an adult.

1 (d) Sexual abuse of an adult.

2 (e) Neglect.

3 (f) Verbal abuse of a person with a developmental disability.

4 (g) Financial exploitation of a person with a developmental disability.

5 (h) Involuntary seclusion of a person with a developmental disability for the convenience of the  
6 caregiver or to discipline the person.

7 (i) A wrongful use of a physical or chemical restraint upon a person with a developmental dis-  
8 ability, excluding an act of restraint prescribed by a licensed physician and any treatment activities  
9 that are consistent with an approved treatment plan or in connection with a court order.

10 (j) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427,  
11 163.465 or 163.467.

12 (k) Any death of an adult caused by other than accidental or natural means.

13 (2) "Adult" means a person 18 years of age or older with:

14 (a) A developmental disability who is currently receiving services from a community program  
15 or facility or was previously determined eligible for services as an adult by a community program  
16 or facility; or

17 (b) A mental illness who is receiving services from a community program or facility.

18 (3) "Adult protective services" means the necessary actions taken to prevent abuse or exploi-  
19 tation of an adult, to prevent self-destructive acts and to safeguard an adult's person, property and  
20 funds, including petitioning for a protective order as defined in ORS 125.005. Any actions taken to  
21 protect an adult shall be undertaken in a manner that is least intrusive to the adult and provides  
22 for the greatest degree of independence.

23 (4) "Caregiver" means an individual, whether paid or unpaid, or a facility that has assumed re-  
24 sponsibility for all or a portion of the care of an adult as a result of a contract or agreement.

25 (5) "Community program" means a community mental health program or a community develop-  
26 mental disabilities program as established in ORS 430.610 to 430.695.

27 (6) "Facility" means a residential treatment home or facility, residential care facility, adult fos-  
28 ter home, residential training home or facility or crisis respite facility.

29 (7) "Financial exploitation" means:

30 (a) Wrongfully taking the assets, funds or property belonging to or intended for the use of a  
31 person with a developmental disability.

32 (b) Alarming a person with a developmental disability by conveying a threat to wrongfully take  
33 or appropriate money or property of the person if the person would reasonably believe that the  
34 threat conveyed would be carried out.

1 (d) The Oregon State Police; or

2 (e) Any district attorney.

3 (10) "Neglect" means:

4 (a) Failure to provide the care, supervision or services necessary to maintain the physical and  
5 mental health of a person with a developmental disability that may result in physical harm or sig-  
6 nificant emotional harm to the person;

7 (b) The failure of a caregiver to make a reasonable effort to protect a person with a develop-  
8 mental disability from abuse; or

9 (c) Withholding of services necessary to maintain the health and well-being of an adult which  
10 leads to physical harm of an adult.

11 (11) "Person with a developmental disability" means a person described in subsection (2)(a) of  
12 this section.

13 (12) "Public or private official" means:

14 (a) Physician, naturopathic physician, osteopathic physician, psychologist, chiropractor or  
15 podiatric physician and surgeon, including any intern or resident;

16 (b) Licensed practical nurse, registered nurse, nurse's aide, home health aide or employee of an  
17 in-home health service;

18 (c) Employee of the Department of Human Services or Oregon Health Authority, county health  
19 department, community mental health program or community developmental disabilities program or  
20 private agency contracting with a public body to provide any community mental health service;

21 (d) Peace officer;

22 (e) Member of the clergy;

23 (f) Regulated social worker;

24 (g) Physical, speech or occupational therapist;

25 (h) Information and referral, outreach or crisis worker;

26 (i) Attorney;

27 (j) Licensed professional counselor or licensed marriage and family therapist;

28 (k) Any public official who comes in contact with adults in the performance of the official's du-  
29 ties; or

30 (L) Firefighter or emergency medical services provider.

31 (13) "Services" includes but is not limited to the provision of food, clothing, medicine, housing,  
32 medical services, assistance with bathing or personal hygiene or any other service essential to the  
33 well-being of an adult.

34 (14)(a) "Sexual abuse" means:

35 (A) Sexual contact with a nonconsenting adult or with an adult considered incapable of con-  
36 senting to a sexual act under ORS 163.315;

37 (B) Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit mate-  
38 rial or language;

39 (C) Any sexual contact between an employee of a facility or paid caregiver and an adult served  
40 by the facility or caregiver;

41 (D) Any sexual contact between a person with a developmental disability and a relative of the  
42 person with a developmental disability other than a spouse; or

43 (E) Any sexual contact that is achieved through force, trickery, threat or coercion.

