

House Bill 2648

Sponsored by Representative GORSEK (Pre-session filed.)

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**.

Permits board of community college to determine whether to establish campus police department and commission police officers.

A BILL FOR AN ACT

1
2 Relating to public safety at community colleges; creating new provisions; and amending ORS 40.275,
3 44.550, 90.440, 124.050, 131.915, 133.005, 133.525, 133.721, 133.726, 133.741, 136.595, 146.003,
4 147.425, 153.005, 161.015, 163.730, 163A.215, 165.535, 180.320, 181A.010, 181A.265, 181A.355,
5 181A.775, 181A.835, 236.350, 238.005, 243.005, 414.805, 418.257, 419B.005, 419B.902, 420.905,
6 430.735, 441.630, 506.521, 609.652, 659A.320, 686.450, 756.160, 801.395, 811.720, 811.745, 811.747,
7 823.081 and 830.005.

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

9 **SECTION 1. Sections 2 and 3 of this 2019 Act are added to and made a part of ORS**
10 **chapter 341.**

11 **SECTION 2. (1) A board of education of a community college district may, in the board's**
12 **sole discretion, do all of the following:**

13 **(a) Establish a police department and commission one or more employees as police offi-**
14 **cers in the manner and with all of the privileges and immunities set forth in section 3 of this**
15 **2019 Act. When a board establishes a police department and commissions one or more em-**
16 **ployees as police officers, the president of the community college, in cooperation with the**
17 **chief of the police department, shall establish a process by which the community college will**
18 **receive and respond to complaints involving the policies of the police department and the**
19 **conduct of the police officers.**

20 **(b) Commission special campus security officers who, when acting in the scope of their**
21 **employment, shall have stop and frisk authority as set forth in ORS 131.605 to 131.625 and**
22 **probable cause arrest authority and the accompanying immunities as set forth in ORS**
23 **133.310 and 133.315. Special campus security officers may not be authorized to carry firearms**
24 **as police officers and, except as provided in subsection (2) of this section, may not be con-**
25 **sidered police officers for purposes of ORS 181A.355, 238.005, 243.005 or 243.736.**

26 **(2) A community college, acting by and through the community college's special campus**
27 **security officers, is a criminal justice agency for purposes of rules adopted pursuant to ORS**
28 **181A.280 (3).**

29 **SECTION 3. (1) The board of education of a community college district may authorize the**
30 **community college to establish a police department and commission one or more employees**
31 **as police officers. A police department established under this section has all of the authority**

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 **and immunity of a municipal police department of this state.**

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

3 **(a) May enforce criminal laws and any administrative rules and policies adopted by the**
 4 **board; and**

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

6 **(3) When a community college establishes a police department and commissions one or**
 7 **more employees as police officers, the president of the community college, in cooperation**
 8 **with the chief of the police department, shall establish a process by which the community**
 9 **college will receive and respond to complaints involving the policies of the police department**
 10 **and the conduct of the police officers.**

11 **(4) The board may:**

12 **(a) Enter into an agreement, or authorize the community college under the board's con-**
 13 **trol to enter into an agreement, with a municipal corporation or any department, agency or**
 14 **political subdivision of this state for the provision of mutual aid by their respective police**
 15 **officers.**

16 **(b) Adopt standards to carry out the provisions of this section.**

17 **SECTION 4.** ORS 147.425 is amended to read:

18 147.425. (1) As used in this section:

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

20 (b) "Law enforcement agency" means:

21 (A) A city or municipal police department.

22 (B) A county sheriff's office.

23 (C) The Oregon State Police.

24 (D) A district attorney.

25 (E) A police department established by a **community college or** university under ORS 352.121
 26 **or 353.125 or section 3 of this 2019 Act.**

27 (F) A special campus security officer commissioned under ORS 352.118 **or section 2 of this 2019**
 28 **Act.**

29 (G) An authorized tribal police officer as defined in ORS 181A.680.

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

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

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

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

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

44 (4) A health care provider, law enforcement agency, protective service worker or court may not
 45 prohibit a personal representative from accompanying a victim as authorized by subsection (3) of

1 this section unless the health care provider, law enforcement agency, protective service worker or
 2 court believes that the personal representative would compromise the process.

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

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

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

11 **SECTION 5.** ORS 238.005, as amended by section 4, chapter 54, Oregon Laws 2018, is amended
 12 to read:

13 238.005. For purposes of this chapter:

14 (1) "Active member" means a member who is presently employed by a participating public em-
 15 ployer in a qualifying position and who has completed the six-month period of service required by
 16 ORS 238.015.

17 (2) "Annuity" means payments for life derived from contributions made by a member as provided
 18 in this chapter.

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

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

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

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

27 (b) An employee who was in the armed services on January 1, 1945, and returned to the service
 28 of the employer within one year of the date of being otherwise than dishonorably discharged and
 29 remained in that employment until having established membership in the Public Employees Retire-
 30 ment System.

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

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

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

40 (a) Persons engaged as independent contractors.

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

43 (c) Persons provided sheltered employment or made-work by a public employer in an employment
 44 or industries program maintained for the benefit of such persons.

45 (d) Persons employed and paid from federal funds received under a federal program intended

1 primarily to alleviate unemployment. However, any such person shall be considered an “employee”
 2 if not otherwise excluded by paragraphs (a) to (c) of this subsection and the public employer elects
 3 to have the person so considered by an irrevocable written notice to the board.

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

7 (f) Persons employed in positions classified as post-doctoral scholar positions by a public uni-
 8 versity listed in ORS 352.002, or by the Oregon Health and Science University, under ORS 350.370.

9 (9) “Final average salary” means whichever of the following is greater:

10 (a) The average salary per calendar year paid by one or more participating public employers to
 11 an employee who is an active member of the system in three of the calendar years of membership
 12 before the effective date of retirement of the employee, in which three years the employee was paid
 13 the highest salary. The three calendar years in which the employee was paid the largest total salary
 14 may include calendar years in which the employee was employed for less than a full calendar year.
 15 If the number of calendar years of active membership before the effective date of retirement of the
 16 employee is three or fewer, the final average salary for the employee is the average salary per cal-
 17 endar year paid by one or more participating public employers to the employee in all of those years,
 18 without regard to whether the employee was employed for the full calendar year.

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

22 (10) “Firefighter” does not include a volunteer firefighter, but does include:

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

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

27 (11) “Fiscal year” means 12 calendar months commencing on July 1 and ending on June 30 fol-
 28 lowing.

29 (12) “Fund” means the Public Employees Retirement Fund.

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

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

35 (15) “Member” means a person who has established membership in the system and whose mem-
 36 bership has not been terminated as described in ORS 238.095. “Member” includes active, inactive
 37 and retired members.

38 (16) “Member account” means the regular account and the variable account.

39 (17) “Normal retirement age” means:

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

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

1 firefighter.

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

4 (19) "Police officer" includes:

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

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

12 (c) Employees of the Oregon Liquor Control Commission who are classified as regulatory spe-
13 cialists by the administrator of the commission.

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

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

18 (f) Police officers who are commissioned by a **community college or** university under ORS
19 352.121 or 353.125 **or section 3 of this 2019 Act** and who are classified as police officers by the
20 university.

21 (g) Parole and probation officers employed by the Department of Corrections, parole and pro-
22 bation officers who are transferred to county employment under ORS 423.549 and adult parole and
23 probation officers, as defined in ORS 181A.355, who are classified as police officers for the purposes
24 of this chapter by the county governing body. If a county classifies adult parole and probation offi-
25 cers as police officers for the purposes of this chapter, and the employees so classified are repres-
26 ented by a labor organization, any proposal by the county to change that classification or to cease
27 to classify adult parole and probation officers as police officers for the purposes of this chapter is
28 a mandatory subject of bargaining.

29 (h) Police officers appointed under ORS 276.021 or 276.023.

30 (i) Employees of the Port of Portland who are classified as airport police by the Board of Com-
31 missioners of the Port of Portland.

32 (j) Employees of the State Department of Agriculture who are classified as livestock police of-
33 ficers by the Director of Agriculture.

34 (k) Employees of the Department of Public Safety Standards and Training who are classified by
35 the department as other than secretarial or clerical personnel.

36 (L) Investigators of the Criminal Justice Division of the Department of Justice.

37 (m) Corrections officers as defined in ORS 181A.355.

38 (n) Employees of the Oregon State Lottery Commission who are classified by the Director of the
39 Oregon State Lottery as enforcement agents pursuant to ORS 461.110.

40 (o) The Director of the Department of Corrections.

41 (p) An employee who for seven consecutive years has been classified as a police officer as de-
42 fined by this section, and who is employed or transferred by the Department of Corrections to fill
43 a position designated by the Director of the Department of Corrections as being eligible for police
44 officer status.

45 (q) An employee of the Department of Corrections classified as a police officer on or prior to

1 July 27, 1989, whether or not that classification was authorized by law, as long as the employee
 2 remains in the position held on July 27, 1989. The initial classification of an employee under a sys-
 3 tem implemented pursuant to ORS 240.190 does not affect police officer status.

4 (r) Employees of a school district who are appointed and duly sworn members of a law
 5 enforcement agency of the district as provided in ORS 332.531 or otherwise employed full-time as
 6 police officers commissioned by the district.

7 (s) Employees at youth correction facilities and juvenile detention facilities under ORS 419A.050,
 8 419A.052 and 420.005 to 420.915 who are required to hold valid Oregon teaching licenses and who
 9 have supervisory, control or teaching responsibilities over juveniles committed to the custody of the
 10 Department of Corrections or the Oregon Youth Authority.

11 (t) Employees at youth correction facilities as defined in ORS 420.005 whose primary job de-
 12 scription involves the custody, control, treatment, investigation or supervision of juveniles placed
 13 in such facilities.

14 (u) Employees of the Oregon Youth Authority who are classified as juvenile parole and pro-
 15 bation officers.

16 (v) Employees of the Department of Human Services who are prohibited from striking under ORS
 17 243.726 and whose duties include the care of residents of residential facilities, as defined in ORS
 18 443.400, that house individuals with intellectual or developmental disabilities.

19 (20) "Prior service credit" means credit provided under ORS 238.442 or under ORS 238.225 (2)
 20 to (6) (1999 Edition).

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

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

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

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

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

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

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

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

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

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

1 (D) Wages of a deceased member paid to a surviving spouse or dependent children under ORS
2 652.190.

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

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

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

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

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

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

12 (F) Any retirement incentive, retirement severance pay, retirement bonus or retirement
13 gratuitous payment;

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

17 (H) Payments for instructional services rendered to public universities listed in ORS 352.002 or
18 the Oregon Health and Science University when such services are in excess of full-time employment
19 subject to this chapter. A person employed under a contract for less than 12 months is subject to
20 this subparagraph only for the months to which the contract pertains;

21 (I) Payments made by an employer for insurance coverage provided to a domestic partner of an
22 employee;

23 (J) Compensation described and authorized under ORS 341.556 that is not paid by the community
24 college employing the faculty member;

25 (K) Compensation described and authorized under ORS 352.232 that is not paid by the public
26 university employing the officer or employee; or

27 (L) Compensation described and authorized under ORS 353.270 that is not paid by Oregon Health
28 and Science University.

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

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

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

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

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

36 **SECTION 6.** ORS 124.050 is amended to read:

37 124.050. As used in ORS 124.050 to 124.095:

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

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

41 (b) Neglect.

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

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

45 (e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427,

1 163.465, 163.467 or 163.525.

2 (f) Verbal abuse.

3 (g) Financial exploitation.

4 (h) Sexual abuse.

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

7 (j) A wrongful use of a physical or chemical restraint of an elderly person, excluding an act of
8 restraint prescribed by a physician licensed under ORS chapter 677 and any treatment activities
9 that are consistent with an approved treatment plan or in connection with a court order.

10 (2) "Elderly person" means any person 65 years of age or older who is not subject to the pro-
11 visions of ORS 441.640 to 441.665.

12 (3) "Facility" means:

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

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

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

17 (4) "Financial exploitation" means:

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

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

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

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

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

28 (6) "Law enforcement agency" means:

29 (a) Any city or municipal police department.

30 (b) Any county sheriff's office.

31 (c) The Oregon State Police.

32 (d) Any district attorney.

33 (e) A police department established by a **community college or** university under ORS 352.121
34 or 353.125 **or section 3 of this 2019 Act.**

35 (7) "Neglect" means failure to provide basic care or services that are necessary to maintain the
36 health or safety of an elderly person.

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

38 (a) ORS 410.040 (7); or

39 (b) ORS 410.715.

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

41 (a) Physician or physician assistant licensed under ORS chapter 677, naturopathic physician or
42 chiropractor, including any intern or resident.

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

45 (c) Employee of the Department of Human Services or community developmental disabilities

- 1 program.
- 2 (d) Employee of the Oregon Health Authority, local health department or community mental
3 health program.
- 4 (e) Peace officer.
- 5 (f) Member of the clergy.
- 6 (g) Regulated social worker.
- 7 (h) Physical, speech or occupational therapist.
- 8 (i) Senior center employee.
- 9 (j) Information and referral or outreach worker.
- 10 (k) Licensed professional counselor or licensed marriage and family therapist.
- 11 (L) Member of the Legislative Assembly.
- 12 (m) Firefighter or emergency medical services provider.
- 13 (n) Psychologist.
- 14 (o) Provider of adult foster care or an employee of the provider.
- 15 (p) Audiologist.
- 16 (q) Speech-language pathologist.
- 17 (r) Attorney.
- 18 (s) Dentist.
- 19 (t) Optometrist.
- 20 (u) Chiropractor.
- 21 (v) Personal support worker, as defined by rule adopted by the Home Care Commission.
- 22 (w) Home care worker, as defined in ORS 410.600.
- 23 (x) Referral agent, as defined in ORS 443.370.
- 24 (10) "Services" includes but is not limited to the provision of food, clothing, medicine, housing,
25 medical services, assistance with bathing or personal hygiene or any other service essential to the
26 well-being of an elderly person.
- 27 (11)(a) "Sexual abuse" means:
- 28 (A) Sexual contact with an elderly person who does not consent or is considered incapable of
29 consenting to a sexual act under ORS 163.315;
- 30 (B) Verbal or physical harassment of a sexual nature, including but not limited to severe or
31 pervasive exposure to sexually explicit material or language;
- 32 (C) Sexual exploitation;
- 33 (D) Any sexual contact between an employee of a facility or paid caregiver and an elderly per-
34 son served by the facility or caregiver; or
- 35 (E) Any sexual contact that is achieved through force, trickery, threat or coercion.
- 36 (b) "Sexual abuse" does not mean consensual sexual contact between an elderly person and:
- 37 (A) An employee of a facility who is also the spouse of the elderly person; or
- 38 (B) A paid caregiver.
- 39 (12) "Sexual contact" has the meaning given that term in ORS 163.305.
- 40 (13) "Verbal abuse" means to threaten significant physical or emotional harm to an elderly
41 person or a person with a disability through the use of:
- 42 (a) Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; or
- 43 (b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate
44 sexual comments.
- 45 **SECTION 7.** ORS 124.050, as amended by section 8, chapter 75, Oregon Laws 2018, is amended

1 to read:

2 124.050. As used in ORS 124.050 to 124.095:

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

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

6 (b) Neglect.

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

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

10 (e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427,
11 163.465, 163.467 or 163.525.

12 (f) Verbal abuse.

13 (g) Financial exploitation.

14 (h) Sexual abuse.

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

17 (j) A wrongful use of a physical or chemical restraint of an elderly person, excluding an act of
18 restraint prescribed by a physician licensed under ORS chapter 677 and any treatment activities
19 that are consistent with an approved treatment plan or in connection with a court order.

20 (2) "Elderly person" means any person 65 years of age or older who is not subject to the pro-
21 visions of ORS 441.640 to 441.665.

22 (3) "Facility" means:

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

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

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

27 (4) "Financial exploitation" means:

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

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

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

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

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

38 (6) "Law enforcement agency" means:

39 (a) Any city or municipal police department.

40 (b) Any county sheriff's office.

41 (c) The Oregon State Police.

42 (d) Any district attorney.

43 (e) A police department established by a **community college or** university under ORS 352.121
44 **or 353.125 or section 3 of this 2019 Act.**

45 (7) "Neglect" means failure to provide basic care or services that are necessary to maintain the

1 health or safety of an elderly person.

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

3 (a) ORS 410.040 (7); or

4 (b) ORS 410.715.

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

6 (a) Physician or physician assistant licensed under ORS chapter 677, naturopathic physician or
7 chiropractor, including any intern or resident.

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

10 (c) Employee of the Department of Human Services or community developmental disabilities
11 program.

12 (d) Employee of the Oregon Health Authority, local health department or community mental
13 health program.

14 (e) Peace officer.

15 (f) Member of the clergy.

16 (g) Regulated social worker.

17 (h) Physical, speech or occupational therapist.

18 (i) Senior center employee.

19 (j) Information and referral or outreach worker.

20 (k) Licensed professional counselor or licensed marriage and family therapist.

21 (L) Member of the Legislative Assembly.

22 (m) Firefighter or emergency medical services provider.

23 (n) Psychologist.

24 (o) Provider of adult foster care or an employee of the provider.

25 (p) Audiologist.

26 (q) Speech-language pathologist.

27 (r) Attorney.

28 (s) Dentist.

29 (t) Optometrist.

30 (u) Chiropractor.

31 (v) Personal support worker, as defined in ORS 410.600.

32 (w) Home care worker, as defined in ORS 410.600.

33 (x) Referral agent, as defined in ORS 443.370.

34 (10) "Services" includes but is not limited to the provision of food, clothing, medicine, housing,
35 medical services, assistance with bathing or personal hygiene or any other service essential to the
36 well-being of an elderly person.

37 (11)(a) "Sexual abuse" means:

38 (A) Sexual contact with an elderly person who does not consent or is considered incapable of
39 consenting to a sexual act under ORS 163.315;

40 (B) Verbal or physical harassment of a sexual nature, including but not limited to severe or
41 pervasive exposure to sexually explicit material or language;

42 (C) Sexual exploitation;

43 (D) Any sexual contact between an employee of a facility or paid caregiver and an elderly per-
44 son served by the facility or caregiver; or

45 (E) Any sexual contact that is achieved through force, trickery, threat or coercion.

1 (b) "Sexual abuse" does not mean consensual sexual contact between an elderly person and:

2 (A) An employee of a facility who is also the spouse of the elderly person; or

3 (B) A paid caregiver.

4 (12) "Sexual contact" has the meaning given that term in ORS 163.305.

5 (13) "Verbal abuse" means to threaten significant physical or emotional harm to an elderly
6 person or a person with a disability through the use of:

7 (a) Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; or

8 (b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate
9 sexual comments.

10 **SECTION 8.** ORS 430.735, as amended by section 2, chapter 77, Oregon Laws 2018, is amended
11 to read:

12 430.735. As used in ORS 430.735 to 430.765:

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

14 (a) Abandonment, including desertion or willful forsaking of an adult or the withdrawal or neg-
15 lect of duties and obligations owed an adult by a caregiver or other person.

16 (b) Any physical injury to an adult caused by other than accidental means, or that appears to
17 be at variance with the explanation given of the injury.

18 (c) Willful infliction of physical pain or injury upon an adult.

19 (d) Sexual abuse.

20 (e) Neglect.

21 (f) Verbal abuse of an adult.

22 (g) Financial exploitation of an adult.

23 (h) Involuntary seclusion of an adult for the convenience of the caregiver or to discipline the
24 adult.

25 (i) A wrongful use of a physical or chemical restraint upon an adult, excluding an act of re-
26 straint prescribed by a physician licensed under ORS chapter 677, physician assistant licensed under
27 ORS 677.505 to 677.525, naturopathic physician licensed under ORS chapter 685 or nurse practi-
28 tioner licensed under ORS 678.375 to 678.390 and any treatment activities that are consistent with
29 an approved treatment plan or in connection with a court order.

30 (j) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427,
31 163.465 or 163.467.

32 (k) Any death of an adult caused by other than accidental or natural means.

33 (2) "Adult" means a person 18 years of age or older:

34 (a) With a developmental disability who is currently receiving services from a community pro-
35 gram or facility or who was previously determined eligible for services as an adult by a community
36 program or facility;

37 (b) With a severe and persistent mental illness who is receiving mental health treatment from
38 a community program; or

39 (c) Who is receiving services for a substance use disorder or a mental illness in a facility or a
40 state hospital.