44 (b) "Sexual abuse" does not mean consensual sexual contact between an adult and a paid  
45 caregiver who is the spouse of the adult.

1 (15) "Sexual contact" has the meaning given that term in ORS 163.305.

2 (16) "Verbal abuse" means to threaten significant physical or emotional harm to a person with  
3 a developmental disability through the use of:

4 (a) Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; or

5 (b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate  
6 sexual comments.

7 **SECTION 55.** ORS 441.630 is amended to read:

8 441.630. As used in ORS 441.630 to 441.680 and 441.995:

9 (1) "Abuse" means:

10 (a) Any physical injury to a resident of a long term care facility which has been caused by other  
11 than accidental means.

12 (b) Failure to provide basic care or services, which failure results in physical harm or unrea-  
13 sonable discomfort or serious loss of human dignity.

14 (c) Sexual contact with a resident caused by an employee, agent or other resident of a long term  
15 care facility by force, threat, duress or coercion.

16 (d) Illegal or improper use of a resident's resources for the personal profit or gain of another  
17 person.

18 (e) Verbal or mental abuse as prohibited by federal law.

19 (f) Corporal punishment.

20 (g) Involuntary seclusion for convenience or discipline.

21 (2) "Abuse complaint" means any oral or written communication to the department, one of its  
22 agents or a law enforcement agency alleging abuse.

23 (3) "Department" means the Department of Human Services or a designee of the department.

24 (4) "Facility" means a long term care facility, as defined in ORS 442.015.

25 (5) "Law enforcement agency" means:

26 (a) Any city or municipal police department.

27 (b) A police department established by a university under ORS 352.383 or **section 2 of this 2013**  
28 **Act or a police department established by a community college district under section 4 of**  
29 **this 2013 Act.**

30 (c) Any county sheriff's office.

31 (d) The Oregon State Police.

32 (e) Any district attorney.

33 (6) "Public or private official" means:

34 (a) Physician, including any intern or resident.

35 (b) Licensed practical nurse or registered nurse.

36 (c) Employee of the Department of Human Services, a community developmental disabilities  
37 program or a long term care facility or person who contracts to provide services to a long term care  
38 facility.

39 (d) Employee of the Oregon Health Authority, county health department or community mental  
40 health program.

41 (e) Peace officer.

42 (f) Member of the clergy.

43 (g) Regulated social worker.

44 (h) Physical, speech and occupational therapists.

45 (i) Legal counsel for a resident or guardian or family member of the resident.



1 **SECTION 56.** ORS 506.521 is amended to read:

2 506.521. Each member of the State Fish and Wildlife Commission, the State Fish and Wildlife  
3 Director and every inspector, deputy fish warden, special deputy fish warden, and all peace officers  
4 of this state or any political subdivision therein, including police officers commissioned by a uni-  
5 versity under ORS 352.383 or **section 2 of this 2013 Act** and **police officers commissioned by a**  
6 **community college district under section 4 of this 2013 Act**, shall enforce the commercial fishing  
7 laws within their respective jurisdictions. In the performance of these duties such officers are sub-  
8 ject to the direction and control of the commission or director.

9 **SECTION 57.** ORS 609.652, as amended by section 66, chapter 37, Oregon Laws 2012, and sec-  
10 tion 15, chapter 67, Oregon Laws 2012, is amended to read:

11 609.652. As used in ORS 609.654:

12 (1)(a) "Aggravated animal abuse" means any animal abuse as described in ORS 167.322.

13 (b) "Aggravated animal abuse" does not include:

14 (A) Good animal husbandry, as defined in ORS 167.310; or

15 (B) Any exemption listed in ORS 167.335.

16 (2) "Law enforcement agency" means:

17 (a) Any city or municipal police department.

18 (b) A police department established by a university under ORS 352.383 or **section 2 of this 2013**  
19 **Act** or a **police department established by a community college district under section 4 of**  
20 **this 2013 Act**.

21 (c) Any county sheriff's office.

22 (d) The Oregon State Police.

23 (e) A law enforcement division of a county or municipal animal control agency that employs  
24 sworn officers.

25 (f) A humane investigation agency as defined in section 1, chapter 67, Oregon Laws 2012, that  
26 employs humane special agents commissioned under section 1, chapter 67, Oregon Laws 2012.

27 (3) "Public or private official" means:

28 (a) A physician, including any intern or resident.

29 (b) A dentist.

30 (c) A school employee.

31 (d) A licensed practical nurse or registered nurse.

32 (e) An employee of the Department of Human Services, Oregon Health Authority, Early Learn-  
33 ing Council, Youth Development Council, Child Care Division of the Employment Department, the  
34 Oregon Youth Authority, a county health department, a community mental health program, a com-  
35 munity developmental disabilities program, a county juvenile department, a licensed child-caring  
36 agency or an alcohol and drug treatment program.

37 (f) A peace officer.

38 (g) A psychologist.

39 (h) A member of the clergy.

40 (i) A regulated social worker.

41 (j) An optometrist.

42 (k) A chiropractor.

43 (L) A certified provider of foster care, or an employee thereof.

44 (m) An attorney.

45 (n) A naturopathic physician.

1 (o) A licensed professional counselor.

2 (p) A licensed marriage and family therapist.

3 (q) A firefighter or emergency medical services provider.

4 (r) A court appointed special advocate, as defined in ORS 419A.004.

5 (s) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.

6 (t) A member of the Legislative Assembly.

7 **SECTION 58.** ORS 659A.320, as amended by section 25, chapter 54, Oregon Laws 2012, and  
8 section 16, chapter 67, Oregon Laws 2012, is amended to read:

9 659A.320. (1) Except as provided in subsection (2) of this section, it is an unlawful employment  
10 practice for an employer to obtain or use for employment purposes information contained in the  
11 credit history of an applicant for employment or an employee, or to refuse to hire, discharge, de-  
12 mote, suspend, retaliate or otherwise discriminate against an applicant or an employee with regard  
13 to promotion, compensation or the terms, conditions or privileges of employment based on informa-  
14 tion in the credit history of the applicant or employee.

15 (2) Subsection (1) of this section does not apply to:

16 (a) Employers that are federally insured banks or credit unions;

17 (b) Employers that are required by state or federal law to use individual credit history for em-  
18 ployment purposes;

19 (c) The application for employment or the employment of a public safety officer who will be or  
20 who is:

21 (A) A member of a law enforcement unit;

22 (B) Employed as a peace officer commissioned by a city, port, school district, mass transit dis-  
23 trict, county, university under ORS 352.383 or **section 2 of this 2013 Act, community college**  
24 **district under section 4 of this 2013 Act**, Indian reservation, the Superintendent of State Police  
25 under section 1, chapter 67, Oregon Laws 2012, the Criminal Justice Division of the Department of  
26 Justice, the Oregon State Lottery Commission or the Governor or employed as a liquor enforcement  
27 inspector by the Oregon Liquor Control Commission; and

28 (C) Responsible for enforcing the criminal laws of this state or laws or ordinances related to  
29 airport security; or

30 (d) The obtainment or use by an employer of information in the credit history of an applicant  
31 or employee because the information is substantially job-related and the employer's reasons for the  
32 use of such information are disclosed to the employee or prospective employee in writing.

33 (3) An employee or an applicant for employment may file a complaint under ORS 659A.820 for  
34 violations of this section and may bring a civil action under ORS 659A.885 and recover the relief  
35 as provided by ORS 659A.885 (1) and (2).

36 (4) As used in this section, "credit history" means any written or other communication of any  
37 information by a consumer reporting agency that bears on a consumer's creditworthiness, credit  
38 standing or credit capacity.

39 **SECTION 59.** ORS 686.450, as amended by section 17, chapter 67, Oregon Laws 2012, is  
40 amended to read:

41 686.450. As used in ORS 686.450 to 686.465 and 686.990 (3):

42 (1)(a) "Aggravated animal abuse" means any animal abuse as described in ORS 167.322.

43 (b) "Aggravated animal abuse" does not include:

44 (A) Good animal husbandry, as defined in ORS 167.310; or

45 (B) Any exemption listed in ORS 167.335.

1 (2) "Law enforcement agency" means:

2 (a) Any city or municipal police department.

3 (b) A police department established by a university under ORS 352.383 or **section 2 of this 2013**  
 4 **Act or a police department established by a community college district under section 4 of**  
 5 **this 2013 Act.**

6 (c) Any county sheriff's office.

7 (d) The Oregon State Police.

8 (e) A law enforcement division of a humane society in Oregon that employs special agents au-  
 9 thorized under ORS 131.805 or humane special agents commissioned under section 1, chapter 67,  
 10 Oregon Laws 2012.

11 (f) A law enforcement division of a county or municipal animal control agency that employs  
 12 sworn officers.

13 (3) "Veterinarian" means a person licensed to practice veterinary medicine under ORS chapter  
 14 686.