41 (3) "Adult protective services" means the necessary actions taken to prevent abuse or exploi-
42 tation of an adult, to prevent self-destructive acts and to safeguard the adult's person, property and
43 funds, including petitioning for a protective order as defined in ORS 125.005. Any actions taken to
44 protect an adult shall be undertaken in a manner that is least intrusive to the adult and provides
45 for the greatest degree of independence.

1 (4) "Caregiver" means an individual, whether paid or unpaid, or a facility that has assumed re-
2 sponsibility for all or a portion of the care of an adult as a result of a contract or agreement.

3 (5) "Community program" includes:

4 (a) A community mental health program or a community developmental disabilities program as
5 established in ORS 430.610 to 430.695; or

6 (b) A provider that is paid directly or indirectly by the Oregon Health Authority to provide
7 mental health treatment in the community.

8 (6) "Facility" means a residential treatment home or facility, residential care facility, adult fos-
9 ter home, residential training home or facility or crisis respite facility.

10 (7) "Financial exploitation" means:

11 (a) Wrongfully taking the assets, funds or property belonging to or intended for the use of an
12 adult.

13 (b) Alarming an adult by conveying a threat to wrongfully take or appropriate money or prop-
14 erty of the adult if the adult would reasonably believe that the threat conveyed would be carried
15 out.

16 (c) Misappropriating, misusing or transferring without authorization any money from any ac-
17 count held jointly or singly by an adult.

18 (d) Failing to use the income or assets of an adult effectively for the support and maintenance
19 of the adult.

20 (8) "Intimidation" means compelling or deterring conduct by threat.

21 (9) "Law enforcement agency" means:

22 (a) Any city or municipal police department;

23 (b) A police department established by a **community college or** university under ORS 352.121
24 or 353.125 **or section 3 of this 2019 Act;**

25 (c) Any county sheriff's office;

26 (d) The Oregon State Police; or

27 (e) Any district attorney.

28 (10) "Neglect" means:

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

32 (b) Failure of a caregiver to make a reasonable effort to protect an adult from abuse; or

33 (c) Withholding of services necessary to maintain the health and well-being of an adult that
34 leads to physical harm of the adult.

35 (11) "Public or private official" means:

36 (a) Physician licensed under ORS chapter 677, physician assistant licensed under ORS 677.505
37 to 677.525, naturopathic physician, psychologist or chiropractor, including any intern or resident;

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

40 (c) Employee of the Department of Human Services or Oregon Health Authority, local health
41 department, community mental health program or community developmental disabilities program or
42 private agency contracting with a public body to provide any community mental health service;

43 (d) Peace officer;

44 (e) Member of the clergy;

45 (f) Regulated social worker;

- 1 (g) Physical, speech or occupational therapist;
- 2 (h) Information and referral, outreach or crisis worker;
- 3 (i) Attorney;
- 4 (j) Licensed professional counselor or licensed marriage and family therapist;
- 5 (k) Any public official;
- 6 (L) Firefighter or emergency medical services provider;
- 7 (m) Member of the Legislative Assembly;
- 8 (n) Personal support worker, as defined by rule adopted by the Home Care Commission; or
- 9 (o) Home care worker, as defined in ORS 410.600.
- 10 (12) "Services" includes but is not limited to the provision of food, clothing, medicine, housing,
- 11 medical services, assistance with bathing or personal hygiene or any other service essential to the
- 12 well-being of an adult.
- 13 (13)(a) "Sexual abuse" means:
- 14 (A) Sexual contact with a nonconsenting adult or with an adult considered incapable of con-
- 15 senting to a sexual act under ORS 163.315;
- 16 (B) Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit mate-
- 17 rial or language;
- 18 (C) Any sexual contact between an employee of a facility or paid caregiver and an adult served
- 19 by the facility or caregiver;
- 20 (D) Any sexual contact between an adult and a relative of the adult other than a spouse;
- 21 (E) Any sexual contact that is achieved through force, trickery, threat or coercion; or
- 22 (F) Any sexual contact between an individual receiving mental health or substance abuse
- 23 treatment and the individual providing the mental health or substance abuse treatment.
- 24 (b) "Sexual abuse" does not mean consensual sexual contact between an adult and a paid
- 25 caregiver who is the spouse of the adult.
- 26 (14) "Sexual contact" has the meaning given that term in ORS 163.305.
- 27 (15) "Verbal abuse" means to threaten significant physical or emotional harm to an adult
- 28 through the use of:
- 29 (a) Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; or
- 30 (b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate
- 31 sexual comments.
- 32 **SECTION 9.** ORS 430.735, as amended by section 22, chapter 75, Oregon Laws 2018, and section
- 33 2, chapter 77, Oregon Laws 2018, is amended to read:
- 34 430.735. As used in ORS 430.735 to 430.765:
- 35 (1) "Abuse" means one or more of the following:
- 36 (a) Abandonment, including desertion or willful forsaking of an adult or the withdrawal or neg-
- 37 lect of duties and obligations owed an adult by a caregiver or other person.
- 38 (b) Any physical injury to an adult caused by other than accidental means, or that appears to
- 39 be at variance with the explanation given of the injury.
- 40 (c) Willful infliction of physical pain or injury upon an adult.
- 41 (d) Sexual abuse.
- 42 (e) Neglect.
- 43 (f) Verbal abuse of an adult.
- 44 (g) Financial exploitation of an adult.
- 45 (h) Involuntary seclusion of an adult for the convenience of the caregiver or to discipline the

1 adult.

2 (i) A wrongful use of a physical or chemical restraint upon an adult, excluding an act of re-
 3 straint prescribed by a physician licensed under ORS chapter 677, physician assistant licensed under
 4 ORS 677.505 to 677.525, naturopathic physician licensed under ORS chapter 685 or nurse practi-
 5 tioner licensed under ORS 678.375 to 678.390 and any treatment activities that are consistent with
 6 an approved treatment plan or in connection with a court order.

7 (j) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427,
 8 163.465 or 163.467.

9 (k) Any death of an adult caused by other than accidental or natural means.

10 (2) "Adult" means a person 18 years of age or older:

11 (a) With a developmental disability who is currently receiving services from a community pro-
 12 gram or facility or who was previously determined eligible for services as an adult by a community
 13 program or facility;

14 (b) With a severe and persistent mental illness who is receiving mental health treatment from
 15 a community program; or

16 (c) Who is receiving services for a substance use disorder or a mental illness in a facility or a
 17 state hospital.

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 the 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" includes:

26 (a) A community mental health program or a community developmental disabilities program as
 27 established in ORS 430.610 to 430.695; or

28 (b) A provider that is paid directly or indirectly by the Oregon Health Authority to provide
 29 mental health treatment in the community.

30 (6) "Facility" means a residential treatment home or facility, residential care facility, adult fos-
 31 ter home, residential training home or facility or crisis respite facility.

32 (7) "Financial exploitation" means:

33 (a) Wrongfully taking the assets, funds or property belonging to or intended for the use of an
 34 adult.

35 (b) Alarming an adult by conveying a threat to wrongfully take or appropriate money or prop-
 36 erty of the adult if the adult would reasonably believe that the threat conveyed would be carried
 37 out.

38 (c) Misappropriating, misusing or transferring without authorization any money from any ac-
 39 count held jointly or singly by an adult.

40 (d) Failing to use the income or assets of an adult effectively for the support and maintenance
 41 of the adult.

42 (8) "Intimidation" means compelling or deterring conduct by threat.

43 (9) "Law enforcement agency" means:

44 (a) Any city or municipal police department;

45 (b) A police department established by a **community college or** university under ORS 352.121

1 or 353.125 or section 3 of this 2019 Act;

2 (c) Any county sheriff's office;

3 (d) The Oregon State Police; or

4 (e) Any district attorney.

5 (10) "Neglect" means:

6 (a) Failure to provide the care, supervision or services necessary to maintain the physical and
7 mental health of an adult that may result in physical harm or significant emotional harm to the
8 adult;

9 (b) Failure of a caregiver to make a reasonable effort to protect an adult from abuse; or

10 (c) Withholding of services necessary to maintain the health and well-being of an adult that
11 leads to physical harm of the adult.

12 (11) "Public or private official" means:

13 (a) Physician licensed under ORS chapter 677, physician assistant licensed under ORS 677.505
14 to 677.525, naturopathic physician, psychologist or chiropractor, including any intern or resident;

15 (b) Licensed practical nurse, registered nurse, nurse's aide, home health aide or employee of an
16 in-home health service;

17 (c) Employee of the Department of Human Services or Oregon Health Authority, local health
18 department, community mental health program or community developmental disabilities program or
19 private agency contracting with a public body to provide any community mental health service;

20 (d) Peace officer;

21 (e) Member of the clergy;

22 (f) Regulated social worker;

23 (g) Physical, speech or occupational therapist;

24 (h) Information and referral, outreach or crisis worker;

25 (i) Attorney;

26 (j) Licensed professional counselor or licensed marriage and family therapist;

27 (k) Any public official;

28 (L) Firefighter or emergency medical services provider;

29 (m) Member of the Legislative Assembly;

30 (n) Personal support worker, as defined in ORS 410.600; or

31 (o) Home care worker, as defined in ORS 410.600.

32 (12) "Services" includes but is not limited to the provision of food, clothing, medicine, housing,
33 medical services, assistance with bathing or personal hygiene or any other service essential to the
34 well-being of an adult.

35 (13)(a) "Sexual abuse" means:

36 (A) Sexual contact with a nonconsenting adult or with an adult considered incapable of con-
37 senting to a sexual act under ORS 163.315;

38 (B) Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit mate-
39 rial or language;

40 (C) Any sexual contact between an employee of a facility or paid caregiver and an adult served
41 by the facility or caregiver;

42 (D) Any sexual contact between an adult and a relative of the adult other than a spouse;

43 (E) Any sexual contact that is achieved through force, trickery, threat or coercion; or

44 (F) Any sexual contact between an individual receiving mental health or substance abuse
45 treatment and the individual providing the mental health or substance abuse treatment.

1 (b) "Sexual abuse" does not mean consensual sexual contact between an adult and a paid
 2 caregiver who is the spouse of the adult.

3 (14) "Sexual contact" has the meaning given that term in ORS 163.305.