15 **SECTION 60.** ORS 756.160 is amended to read:

16 756.160. (1) The Public Utility Commission shall inquire into any neglect or violation of any law  
 17 of this state or any law or ordinance of any municipality thereof relating to public utilities and  
 18 telecommunications utilities by any public utility or telecommunications utility doing business  
 19 therein, its officers, agents or employees and shall enforce all laws of this state relating to public  
 20 utilities and telecommunications utilities and may enforce all such laws and ordinances of a  
 21 municipality. The commission shall report all violations of any such laws or ordinances to the At-  
 22 torney General.

23 (2) The Attorney General, district attorney of each county, all state, county and city police of-  
 24 ficers, [and] police officers commissioned by a university under ORS 352.383 or **section 2 of this**  
 25 **2013 Act and police officers commissioned by a community college district under section 4**  
 26 **of this 2013 Act** shall assist the commission in the administration and enforcement of all laws ad-  
 27 ministered by the commission, and they, as well as assistants and employees of the commission, shall  
 28 inform against and diligently prosecute all persons whom they have reasonable cause to believe  
 29 guilty of violation of any such laws or of the rules, regulations, orders, decisions or requirements  
 30 of the commission made pursuant thereto.

31 (3) Upon the request of the commission, the Attorney General or the district attorney of the  
 32 proper county shall aid in any investigation, hearing or trial, and shall institute and prosecute all  
 33 necessary suits, actions or proceedings for the enforcement of those laws and ordinances referred  
 34 to in subsection (1) of this section.

35 (4) Any forfeiture or penalty provided for in any law administered by the commission shall be  
 36 recovered by an action brought thereon in the name of the State of Oregon in any court of appro-  
 37 priate jurisdiction.

38 **SECTION 61.** ORS 801.395 is amended to read:

39 801.395. "Police officer" includes a member of the Oregon State Police, a sheriff, a deputy  
 40 sheriff, a city police officer, an authorized tribal police officer as defined in section 1, chapter 644,  
 41 Oregon Laws 2011, a police officer commissioned by a university under ORS 352.383 or **section 2**  
 42 **of this 2013 Act, a police officer commissioned by a community college district under section**  
 43 **4 of this 2013 Act, a Port of Portland peace officer, a reserve officer as defined in ORS 133.005 or**  
 44 **a law enforcement officer employed by a service district established under ORS 451.410 to 451.610**  
 45 **for the purpose of law enforcement services.**

1        **SECTION 62.** ORS 801.395, as amended by section 55, chapter 644, Oregon Laws 2011, is  
2 amended to read:

3        801.395. "Police officer" includes a member of the Oregon State Police, a sheriff, a deputy  
4 sheriff, a city police officer, a police officer commissioned by a university under ORS 352.383 or  
5 **section 2 of this 2013 Act, a police officer commissioned by a community college district un-**  
6 **der section 4 of this 2013 Act,** a Port of Portland peace officer, a reserve officer as defined in ORS  
7 133.005 or a law enforcement officer employed by a service district established under ORS 451.410  
8 to 451.610 for the purpose of law enforcement services.

9        **SECTION 63.** ORS 811.720 is amended to read:

10        811.720. (1) Except as provided in subsection (4) of this section, any accident occurring on a  
11 highway or upon premises open to the public resulting in injury or death to any person is subject  
12 to the reporting requirements under the following sections:

- 13        (a) The reporting requirements for drivers under ORS 811.725.
- 14        (b) The reporting requirements for occupants of vehicles in accidents under ORS 811.735.
- 15        (c) The reporting requirements for owners of vehicles under ORS 811.730.

16        (2) Except as provided in subsection (4) of this section, an accident occurring on a highway or  
17 upon premises open to the public resulting in damage to the property of any person in excess of  
18 \$1,500 is subject to the following reporting requirements:

- 19        (a) The driver of a vehicle that has more than \$1,500 damage must report the accident in the  
20 manner specified under ORS 811.725.
- 21        (b) The owner of a vehicle that has more than \$1,500 damage must report the accident in the  
22 manner specified in ORS 811.730 and under the circumstances specified in ORS 811.730.

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1 lished a police department under section 4 of this 2013 Act, port, school district, mass transit  
 2 district, county or county service district authorized to provide law enforcement services under ORS  
 3 451.010;

4 (ii) With the Department of State Police or the Criminal Justice Division of the Department of  
 5 Justice;

6 (iii) As an investigator of a district attorney's office, if the investigator is certified as a peace  
 7 officer in this state; or

8 (iv) As an authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011.