4 (15) "Verbal abuse" means to threaten significant physical or emotional harm to an adult
 5 through the use of:

6 (a) Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; or

7 (b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate
 8 sexual comments.

9 **SECTION 10.** ORS 40.275 is amended to read:

10 40.275. (1) As used in this section, "unit of government" means:

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

12 (b) A **community college or** university that has commissioned police officers under ORS 352.121
 13 or 353.125 **or section 3 of this 2019 Act;** or

14 (c) A tribal government as defined in ORS 181A.680, if the information referred to in this section
 15 relates to or assists in an investigation conducted by an authorized tribal police officer as defined
 16 in ORS 181A.680.

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

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

23 (4) No privilege exists under this section:

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

28 (b) If it appears from the evidence in the case or from other showing by a party that an informer
 29 may be able to give testimony necessary to a fair determination of the issue of guilt or innocence
 30 in a criminal case or of a material issue on the merits in a civil case to which the unit of govern-
 31 ment is a party, and the unit of government invokes the privilege, and the judge gives the unit of
 32 government an opportunity to show in camera facts relevant to determining whether the informer
 33 can, in fact, supply that testimony. The showing will ordinarily be in the form of affidavits, but the
 34 judge may direct that testimony be taken if the judge finds that the matter cannot be resolved sat-
 35 isfactorily upon affidavit. If the judge finds that there is a reasonable probability that the informer
 36 can give the testimony, and the unit of government elects not to disclose identity of the informer,
 37 the judge on motion of the defendant in a criminal case shall dismiss the charges to which the tes-
 38 timony would relate, and the judge may do so on the judge's own motion. In civil cases, the judge
 39 may make any order that justice requires. Evidence submitted to the judge shall be sealed and pre-
 40 served to be made available to the appellate court in the event of an appeal, and the contents shall
 41 not otherwise be revealed without consent of the unit of government. All counsel and parties shall
 42 be permitted to be present at every stage of proceedings under this paragraph except a showing in
 43 camera, at which no counsel or party shall be permitted to be present.

44 (c) If information from an informer is relied upon to establish the legality of the means by which
 45 evidence was obtained and the judge is not satisfied that the information was received from an in-

1 former reasonably believed to be reliable or credible. The judge may require the identity of the
 2 informer to be disclosed. The judge shall, on request of the unit of government, direct that the dis-
 3 closure be made in camera. All counsel and parties concerned with the issue of legality shall be
 4 permitted to be present at every stage of proceedings under this paragraph except a disclosure in
 5 camera, at which no counsel or party shall be permitted to be present. If disclosure of the identity
 6 of the informer is made in camera, the record thereof shall be sealed and preserved to be made
 7 available to the appellate court in the event of an appeal, and the contents shall not otherwise be
 8 revealed without consent of the unit of government.

9 **SECTION 11.** ORS 44.550 is amended to read:

10 44.550. As used in ORS 44.550 to 44.566:

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

12 (2) "Law enforcement unit" means:

13 (a) The police department of a city;

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

15 (c) A police department established by a **community college or** university under ORS 352.121
 16 or 353.125 **or section 3 of this 2019 Act.**

17 (3) "Police officer" means an officer or member of a law enforcement unit who is employed
 18 full-time as a peace officer by the city or county and who is responsible for enforcing the criminal
 19 laws of this state.

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

22 **SECTION 12.** ORS 90.440 is amended to read:

23 90.440. (1) As used in this section:

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

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

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

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

29 (c) "Marijuana item" has the meaning given that term in ORS 475B.015.

30 (d) "Peace officer" means:

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

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

33 (C) A police officer commissioned by a **community college or** university under ORS 352.121 or
 34 353.125 **or section 3 of this 2019 Act;** or

35 (D) An authorized tribal police officer as defined in ORS 181A.680.

36 (2)(a) Notwithstanding ORS 90.375 and 90.435, a group recovery home may terminate a tenancy
 37 and peaceably remove a tenant without complying with ORS 105.105 to 105.168 if the tenant has
 38 used or possessed alcohol, a marijuana item or illegal drugs within the preceding seven days.

39 (b) For purposes of this subsection, the following are sufficient proof that a tenant has used or
 40 possessed alcohol, a marijuana item or illegal drugs:

41 (A) The tenant fails a test for alcohol, cannabis or illegal drug use;

42 (B) The tenant refuses a request made in good faith by the group recovery home that the tenant
 43 take a test for alcohol, cannabis or illegal drug use; or

44 (C) Any person has personally observed the tenant using or possessing alcohol, a marijuana item
 45 or illegal drugs.

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

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

4 (b) Describes the proof that the tenant has used or possessed alcohol, a marijuana item or illegal
5 drugs within the seven days preceding delivery of the notice;

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

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

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

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

15 _____

16

17 This notice is to inform you that you must move out of _____ (insert address of group
18 recovery home) by _____ (insert date and time that is not less than 24 hours after delivery
19 of notice).

20 The reason for this notice is _____ (specify use or possession of alcohol, marijuana or
21 illegal drugs, as applicable, and dates of occurrence).

22 The proof of your use or possession is _____ (specify facts).

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

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

30

31 (5) Within the notice period, a group recovery home shall allow a tenant removed under this
32 section to follow any emergency departure plan that was prepared by the tenant and approved by
33 the group recovery home at the time the tenancy began. If the removed tenant does not have an
34 emergency departure plan, a representative of the group recovery home shall offer to take the re-
35 moved tenant to a public shelter, detoxification center or similar location if existing in the commu-
36 nity.

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

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

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

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

6 (b) If removal is under subsection (2)(b)(C) of this section, the removal was wrongful because the
 7 tenant did not use or possess alcohol, a marijuana item or illegal drugs.

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

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

15 (11) This section does not prevent a group recovery home from terminating a tenancy as pro-
 16 vided by any other provision of this chapter and evicting a tenant as provided in ORS 105.105 to
 17 105.168.

18 **SECTION 13.** ORS 131.915 is amended to read:

19 131.915. As used in ORS 131.915 to 131.925:

20 (1) “Law enforcement agency” means:

21 (a) The Department of State Police;

22 (b) The Department of Justice;

23 (c) A district attorney’s office; and

24 (d) Any of the following that maintains a law enforcement unit as defined in ORS 181A.355:

25 (A) A political subdivision or an instrumentality of the State of Oregon.

26 (B) A municipal corporation of the State of Oregon.

27 (C) A tribal government.

28 (D) A university.

29 (2) “Law enforcement officer” means:

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

31 (b) A sheriff, constable, marshal, municipal police officer or reserve officer or a police officer
 32 commissioned by a **community college or** university under ORS 352.121 or 353.125 **or section 3**
 33 **of this 2019 Act;**

34 (c) An investigator of a district attorney’s office if the investigator is or has been certified as
 35 a law enforcement 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 ORS 181A.345;

38 (f) A judicial marshal of the Security and Emergency Preparedness Office of the Judicial De-
 39 partment who is appointed under ORS 1.177 and trained pursuant to ORS 181A.540;

40 (g) A regulatory specialist exercising authority described in ORS 471.775 (2); or

41 (h) An authorized tribal police officer as defined in ORS 181A.680.

42 (3) “Profiling” means the targeting of an individual by a law enforcement agency or a law
 43 enforcement officer, on suspicion of the individual’s having violated a provision of law, based solely
 44 on the individual’s real or perceived age, race, ethnicity, color, national origin, language, sex, gender
 45 identity, sexual orientation, political affiliation, religion, homelessness or disability, unless the

1 agency or officer is acting on a suspect description or information related to an identified or sus-
 2 pected violation of a provision of law.

3 (4) "Sexual orientation" has the meaning given that term in ORS 174.100.

4 **SECTION 14.** ORS 133.005 is amended to read:

5 133.005. As used in ORS 133.005 to 133.400 and 133.410 to 133.450, unless the context requires
 6 otherwise:

7 (1) "Arrest" means to place a person under actual or constructive restraint or to take a person
 8 into custody for the purpose of charging that person with an offense. A "stop" as authorized under
 9 ORS 131.605 to 131.625 is not an arrest.

10 (2) "Federal officer" means a special agent or law enforcement officer employed by a federal
 11 agency who is empowered to effect an arrest with or without a warrant for violations of the United
 12 States Code and who is authorized to carry firearms in the performance of duty.

13 (3) "Peace officer" means:

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

15 (b) A sheriff, constable, marshal, municipal police officer or reserve officer or a police officer
 16 commissioned by a **community college or** university under ORS 352.121 or 353.125 **or section 3**
 17 **of this 2019 Act;**

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 of the State
 21 of Oregon;

22 (e) A humane special agent as defined in ORS 181A.345;

23 (f) A regulatory specialist exercising authority described in ORS 471.775 (2);

24 (g) An authorized tribal police officer as defined in ORS 181A.680; or

25 (h) A judicial marshal appointed under ORS 1.177 who is trained pursuant to ORS 181A.540.

26 (4) "Reserve officer" means an officer or member of a law enforcement agency who is:

27 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,
 28 school district, mass transit district, county, county service district authorized to provide law
 29 enforcement services under ORS 451.010, the Criminal Justice Division of the Department of Justice,
 30 the Oregon State Lottery Commission or the Governor or a member of the Department of State
 31 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 **SECTION 15.** ORS 133.525 is amended to read:

36 133.525. As used in ORS 133.525 to 133.703, unless the context requires otherwise:

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

40 (2) "Police officer" means:

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

42 (b) A sheriff or municipal police officer, a police officer commissioned by a **community college**
 43 **or** university under ORS 352.121 or 353.125 **or section 3 of this 2019 Act** or an authorized tribal
 44 police officer as defined in ORS 181A.680;

45 (c) An investigator of a district attorney's office if the investigator is or has been certified as

1 a peace officer in this or any other state;

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

3 (e) A humane special agent as defined in ORS 181A.345; or

4 (f) A regulatory specialist exercising authority described in ORS 471.775 (2).

5 **SECTION 16.** ORS 133.721 is amended to read:

6 133.721. As used in ORS 41.910 and 133.721 to 133.739, unless the context requires otherwise:

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

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

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

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

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

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

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

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

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

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

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

31 (A) A county sheriff or municipal police department, or a police department established by a
32 **community college or university** under ORS 352.121 or 353.125 **or section 3 of this 2019 Act**;

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

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

36 (b) An authorized tribal police officer as defined in ORS 181A.680; or

37 (c) A regulatory specialist exercising authority described in ORS 471.775 (2).

38 (7) "Oral communication" means:

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

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

45 (8) "Telecommunications carrier" means:

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

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

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

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

9 **SECTION 17.** ORS 133.726 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (b) To a magistrate;

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

26 (d) In compliance with a court order.

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

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

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

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

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

34 (C) A police department established by a **community college or** university under ORS 352.121
 35 or 353.125 **or section 3 of this 2019 Act;**

36 (b) An authorized tribal police officer as defined in ORS 181A.680; or

37 (c) A regulatory specialist as defined in ORS 471.001.

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

39 **SECTION 18.** ORS 133.741 is amended to read:

40 133.741. (1)(a) A law enforcement agency shall establish policies and procedures for the use,
 41 storage and retention of video and audio recordings resulting from the operation of video cameras
 42 worn upon a law enforcement officer's person that record the officer's interactions with members
 43 of the public while the officer is on duty.

44 (b) The policies and procedures described in paragraph (a) of this subsection must include:

45 (A) A requirement that a recording be retained for at least 180 days but no more than 30 months

1 for a recording not related to a court proceeding or ongoing criminal investigation, or for the same
 2 period of time that evidence is retained in the normal course of the court's business for a recording
 3 related to a court proceeding.

4 (B) A requirement that a camera worn upon a law enforcement officer's person be set to record
 5 continuously, beginning when the officer develops reasonable suspicion or probable cause to believe
 6 that a crime or violation has occurred, is occurring or will occur and the law enforcement officer
 7 begins to make contact with the person suspected of committing the offense. The policies and pro-
 8 cedures must also require that the camera may subsequently cease recording no sooner than the
 9 termination of the officer's participation in the contact.

10 (C) A requirement that in any contract with a third party vendor for data storage, recordings
 11 from the camera are the property of the law enforcement agency, are not owned by the vendor and
 12 cannot be used by the vendor for any purpose inconsistent with the policies and procedures of the
 13 law enforcement agency.

14 (D) A prohibition on the use of facial recognition or other biometric matching technology to
 15 analyze recordings obtained through the use of the camera.

16 (E) A prohibition on the use of any recordings obtained from the camera for any purpose other
 17 than a legitimate law enforcement purpose.

18 (c) Notwithstanding paragraph (b)(B) of this subsection, a law enforcement agency may in its
 19 policies and procedures provide for exceptions to the recording requirements of paragraph (b)(B) of
 20 this subsection, provided that the exceptions are based on reasonable privacy concerns, exigent
 21 circumstances or the safety of law enforcement officers or other persons.

22 (2) As used in this section:

23 (a) "Law enforcement agency" means an agency employing law enforcement officers to enforce
 24 criminal laws.

25 (b) "Law enforcement officer" means an officer employed to enforce criminal laws by:

26 (A) This state or a municipal government within this state;

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

29 (C) A police department established by a **community college or** university under ORS 352.121
 30 or 353.125 **or section 3 of this 2019 Act.**

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

32 136.595. (1) Except as provided in ORS 136.447 and 136.583 and subsection (2) of this section, a
 33 subpoena is served by delivering a copy to the witness personally. If the witness is under 14 years
 34 of age, the subpoena may be served by delivering a copy to the witness or to the witness's parent,
 35 guardian or guardian ad litem. Proof of the service is made in the same manner as in the service
 36 of a summons.

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

42 (b) If a peace officer's attendance at trial is required as a result of employment as a peace of-
 43 ficer, a subpoena may be served on such officer by delivering a copy personally to the officer or to
 44 one of the individuals designated by the agency that employs the officer. A subpoena may be served
 45 by delivery to one of the individuals designated by the agency that employs the officer only if the

1 subpoena is delivered at least 10 days before the date the officer’s attendance is required, the officer
 2 is currently employed as a peace officer by the agency, and the officer is present within the state
 3 at the time of service.

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

9 (d) As used in this subsection, “law enforcement agency” means the Oregon State Police, a
 10 county sheriff’s department, a municipal police department, a police department established by a
 11 **community college or** university under ORS 352.121 or 353.125 **or section 3 of this 2019 Act** or,
 12 if the witness whose attendance at trial is required is an authorized tribal police officer as defined
 13 in ORS 181A.680, a tribal government as defined in ORS 181A.680.

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

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

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

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

22 (B) Express mail.

23 **SECTION 20.** ORS 146.003 is amended to read:

24 146.003. As used in ORS 146.003 to 146.189 and 146.710 to 146.992, unless the context requires
 25 otherwise:

26 (1) “Approved laboratory” means a laboratory approved by the Chief Medical Examiner as
 27 competent to perform the blood sample analysis required by ORS 146.113 (2).

28 (2) “Assistant district medical examiner” means a physician appointed by the district medical
 29 examiner to investigate and certify deaths within a county or district.

30 (3) “Cause of death” means the primary or basic disease process or injury ending life.

31 (4) “Death requiring investigation” means the death of a person occurring in any one of the
 32 circumstances set forth in ORS 146.090.

33 (5) “District medical examiner” means a physician appointed by the Chief Medical Examiner to
 34 investigate and certify deaths within a county or district, including a Deputy State Medical Exam-
 35 iner.

36 (6) “Law enforcement agency” means a county sheriff’s office, municipal police department, po-
 37 lice department established by a **community college or** university under ORS 352.121 or 353.125
 38 **or section 3 of this 2019 Act** and the Oregon State Police.

39 (7) “Legal intervention” includes an execution pursuant to ORS 137.463, 137.467 and 137.473 and
 40 other legal use of force resulting in death.

41 (8) “Manner of death” means the designation of the probable mode of production of the cause
 42 of death, including natural, accidental, suicidal, homicidal, legal intervention or undetermined.

43 (9) “Medical examiner” means a physician appointed as provided by ORS 146.003 to 146.189 to
 44 investigate and certify the cause and manner of deaths requiring investigation, including the Chief
 45 Medical Examiner.

1 (10) "Medical-legal death investigator" means a person appointed by the district medical exam-
2 iner to assist in the investigation of deaths within a county.

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

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

8 **SECTION 21.** ORS 153.005 is amended to read:

9 153.005. As used in this chapter:

10 (1) "Enforcement officer" means:

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

12 (b) A sheriff or deputy sheriff.

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

14 (d) A police officer commissioned by a **community college or** university under ORS 352.121 or
15 353.125 **or section 3 of this 2019 Act.**

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

18 (f) An investigator of the Criminal Justice Division of the Department of Justice of the State
19 of Oregon.

20 (g) A Port of Portland peace officer.

21 (h) A humane special agent as defined in ORS 181A.345.

22 (i) A regulatory specialist exercising authority described in ORS 471.775 (2).

23 (j) An authorized tribal police officer as defined in ORS 181A.680.

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

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

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

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

30 **SECTION 22.** ORS 161.015 is amended to read:

31 161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635, unless the context requires
32 otherwise:

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

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

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

40 (4) "Peace officer" means:

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

42 (b) A sheriff, constable, marshal, municipal police officer or reserve officer as defined in ORS
43 133.005, or a police officer commissioned by a **community college or** university under ORS 352.121
44 or 353.125 **or section 3 of this 2019 Act;**

45 (c) An investigator of the Criminal Justice Division of the Department of Justice or investigator

1 of a district attorney's office;

2 (d) A humane special agent as defined in ORS 181A.345;

3 (e) A regulatory specialist exercising authority described in ORS 471.775 (2);

4 (f) An authorized tribal police officer as defined in ORS 181A.680; and

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

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

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

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

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

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

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

21 **SECTION 23.** ORS 163.730 is amended to read:

22 163.730. As used in ORS 30.866 and 163.730 to 163.750, unless the context requires otherwise:

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

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

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

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

27 (b) Following the other person;

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

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

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

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

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

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

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

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

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

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

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

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

1 (6) “Law enforcement officer” means:

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

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

4 (B) A police department established by a **community college or** university under ORS 352.121
5 or 353.125 **or section 3 of this 2019 Act;** or

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

7 (b) An authorized tribal police officer as defined in ORS 181A.680.

8 (7) “Repeated” means two or more times.

9 (8) “School” means a public or private institution of learning or a child care facility.

10 **SECTION 24.** ORS 163A.215 is amended to read:

11 163A.215. (1)(a) A notifying agency or a supervising agency shall release, upon request, any in-
12 formation that may be necessary to protect the public concerning sex offenders who reside in a
13 specific area or concerning a specific sex offender.

14 (b) A notifying agency or a supervising agency may release sex offender information to a law
15 enforcement agency if the notifying agency or supervising agency determines that the release of
16 information is in the public interest.

17 (c) In addition to the release of information described in this subsection and ORS 137.540,
18 144.260 and 441.373, a notifying agency or a supervising agency may release sex offender information
19 to the public in accordance with subsections (2) to (4) of this section.

20 (2) If the sex offender is classified as a level three sex offender under ORS 163A.100 (3):

21 (a) The Department of State Police shall release sex offender information on a website main-
22 tained by the department; and

23 (b) The supervising agency or a notifying agency may release sex offender information to:

24 (A) A person that resides with the sex offender;

25 (B) A person with whom the sex offender has a significant relationship;

26 (C) Residential neighbors and churches, community parks, schools and child care centers, con-
27 venience stores, businesses and other places that children or other potential victims may frequent;

28 (D) A long term care facility, as defined in ORS 442.015, or a residential care facility, as defined
29 in ORS 443.400, if the agency knows that the sex offender is seeking admission to the facility; and

30 (E) Local or regional media sources.

31 (3) Notwithstanding subsection (2)(a) of this section, the Department of State Police may not use
32 the Internet to make available to the public information concerning a sex offender classified as a
33 level three sex offender under ORS 163A.100 (3) while the person is under the supervision of the
34 Psychiatric Security Review Board, unless the department is authorized to do so by a request of the
35 supervising agency.

36 (4) If the sex offender is classified as a level two sex offender under ORS 163A.100 (2), the
37 supervising agency or a notifying agency may release sex offender information to the persons or
38 entities described in subsection (2)(b)(A) to (D) of this section.