9 (B) "Lawful intervention technique" means a method by which one motor vehicle causes, or at-  
 10 tempts to cause, another motor vehicle to stop.

11 **SECTION 64.** ORS 811.720, as amended by section 56, chapter 644, Oregon Laws 2011, is  
 12 amended to read:

13 811.720. (1) Except as provided in subsection (4) of this section, any accident occurring on a  
 14 highway or upon premises open to the public resulting in injury or death to any person is subject  
 15 to the reporting requirements under the following sections:

16 (a) The reporting requirements for drivers under ORS 811.725.

17 (b) The reporting requirements for occupants of vehicles in accidents under ORS 811.735.

18 (c) The reporting requirements for owners of vehicles under ORS 811.730.

19 (2) Except as provided in subsection (4) of this section, an accident occurring on a highway or  
 20 upon premises open to the public resulting in damage to the property of any person in excess of  
 21 \$1,500 is subject to the following reporting requirements:

22 (a) The driver of a vehicle that has more than \$1,500 damage must report the accident in the  
 23 manner specified under ORS 811.725.

24 (b) The owner of a vehicle that has more than \$1,500 damage must report the accident in the  
 25 manner specified in ORS 811.730 and under the circumstances specified in ORS 811.730.

26 (c) If the property damage is to property other than a vehicle involved in the accident, each  
 27 driver involved in the accident must report the accident in the manner specified under ORS 811.725  
 28 and each owner of a vehicle involved in the accident must report the accident in the manner spec-  
 29 ified in ORS 811.730 and under the circumstances specified in ORS 811.730.

30 (d) If a vehicle involved in the accident is damaged to the extent that the vehicle must be towed  
 31 from the scene of the accident, each driver involved in the accident must report the accident in the  
 32 manner specified under ORS 811.725 and each owner of a vehicle involved in the accident must re-  
 33 port the accident in the manner specified in ORS 811.730 and under the circumstances specified in  
 34 ORS 811.730.

35 (3) The dollar amount specified in subsection (2) of this section may be increased every five  
 36 years by the Department of Transportation based upon any increase in the Portland-Salem Consumer  
 37 Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics  
 38 of the United States Department of Labor or its successor during the preceding 12-month period.  
 39 The amount determined under this subsection shall be rounded to the nearest \$100.

40 (4) The following are exempt from the reporting requirements of this section:

41 (a) Operators of snowmobiles, Class I all-terrain vehicles or Class III all-terrain vehicles.

42 (b) A law enforcement official acting in the course of official duty if the accident involved a law  
 43 enforcement official performing a lawful intervention technique or a law enforcement official and a  
 44 person acting during the commission of a criminal offense. As used in this paragraph:

45 (A) "Law enforcement official" means a person who is responsible for enforcing the criminal

1 laws of this state or a political subdivision of this state and who is employed or volunteers:

2 (i) As a peace officer commissioned by a city, university that has established a police department  
 3 under ORS 352.383 or section 2 of this 2013 Act, **community college district that has estab-**  
 4 **lished a police department under section 4 of this 2013 Act,** port, school district, mass transit  
 5 district, county or county service district authorized to provide law enforcement services under ORS  
 6 451.010;

7 (ii) With the Department of State Police or the Criminal Justice Division of the Department of  
 8 Justice; or

9 (iii) As an investigator of a district attorney's office, if the investigator is certified as a peace  
 10 officer in this state.

11 (B) "Lawful intervention technique" means a method by which one motor vehicle causes, or at-  
 12 tempts to cause, another motor vehicle to stop.

13 **SECTION 65.** ORS 811.745 is amended to read:

14 811.745. (1) Except as provided in subsection (4) of this section, any accident occurring on a  
 15 highway or upon premises open to the public resulting in injury or death to any person is subject  
 16 to the reporting requirements under the following sections:

17 (a) The reporting requirements for drivers under ORS 811.748.

18 (b) The reporting requirements for occupants of vehicles in accidents under ORS 811.750.

19 (2) Except as provided in subsection (4) of this section, an accident occurring on a highway or  
 20 upon premises open to the public resulting in damage to the property of any person in excess of  
 21 \$1,500 is subject to the following reporting requirements:

22 (a) The driver of a vehicle that has more than \$1,500 damage must report the accident in the  
 23 manner specified under ORS 811.748.

24 (b) If the property damage is to property other than a vehicle involved in the accident, each  
 25 driver involved in the accident must report the accident in the manner specified under ORS 811.748.