39 (5) If the sex offender is classified as a level one sex offender under ORS 163A.100 (1), the
40 supervising agency or a notifying agency may release sex offender information to a person described
41 in subsection (2)(b)(A) of this section.

42 (6) As used in this section:

43 (a) “Notifying agency” means the Department of State Police, a city police department, a county
44 sheriff’s office or a police department established by a **community college or** university under ORS
45 352.121 **or section 3 of this 2019 Act.**

1 (b) "Sex offender information" means information that the Department of State Police deter-
2 mines by rule is appropriate for release to the public.

3 (c) "Supervising agency" means a governmental entity responsible for supervising a person re-
4 quired to report as a sex offender under ORS 163A.010 or 163A.015.

5 **SECTION 25.** ORS 165.535 is amended to read:

6 165.535. As used in ORS 41.910, 133.723, 133.724, 165.540 and 165.545:

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

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

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

11 (A) The state and of a county, municipal corporation or any other political subdivision of the
12 state; and

13 (B) A police department established by a **community college or** university under ORS 352.121
14 or 353.125 **or section 3 of this 2019 Act;** and

15 (b) Authorized tribal police officers as defined in ORS 181A.680.

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

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

25 **SECTION 26.** ORS 181A.010 is amended to read:

26 181A.010. As used in ORS 181A.010 to 181A.350, unless the context requires otherwise:

27 (1) "Criminal justice agency" means:

28 (a) The Governor;

29 (b) Courts of criminal jurisdiction;

30 (c) The Attorney General;

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

34 (e) Law enforcement agencies;

35 (f) The Department of Corrections;

36 (g) The Oregon Youth Authority;

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

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

39 (j) The enforcement division of the Oregon Liquor Control Commission in performing duties re-
40 lated to investigating and enforcing the criminal laws of this state that the commission is charged
41 to enforce;

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

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

45 (2) "Criminal offender information" includes records and related data as to physical description

1 and vital statistics, fingerprints received and compiled for purposes of identifying criminal offenders
 2 and alleged offenders, records of arrests and the nature and disposition of criminal charges, includ-
 3 ing sentencing, confinement, parole and release.

4 (3) "Department" means the Department of State Police established under ORS 181A.015.

5 (4) "Deputy superintendent" means the Deputy Superintendent of State Police appointed under
 6 ORS 181A.035.

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

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

14 (7) "Law enforcement agency" means:

15 (a) County sheriffs, municipal police departments, police departments established by a **commu-**
 16 **nity college or** university under ORS 352.121 or 353.125 **or section 3 of this 2019 Act** and state
 17 police;

18 (b) Other police officers of this state or another state, including humane special agents as de-
 19 fined in ORS 181A.345;

20 (c) A tribal government as defined in ORS 181A.680 that employs authorized tribal police officers
 21 as defined in ORS 181A.680; and

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

23 (8) "State police" means the sworn members of the state police force appointed under ORS
 24 181A.050.

25 (9) "Superintendent" means the Superintendent of State Police appointed under ORS 181A.030.

26 **SECTION 27.** ORS 181A.265 is amended to read:

27 181A.265. (1) The Department of State Police or another criminal justice agency that the State
 28 Chief Information Officer designates shall operate a Criminal Justice Information Standards program
 29 that coordinates information among state criminal justice agencies. The program must:

30 (a) Ensure that in developing new information systems, data can be retrieved to support evalu-
 31 ating criminal justice planning and programs, including, but not limited to, evaluating the ability
 32 of the programs to reduce future criminal conduct;

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

34 (c) Establish methods and standards for data interchange and information access between crim-
 35 inal justice information systems, in compliance with information technology rules, policies and
 36 standards that the State Chief Information Officer adopts;

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

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

39 (2) The program shall develop a plan to accelerate data sharing and information integration
 40 among criminal justice agencies. The plan must include, but is not limited to including, priorities,
 41 timelines, development costs, resources needed, the projected ongoing cost of support, critical suc-
 42 cess factors and any known barriers to accomplishing the plan. The plan must align with and sup-
 43 port the Enterprise Information Resources Management Strategy described in ORS 276A.203.
 44 Representatives of criminal justice agencies and public safety agencies, including but not limited to
 45 local law enforcement agencies, courts of criminal jurisdiction, district attorneys, city attorneys

1 with criminal prosecutive functions, public defender organizations established under ORS chapter
 2 151, community corrections directors, jail managers and county juvenile departments, shall be in-
 3 vited to participate in the planning process. The program shall present the plan to the State Chief
 4 Information Officer no later than May 30 of each even-numbered year for development of the
 5 Governor’s budget. The program shall submit the plan to the Joint Legislative Committee on Infor-
 6 mation Management and Technology no later than December 31 of each even-numbered year.

7 (3) Notwithstanding the meaning given “criminal justice agency” in ORS 181A.010, as used in
 8 this section and ORS 181A.270, “criminal justice agency” includes, but is not limited to:

- 9 (a) The Judicial Department;
- 10 (b) The Attorney General;
- 11 (c) The Department of Corrections;
- 12 (d) The Department of State Police;
- 13 (e) Any other state agency with law enforcement authority designated by order of the Governor;
- 14 (f) The Department of Transportation;
- 15 (g) The State Board of Parole and Post-Prison Supervision;
- 16 (h) The Department of Public Safety Standards and Training;
- 17 (i) The State Department of Fish and Wildlife;
- 18 (j) The Oregon Liquor Control Commission;
- 19 (k) The Oregon Youth Authority;
- 20 (L) The Youth Development Division; and

21 (m) A **community college or** university that has established a police department under ORS
 22 352.121 or 353.125 **or section 3 of this 2019 Act.**

23 **SECTION 28.** ORS 181A.355 is amended to read:

24 181A.355. As used in ORS 181A.355 to 181A.670, unless the context requires otherwise:

- 25 (1) “Abuse” has the meaning given that term in ORS 107.705.
- 26 (2) “Board” means the Board on Public Safety Standards and Training appointed pursuant to
 27 ORS 181A.360.
- 28 (3) “Certified reserve officer” means a reserve officer who has been designated by a local law
 29 enforcement unit, has received training necessary for certification and has met the minimum stan-
 30 dards and training requirements established under ORS 181A.410.
- 31 (4) “Commissioned” means being authorized to perform various acts or duties of a police officer,
 32 certified reserve officer or reserve officer and acting under the supervision and responsibility of a
 33 county sheriff or as otherwise provided by law.
- 34 (5) “Corrections officer” means an officer or member employed full-time by a law enforcement
 35 unit who:
 - 36 (a) Is charged with and primarily performs the duty of custody, control or supervision of indi-
 37 viduals convicted of or arrested for a criminal offense and confined in a place of incarceration or
 38 detention other than a place used exclusively for incarceration or detention of juveniles; or
 - 39 (b) Has been certified as a corrections officer described in paragraph (a) of this subsection and
 40 has supervisory or management authority for corrections officers described in paragraph (a) of this
 41 subsection.
- 42 (6) “Department” means the Department of Public Safety Standards and Training.
- 43 (7) “Director” means the Director of the Department of Public Safety Standards and Training.
- 44 (8) “Domestic violence” means abuse between family or household members.
- 45 (9) “Emergency medical dispatcher” means a person who has responsibility to process requests

1 for medical assistance from the public or to dispatch medical care providers.

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

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

8 (12) "Law enforcement unit" means:

9 (a) A police force or organization of the state, a city, **community college or** university that
 10 has established a police department under ORS 352.121 or 353.125 **or section 3 of this 2019 Act**,
 11 port, school district, mass transit district, county, county service district authorized to provide law
 12 enforcement services under ORS 451.010, tribal government as defined in ORS 181A.680 that employs
 13 authorized tribal police officers as defined in ORS 181A.680, the Criminal Justice Division of the
 14 Department of Justice, the Department of Corrections, the Oregon State Lottery Commission, the
 15 Security and Emergency Preparedness Office of the Judicial Department or common carrier railroad
 16 the primary duty of which, as prescribed by law, ordinance or directive, is one or more of the fol-
 17 lowing:

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

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

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

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

28 (c) A district attorney's office;

29 (d) The Oregon Liquor Control Commission with regard to regulatory specialists; or

30 (e) A humane investigation agency as defined in ORS 181A.340.

31 (13) "Parole and probation officer" means:

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

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

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

39 (b) An officer who:

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

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

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

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

1 vision; or

2 (ii) Investigating adult offenders on parole or probation or being considered for parole or proba-
 3 tion.

4 (14) "Police officer" means:

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

7 (A) Commissioned by a city, port, school district, mass transit district, county, county service
 8 district authorized to provide law enforcement services under ORS 451.010, tribal government as
 9 defined in ORS 181A.680, the Criminal Justice Division of the Department of Justice, the Oregon
 10 State Lottery Commission, a **community college or** university that has established a police de-
 11 partment under ORS 352.121 or 353.125 **or section 3 of this 2019 Act**, the Governor or the De-
 12 partment of State Police; and

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

15 (b) An investigator of a district attorney's office if the investigator is or has been certified as
 16 a peace officer in this or another state;

17 (c) A humane special agent commissioned under ORS 181A.340;

18 (d) A judicial marshal appointed under ORS 1.177 who is trained pursuant to ORS 181A.540; or

19 (e) An authorized tribal police officer as defined in ORS 181A.680.

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

23 (16) "Public safety personnel" and "public safety officer" include corrections officers, youth
 24 correction officers, emergency medical dispatchers, parole and probation officers, police officers,
 25 certified reserve officers, reserve officers, telecommunicators, regulatory specialists and fire service
 26 professionals.

27 (17) "Regulatory specialist" has the meaning given that term in ORS 471.001.

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

29 (a) A volunteer or employed less than full-time as a peace officer commissioned by a city, port,
 30 school district, mass transit district, county, county service district authorized to provide law
 31 enforcement services under ORS 451.010, tribal government as defined in ORS 181A.680, the Crimi-
 32 nal Justice Division of the Department of Justice, the Oregon State Lottery Commission, a **com-**
 33 **munity college or** university that has established a police department under ORS 352.121 or 353.125
 34 **or section 3 of this 2019 Act**, the Governor or the Department of State Police;

35 (b) Armed with a firearm; and

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

38 (19) "Telecommunicator" means a person employed as an emergency communications worker as
 39 defined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing
 40 and transmitting public safety information received through the emergency communications system
 41 as defined in ORS 403.105.

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

45 **SECTION 29.** ORS 181A.835 is amended to read:

1 181A.835. (1) For the purposes of this section:

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

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

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

9 (d) "Law enforcement agency" means any county sheriff, municipal police department, police
10 department established by a **community college or** university under ORS 352.121 or 353.125 **or**
11 **section 3 of this 2019 Act**, the Oregon State Police and any state or local public body that employs
12 or utilizes public safety personnel.

13 (e) "Public safety personnel" means a sheriff, deputy sheriff, municipal police officer, police of-
14 ficer commissioned by a **community college or** university under ORS 352.121 or 353.125 **or section**
15 **3 of this 2019 Act**, state police officer, parole and probation officer, corrections employee, certified
16 reserve officer, reserve officer, telecommunicator or emergency medical dispatcher.

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

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

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

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

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

33 (5) The provisions of this section apply to all oral communications, notes, records and reports
34 arising out of a peer support counseling session. Any notes, records or reports arising out of a peer
35 support counseling session are not public records for the purpose of ORS 192.311 to 192.478.

36 (6) Any communication made by a participant or counselor in a peer support counseling session
37 subject to this section, and any oral or written information conveyed in a peer support counseling
38 session subject to this section, is not admissible in any judicial proceeding, administrative proceed-
39 ing, arbitration proceeding or other adjudicatory proceeding. Communications and information made
40 confidential under this section may not be disclosed by the participants in any judicial proceeding,
41 administrative proceeding, arbitration proceeding or other adjudicatory proceeding. The limitations
42 on disclosure imposed by this subsection include disclosure during any discovery conducted as part
43 of an adjudicatory proceeding.

44 (7) Nothing in this section limits the discovery or introduction in evidence of knowledge ac-
45 quired by any public safety personnel or emergency services personnel from observation made dur-

1 ing the course of employment, or material or information acquired during the course of employment,
 2 that is otherwise subject to discovery or introduction in evidence.

3 (8) This section does not apply to:

4 (a) Any threat of suicide or homicide made by a participant in a peer support counseling session,
 5 or any information conveyed in a peer support counseling session relating to a threat of suicide or
 6 homicide;

7 (b) Any information relating to abuse of children or of the elderly, or other information that is
 8 required to be reported by law; or

9 (c) Any admission of criminal conduct.

10 (9) This section does not prohibit any communications between counselors who conduct peer
 11 support counseling sessions, or any communications between counselors and the supervisors or staff
 12 of an employee assistance program.

13 **SECTION 30.** ORS 236.350 is amended to read:

14 236.350. As used in ORS 236.350 to 236.370:

15 (1) “Disciplinary action” means action taken against a public safety officer by an employer to
 16 punish the officer, including dismissal, demotion, suspension without pay, reduction in salary, writ-
 17 ten reprimand and transfer.

18 (2) “Just cause” means a cause reasonably related to the public safety officer’s ability to per-
 19 form required work. The term includes a willful violation of reasonable work rules, regulations or
 20 written policies.

21 (3) “Public safety officer” means:

22 (a) A member of a law enforcement unit who is employed full-time as a peace officer commis-
 23 sioned by a city, **community college or** university that has established a police department under
 24 ORS 352.121 or 353.125 **or section 3 of this 2019 Act**, port, school district, mass transit district,
 25 county, Indian reservation, the Criminal Justice Division of the Department of Justice, the Oregon
 26 State Lottery Commission or the Governor and who is responsible for enforcing the criminal laws
 27 of this state or laws or ordinances relating to airport security.

28 (b) A corrections officer, a parole and probation officer or a youth correction officer as those
 29 terms are defined in ORS 181A.355.

30 **SECTION 31.** ORS 243.005 is amended to read:

31 243.005. As used in ORS 243.005 to 243.045:

32 (1) “Firefighter” means persons employed by a city, county or district whose duties involve fire
 33 fighting and includes a volunteer firefighter whose position normally requires less than 600 hours
 34 of service per year.

35 (2) “Police officer” includes police chiefs and police officers of a city who are classified as police
 36 officers by the council or other governing body of the city; police officers commissioned by a **com-**
 37 **munity college or** university under ORS 352.121 **or section 3 of this 2019 Act** who are classified
 38 as police officers by the **community college or** university; sheriffs and those deputy sheriffs whose
 39 duties, as classified by the county governing body are the regular duties of police officers; employees
 40 of districts, whose duties, as classified by the governing body of the district are the regular duties
 41 of police officers; employees of the Department of State Police who are classified as police officers
 42 by the Superintendent of State Police; employees of the Criminal Justice Division of the Department
 43 of Justice who are classified by the Attorney General as criminal investigators or criminal financial
 44 investigators; employees of the Oregon State Lottery Commission who are classified by the Director
 45 of the Oregon State Lottery as enforcement agents; and employees of Department of Corrections

1 institutions as defined in ORS 421.005 whose duties, as assigned by the superintendent, include the
 2 custody of persons committed to the custody of or transferred to the Department of Corrections in-
 3 stitution; but “police officer” does not include volunteer or reserve police officers or persons con-
 4 sidered by the respective governing bodies to be civil deputies or clerical personnel.

5 (3) “Public employer” means a city, a county or the state, or one of its agencies or political
 6 subdivisions that employs police officers or firefighters.

7 **SECTION 32.** ORS 419B.005 is amended to read:

8 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

9 (1)(a) “Abuse” means:

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

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

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

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

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

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

27 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in
 28 ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as
 29 described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

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

33 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm
 34 to the child’s health or welfare.

35 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

36 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where
 37 methamphetamines are being manufactured.

38 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful
 39 manufacturing of a cannabinoid extract, as defined in ORS 475B.015, that subjects a child to a sub-
 40 stantial risk of harm to the child’s health or safety.

41 (b) “Abuse” does not include reasonable discipline unless the discipline results in one of the
 42 conditions described in paragraph (a) of this subsection.

43 (2) “Child” means an unmarried person who:

44 (a) Is under 18 years of age; or

45 (b) Is under 21 years of age and residing in or receiving care or services at a child-caring

- 1 agency as that term is defined in ORS 418.205.
- 2 (3) “Higher education institution” means:
- 3 (a) A community college as defined in ORS 341.005;
- 4 (b) A public university listed in ORS 352.002;
- 5 (c) The Oregon Health and Science University; and
- 6 (d) A private institution of higher education located in Oregon.
- 7 (4) “Law enforcement agency” means:
- 8 (a) A city or municipal police department.
- 9 (b) A county sheriff’s office.
- 10 (c) The Oregon State Police.
- 11 (d) A police department established by a **community college or** university under ORS 352.121
- 12 **or 353.125 or section 3 of this 2019 Act.**
- 13 (e) A county juvenile department.
- 14 (5) “Public or private official” means:
- 15 (a) Physician or physician assistant licensed under ORS chapter 677 or naturopathic physician,
- 16 including any intern or resident.
- 17 (b) Dentist.
- 18 (c) School employee, including an employee of a higher education institution.
- 19 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s aide, home health aide
- 20 or employee of an in-home health service.
- 21 (e) Employee of the Department of Human Services, Oregon Health Authority, Early Learning
- 22 Division, Youth Development Division, Office of Child Care, the Oregon Youth Authority, a local
- 23 health department, a community mental health program, a community developmental disabilities
- 24 program, a county juvenile department, a child-caring agency as that term is defined in ORS 418.205
- 25 or an alcohol and drug treatment program.
- 26 (f) Peace officer.
- 27 (g) Psychologist.
- 28 (h) Member of the clergy.
- 29 (i) Regulated social worker.
- 30 (j) Optometrist.
- 31 (k) Chiropractor.
- 32 (L) Certified provider of foster care, or an employee thereof.
- 33 (m) Attorney.
- 34 (n) Licensed professional counselor.
- 35 (o) Licensed marriage and family therapist.
- 36 (p) Firefighter or emergency medical services provider.
- 37 (q) A court appointed special advocate, as defined in ORS 419A.004.
- 38 (r) A child care provider registered or certified under ORS 329A.030 and 329A.250 to 329A.450.
- 39 (s) Member of the Legislative Assembly.
- 40 (t) Physical, speech or occupational therapist.
- 41 (u) Audiologist.
- 42 (v) Speech-language pathologist.
- 43 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
- 44 gations or discipline by the commission.
- 45 (x) Pharmacist.

1 (y) An operator of a preschool recorded program under ORS 329A.255.

2 (z) An operator of a school-age recorded program under ORS 329A.257.

3 (aa) Employee of a private agency or organization facilitating the provision of respite services,
4 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
5 109.056.

6 (bb) Employee of a public or private organization providing child-related services or activities:

7 (A) Including but not limited to youth groups or centers, scout groups or camps, summer or day
8 camps, survival camps or groups, centers or camps that are operated under the guidance, super-
9 vision or auspices of religious, public or private educational systems or community service organ-
10 izations; and

11 (B) Excluding community-based, nonprofit organizations whose primary purpose is to provide
12 confidential, direct services to victims of domestic violence, sexual assault, stalking or human traf-
13 ficking.

14 (cc) A coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,
15 if compensated and if the athlete is a child.

16 (dd) Personal support worker, as defined by rule adopted by the Home Care Commission.

17 (ee) Home care worker, as defined in ORS 410.600.

18 **SECTION 33.** ORS 419B.005, as amended by section 21, chapter 75, Oregon Laws 2018, is
19 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 as described in
40 ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as
41 described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

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

45 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm

1 to the child's health or welfare.

2 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

3 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where
4 methamphetamines are being manufactured.

5 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful
6 manufacturing of a cannabinoid extract, as defined in ORS 475B.015, that subjects a child to a sub-
7 stantial risk of harm to the child's health or safety.

8 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the
9 conditions described in paragraph (a) of this subsection.

10 (2) "Child" means an unmarried person who:

11 (a) Is under 18 years of age; or

12 (b) Is under 21 years of age and residing in or receiving care or services at a child-caring
13 agency as that term is defined in ORS 418.205.

14 (3) "Higher education institution" means:

15 (a) A community college as defined in ORS 341.005;

16 (b) A public university listed in ORS 352.002;

17 (c) The Oregon Health and Science University; and

18 (d) A private institution of higher education located in Oregon.