26 (c) If a vehicle involved in the accident is damaged to the extent that the vehicle must be towed  
 27 from the scene of the accident, each driver involved in the accident must report the accident in the  
 28 manner specified under ORS 811.748.

29 (3) The dollar amount specified in subsection (2) of this section may be increased every five  
 30 years by the Department of Transportation based upon any increase in the Portland-Salem Consumer  
 31 Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics  
 32 of the United States Department of Labor or its successor during the preceding 12-month period.  
 33 The amount determined under this subsection shall be rounded to the nearest \$100.

34 (4) The following are exempt from the reporting requirements of this section:

35 (a) Operators of snowmobiles and Class I, Class III and Class IV all-terrain vehicles.

36 (b) A law enforcement official acting in the course of official duty if the accident involved a law  
 37 enforcement official performing a lawful intervention technique or involved a law enforcement offi-  
 38 cial and a person acting during the commission of a criminal offense. As used in this paragraph:

39 (A) "Law enforcement official" means a person who is responsible for enforcing the criminal  
 40 laws of this state or a political subdivision of this state and who is employed or volunteers:

41 (i) As a peace officer commissioned by a city, port, university that has established a police de-  
 42 partment under ORS 352.383 or section 2 of this 2013 Act, **community college district that has**  
 43 **established a police department under section 4 of this 2013 Act,** school district, mass transit  
 44 district, county or service district authorized to provide law enforcement services under ORS  
 45 451.010;

1 (ii) With the Department of State Police or the Criminal Justice Division of the Department of  
2 Justice; or

3 (iii) As an investigator of a district attorney's office, if the investigator is certified as a peace  
4 officer in this state.

5 (B) "Lawful intervention technique" means a method by which one motor vehicle causes, or at-  
6 tempts to cause, another motor vehicle to stop.

7 (5) The reporting requirements under this section are in addition to, and not in lieu of, the re-  
8 porting requirements under ORS 811.720.

9 **SECTION 66.** ORS 811.747 is amended to read:

10 811.747. As used in ORS 811.748 and 811.750:

11 (1) "9-1-1 emergency reporting system" has the meaning given that term in ORS 403.105.

12 (2) "Law enforcement agency" means any agency that employs members of the Oregon State  
13 Police, a sheriff, a deputy sheriff, a city police officer, a police officer commissioned by a university  
14 under ORS 352.383 or **section 2 of this 2013 Act, a police officer commissioned by a community**  
15 **college district under section 4 of this 2013 Act** or a law enforcement officer employed by a ser-  
16 vice district established under ORS 451.410 to 451.610 for the purpose of law enforcement services.

17 **SECTION 67.** ORS 823.081 is amended to read:

18 823.081. (1) The Department of Transportation shall inquire into any neglect or violation of any  
19 law of this state, or any law or ordinance of any municipality thereof, relating to motor carriers or  
20 railroads by any motor carrier or railroad doing business therein, its officers, agents or employees  
21 and shall enforce all laws of this state relating to motor carriers and railroads and may enforce all  
22 such laws and ordinances of a municipality. The department shall report all violations of any such  
23 laws or ordinances to the Attorney General.

24 (2) The Attorney General, district attorney of each county, all state, county and city police of-  
25 ficers, [and] police officers commissioned by a university under ORS 352.383 or **section 2 of this**  
26 **2013 Act and police officers commissioned by a community college district under section 4**  
27 **of this 2013 Act** shall assist the department in the administration and enforcement of all laws re-  
28 lated to motor carriers and railroads administered by the department, and they, as well as assistants  
29 and employees of the department, shall inform against and diligently prosecute all persons whom  
30 they have reasonable cause to believe guilty of the violation of any such laws or of the rules, reg-  
31 ulations, orders, decisions or requirements of the department made pursuant thereto.

32 (3) Upon the request of the department, the Attorney General or the district attorney of the  
33 proper county shall aid in any investigation, hearing or trial, and shall institute and prosecute all  
34 necessary suits, actions or proceedings for the enforcement of those laws and ordinances referred  
35 to in subsection (1) of this section.

36 (4) Any forfeiture or penalty provided for in any law regarding motor carriers or railroads ad-  
37 ministered by the department shall be recovered by an action brought thereon in the name of the  
38 State of Oregon in any court of appropriate jurisdiction or as provided in ORS 183.745.

39 **SECTION 68.** ORS 830.005 is amended to read:

40 830.005. As used in this chapter, unless the context requires otherwise:

41 (1) "Board" means the State Marine Board.

42 (2) "Boat" means every description of watercraft, including a seaplane on the water and not in  
43 flight, used or capable of being used as a means of transportation on the water, but does not include  
44 boathouses, floating homes, air mattresses, beach and water toys or single inner tubes.

45 (3) "Boating offense" means violation of any provision of law that is made a crime or violation

1 under the provisions of this chapter.

2 (4) "In flight" means from the moment a seaplane starts its takeoff run until the end of a normal  
3 power-off landing run.

4 (5) "Length" means the length of a boat measured from end to end over the deck excluding  
5 sheer.

6 (6) "Motorboat" means any boat propelled in whole or in part by machinery, including boats  
7 temporarily equipped with detachable motors.

8 (7) "Navigable waters of the United States" means those waters of the United States, including  
9 the territorial seas adjacent thereto, the general character of which is navigable, and that, either  
10 by themselves or by uniting with other waters, form a continuous waterway on which boats or ves-  
11 sels may navigate or travel between two or more states, or to and from foreign nations.

12 (8) "Operate" means to navigate or otherwise use a boat.

13 (9) "Operator of a boat livery" means any person who is engaged wholly or in part in the busi-  
14 ness of chartering or renting boats to other persons.

15 (10) "Passenger" means every person on board a boat who is not the master, operator, crew  
16 member or other person engaged in any capacity in the business of the boat.

17 (11) "Peace officer" includes a member of the Oregon State Police, a sheriff or deputy sheriff,  
18 a city police officer, an authorized tribal police officer as defined in section 1, chapter 644, Oregon  
19 Laws 2011, [and] a police officer commissioned by a university under ORS 352.383 or section 2 of  
20 this 2013 Act and a police officer commissioned by a community college district under section  
21 4 of this 2013 Act.

22 (12) "State waters" means those waters entirely within the confines of this state that have not  
23 been declared navigable waters of the United States.

24 (13) "Waters of this state" means all waters within the territorial limits of this state, the mar-  
25 ginal sea adjacent to this state and the high seas when navigated as part of a journey or ride to  
26 or from the shore of this state.

27 **SECTION 69.** ORS 830.005, as amended by section 57, chapter 644, Oregon Laws 2011, is  
28 amended to read:

29 830.005. As used in this chapter, unless the context requires otherwise:

30 (1) "Board" means the State Marine Board.

31 (2) "Boat" means every description of watercraft, including a seaplane on the water and not in  
32 flight, used or capable of being used as a means of transportation on the water, but does not include  
33 boathouses, floating homes, air mattresses, beach and water toys or single inner tubes.

34 (3) "Boating offense" means violation of any provision of law that is made a crime or violation  
35 under the provisions of this chapter.

36 (4) "In flight" means from the moment a seaplane starts its takeoff run until the end of a normal  
37 power-off landing run.

38 (5) "Length" means the length of a boat measured from end to end over the deck excluding  
39 sheer.

40 (6) "Motorboat" means any boat propelled in whole or in part by machinery, including boats  
41 temporarily equipped with detachable motors.

42 (7) "Navigable waters of the United States" means those waters of the United States, including  
43 the territorial seas adjacent thereto, the general character of which is navigable, and that, either  
44 by themselves or by uniting with other waters, form a continuous waterway on which boats or ves-  
45 sels may navigate or travel between two or more states, or to and from foreign nations.



1 (8) "Operate" means to navigate or otherwise use a boat.

2 (9) "Operator of a boat livery" means any person who is engaged wholly or in part in the busi-  
3 ness of chartering or renting boats to other persons.

4 (10) "Passenger" means every person on board a boat who is not the master, operator, crew  
5 member or other person engaged in any capacity in the business of the boat.

6 (11) "Peace officer" includes a member of the Oregon State Police, a sheriff or deputy sheriff,  
7 a city police officer, [and] a police officer commissioned by a university under ORS 352.383 or  
8 section 2 of this 2013 Act and a police officer commissioned by a community college district  
9 under section 4 of this 2013 Act.

10 (12) "State waters" means those waters entirely within the confines of this state that have not  
11 been declared navigable waters of the United States.

12 (13) "Waters of this state" means all waters within the territorial limits of this state, the mar-  
13 ginal sea adjacent to this state and the high seas when navigated as part of a journey or ride to  
14 or from the shore of this state.

15 **SECTION 70.** (1) Sections 2 and 4 of this 2013 Act and the amendments to statutes by  
16 sections 5 to 69 of this 2013 Act become operative on January 1, 2014.

17 (2) The Oregon Health and Science University may adopt rules or take any other action  
18 necessary to enable the university to exercise, on and after the operative date specified in  
19 subsection (1) of this section, all the duties, functions and powers conferred on the university  
20 by this 2013 Act.

21 (3) A community college district may adopt rules or take any other action necessary to  
22 enable the district to exercise, on or after the operative date specified in subsection (1) of  
23 this section, all the duties, functions and powers conferred on the district by this 2013 Act.

24 **SECTION 71.** (1) A public university listed in ORS 352.002, the Oregon Health and Science  
25 University or a community college district as defined in ORS 341.005 may adopt a policy to  
26 regulate, restrict or prohibit the possession of firearms within and on the buildings and  
27 property the university or district owns or occupies.

28 (2) A policy adopted under subsection (1) of this section may include a prohibition on  
29 possessing firearms by a person who is licensed under ORS 166.291 and 166.292 to carry a  
30 concealed handgun.

31 **SECTION 72.** ORS 166.370 is amended to read:

32 166.370. (1) Any person who intentionally possesses a loaded or unloaded firearm or any other  
33 instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be  
34 guilty of a Class C felony.

35 (2)(a) Except as otherwise provided in paragraph (b) of this subsection, a person who inten-  
36 tionally possesses:

37 (A) A firearm in a court facility is guilty, upon conviction, of a Class C felony. A person who  
38 intentionally possesses a firearm in a court facility shall surrender the firearm to a law enforcement  
39 officer.

40 (B) A weapon, other than a firearm, in a court facility may be required to surrender the weapon  
41 to a law enforcement officer or to immediately remove it from the court facility. A person who fails  
42 to comply with this subparagraph is guilty, upon conviction, of a Class C felony.

43 (b) The presiding judge of a judicial district may enter an order permitting the possession of  
44 specified weapons in a court facility.

45 (3) Subsection (1) of this section does not apply to:

1 (a) A sheriff, police officer, other duly appointed peace officers or a corrections officer while  
2 acting within the scope of employment.

3 (b) A person summoned by a peace officer to assist in making an arrest or preserving the peace,  
4 while the summoned person is engaged in assisting the officer.

5 (c) An active or reserve member of the military forces of this state or the United States, when  
6 engaged in the performance of duty.

7 (d) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun,  
8 **unless the person possesses the firearm on the property of a university or community college**  
9 **district that has adopted a policy prohibiting such possession under section 71 of this 2013**  
10 **Act.**

11 (e) A person who is authorized by the officer or agency that controls the public building to  
12 possess a firearm or dangerous weapon in that public building.

13 (f) An employee of the United States Department of Agriculture, acting within the scope of em-  
14 ployment, who possesses a firearm in the course of the lawful taking of wildlife.

15 (g) Possession of a firearm on school property if the firearm:

16 (A) Is possessed by a person who is not otherwise prohibited from possessing the firearm; and

17 (B) Is unloaded and locked in a motor vehicle.

18 (4) The exceptions listed in subsection (3)(b) to (g) of this section constitute affirmative defenses  
19 to a charge of violating subsection (1) of this section.

20 (5)(a) Any person who knowingly, or with reckless disregard for the safety of another, discharges  
21 or attempts to discharge a firearm at a place that the person knows is a school shall upon con-  
22 viction be guilty of a Class C felony.

23 (b) Paragraph (a) of this subsection does not apply to the discharge of a firearm:

24 (A) As part of a program approved by a school in the school by an individual who is partic-  
25 ipating in the program;

26 (B) By a law enforcement officer acting in the officer's official capacity; or

27 (C) By an employee of the United States Department of Agriculture, acting within the scope of  
28 employment, in the course of the lawful taking of wildlife.

29 (6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS  
30 166.279.

31 (7) Notwithstanding the fact that a person's conduct in a single criminal episode constitutes a  
32 violation of both subsections (1) and (5) of this section, the district attorney may charge the person  
33 with only one of the offenses.

34 (8) As used in this section, "dangerous weapon" means a dangerous weapon as that term is de-  
35 fined in ORS 161.015.

36 **SECTION 73.** ORS 166.262 is amended to read:

37 166.262. A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or  
38 (b) or 166.370 (1) if the person has in the person's immediate possession a valid license to carry a  
39 firearm as provided in ORS 166.291 and 166.292, **unless the person possesses the firearm on the**  
40 **property of a university or a community college district that has adopted a policy prohibiting**  
41 **such possession under section 71 of this 2013 Act.**

42 **SECTION 74.** This 2013 Act being necessary for the immediate preservation of the public  
43 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
44 on its passage.