19 (4) "Law enforcement agency" means:

20 (a) A city or municipal police department.

21 (b) A county sheriff's office.

22 (c) The Oregon State Police.

23 (d) A police department established by a **community college or** university under ORS 352.121
24 **or 353.125 or section 3 of this 2019 Act.**

25 (e) A county juvenile department.

26 (5) "Public or private official" means:

27 (a) Physician or physician assistant licensed under ORS chapter 677 or naturopathic physician,
28 including any intern or resident.

29 (b) Dentist.

30 (c) School employee, including an employee of a higher education institution.

31 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
32 or employee of an in-home health service.

33 (e) Employee of the Department of Human Services, Oregon Health Authority, Early Learning
34 Division, Youth Development Division, Office of Child Care, the Oregon Youth Authority, a local
35 health department, a community mental health program, a community developmental disabilities
36 program, a county juvenile department, a child-caring agency as that term is defined in ORS 418.205
37 or an alcohol and drug treatment program.

38 (f) Peace officer.

39 (g) Psychologist.

40 (h) Member of the clergy.

41 (i) Regulated social worker.

42 (j) Optometrist.

43 (k) Chiropractor.

44 (L) Certified provider of foster care, or an employee thereof.

45 (m) Attorney.

- 1 (n) Licensed professional counselor.
- 2 (o) Licensed marriage and family therapist.
- 3 (p) Firefighter or emergency medical services provider.
- 4 (q) A court appointed special advocate, as defined in ORS 419A.004.
- 5 (r) A child care provider registered or certified under ORS 329A.030 and 329A.250 to 329A.450.
- 6 (s) Member of the Legislative Assembly.
- 7 (t) Physical, speech or occupational therapist.
- 8 (u) Audiologist.
- 9 (v) Speech-language pathologist.
- 10 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
- 11 gations or discipline by the commission.
- 12 (x) Pharmacist.
- 13 (y) An operator of a preschool recorded program under ORS 329A.255.
- 14 (z) An operator of a school-age recorded program under ORS 329A.257.
- 15 (aa) Employee of a private agency or organization facilitating the provision of respite services,
- 16 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
- 17 109.056.
- 18 (bb) Employee of a public or private organization providing child-related services or activities:
- 19 (A) Including but not limited to youth groups or centers, scout groups or camps, summer or day
- 20 camps, survival camps or groups, centers or camps that are operated under the guidance, super-
- 21 vision or auspices of religious, public or private educational systems or community service organ-
- 22 izations; and
- 23 (B) Excluding community-based, nonprofit organizations whose primary purpose is to provide
- 24 confidential, direct services to victims of domestic violence, sexual assault, stalking or human traf-
- 25 ficking.
- 26 (cc) A coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,
- 27 if compensated and if the athlete is a child.
- 28 (dd) Personal support worker, as defined in ORS 410.600.
- 29 (ee) Home care worker, as defined in ORS 410.600.

30 **SECTION 34.** ORS 419B.902 is amended to read:

- 31 419B.902. (1) A subpoena may be served by the party or any other person 18 years of age or
- 32 older. Except as provided in subsections (2), (3) and (4) of this section, the service must be made by
- 33 delivering a copy to the witness personally. The service must be made so as to allow the witness a
- 34 reasonable time for preparation and travel to the place of attendance. If the subpoena is not ac-
- 35 companied by a command to appear at trial, hearing or deposition under ORS 419B.884, whether the
- 36 subpoena is served personally or by mail, copies of a subpoena commanding production and in-
- 37 spection of books, papers, documents or other tangible things before trial must be served on each
- 38 party at least seven days before the subpoena is served on the person required to produce and per-
- 39 mit inspection, unless the court orders a shorter period.
- 40 (2)(a) A law enforcement agency shall designate an individual upon whom service of a subpoena
- 41 may be made. A designated individual must be available during normal business hours. In the ab-
- 42 sence of a designated individual, service of a subpoena under paragraph (b) of this subsection may
- 43 be made upon the officer in charge of the law enforcement agency.
- 44 (b) If a peace officer's attendance at trial is required as a result of employment as a peace of-
- 45 ficer, a subpoena may be served on the officer by delivering a copy personally to the officer or to

1 an individual designated by the agency that employs the officer no later than 10 days prior to the
 2 date attendance is sought. A subpoena may be served in this manner only if the officer is currently
 3 employed as a peace officer and is present within the state at the time of service.

4 (c) When a subpoena has been served as provided in paragraph (b) of this subsection, the law
 5 enforcement agency shall make a good faith effort to give actual notice to the officer whose at-
 6 tendance is sought of the date, time and location of the court appearance. If the officer cannot be
 7 notified, the law enforcement agency shall promptly notify the court and a postponement or contin-
 8 uance may be granted to allow the officer to be personally served.

9 (d) As used in this subsection, "law enforcement agency" means the Oregon State Police, a
 10 county sheriff's department, a municipal police department, a police department established by a
 11 **community college or** university under ORS 352.121 or 353.125 or **section 3 of this 2019 Act or**,
 12 if the witness whose attendance at trial is required is an authorized tribal police officer as defined
 13 in ORS 181A.680, a tribal government as defined in ORS 181A.680.

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

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

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

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

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

28 **SECTION 35.** ORS 420.905 is amended to read:

29 420.905. As used in ORS 420.905 to 420.915:

30 (1) "Juvenile community supervision officer" means an employee of the Oregon Youth Authority
 31 who is classified as a juvenile parole and probation officer or a juvenile parole and probation as-
 32 sistant.

33 (2) "Peace officer" means:

34 (a) A sheriff, constable or marshal, or the deputy of any such officer;

35 (b) A member of the state police;

36 (c) A member of the police force of a city or a **community college or** university that has es-
 37 tablished a police department under ORS 352.121 or 353.125 **or section 3 of this 2019 Act;** or

38 (d) An authorized tribal police officer as defined in ORS 181A.680.

39 **SECTION 36.** ORS 506.521 is amended to read:

40 506.521. Each member of the State Fish and Wildlife Commission, the State Fish and Wildlife
 41 Director and every inspector, deputy fish warden, special deputy fish warden, and all peace officers
 42 of this state or any political subdivision therein, including police officers commissioned by a **com-**
 43 **munity college or** university under ORS 352.121 or 353.125 **or section 3 of this 2019 Act**, shall
 44 enforce the commercial fishing laws within their respective jurisdictions. In the performance of
 45 these duties such officers are subject to the direction and control of the commission or director.

1 **SECTION 37.** ORS 609.652 is amended to read:

2 609.652. As used in ORS 609.654:

3 (1)(a) “Aggravated animal abuse” means any animal abuse as described in ORS 167.322.

4 (b) “Aggravated animal abuse” does not include:

5 (A) Good animal husbandry, as defined in ORS 167.310; or

6 (B) Any exemption listed in ORS 167.335.

7 (2) “Law enforcement agency” means:

8 (a) Any city or municipal police department.

9 (b) A police department established by a **community college or** university under ORS 352.121
10 or 353.125 **or section 3 of this 2019 Act.**

11 (c) Any county sheriff’s office.

12 (d) The Oregon State Police.

13 (e) A law enforcement division of a county or municipal animal control agency that employs
14 sworn officers.

15 (f) A humane investigation agency as defined in ORS 181A.340 that employs humane special
16 agents commissioned under ORS 181A.340.

17 (3) “Public or private official” means:

18 (a) A physician, including any intern or resident.

19 (b) A dentist.

20 (c) A school employee.

21 (d) A licensed practical nurse or registered nurse.

22 (e) An employee of the Department of Human Services, Oregon Health Authority, Early Learn-
23 ing Division, Youth Development Division, Office of Child Care, the Oregon Youth Authority, a local
24 health department, a community mental health program, a community developmental disabilities
25 program, a county juvenile department, a child-caring agency as defined in ORS 418.205 or an alco-
26 hol and drug treatment program.

27 (f) A peace officer.

28 (g) A psychologist.

29 (h) A member of the clergy.

30 (i) A regulated social worker.

31 (j) An optometrist.

32 (k) A chiropractor.

33 (L) A certified provider of foster care, or an employee thereof.

34 (m) An attorney.

35 (n) A naturopathic physician.

36 (o) A licensed professional counselor.

37 (p) A licensed marriage and family therapist.

38 (q) A firefighter or emergency medical services provider.

39 (r) A court appointed special advocate, as defined in ORS 419A.004.

40 (s) A child care provider registered or certified under ORS 329A.030 and 329A.250 to 329A.450.

41 (t) A member of the Legislative Assembly.

42 **SECTION 38.** ORS 659A.320 is amended to read:

43 659A.320. (1) Except as provided in subsection (2) of this section, it is an unlawful employment
44 practice for an employer to obtain or use for employment purposes information contained in the
45 credit history of an applicant for employment or an employee, or to refuse to hire, discharge, de-

1 mote, suspend, retaliate or otherwise discriminate against an applicant or an employee with regard
 2 to promotion, compensation or the terms, conditions or privileges of employment based on informa-
 3 tion in the credit history of the applicant or employee.

4 (2) Subsection (1) of this section does not apply to:

5 (a) Employers that are federally insured banks or credit unions;

6 (b) Employers that are required by state or federal law to use individual credit history for em-
 7 ployment purposes;

8 (c) The application for employment or the employment of a public safety officer who will be or
 9 who is:

10 (A) A member of a law enforcement unit;

11 (B) Employed as a peace officer commissioned by a city, port, school district, mass transit dis-
 12 trict, county, university under ORS 352.121 or 353.125, **community college under section 3 of this**
 13 **2019 Act**, Indian reservation, the Superintendent of State Police under ORS 181A.340, the Criminal
 14 Justice Division of the Department of Justice, the Oregon State Lottery Commission or the Gover-
 15 nor or employed as a regulatory specialist by the Oregon Liquor Control Commission; and

16 (C) Responsible for enforcing the criminal laws of this state or laws or ordinances related to
 17 airport security; or

18 (d) The obtainment or use by an employer of information in the credit history of an applicant
 19 or employee because the information is substantially job-related and the employer's reasons for the
 20 use of such information are disclosed to the employee or prospective employee in writing.

21 (3) An employee or an applicant for employment may file a complaint under ORS 659A.820 for
 22 violations of this section and may bring a civil action under ORS 659A.885 and recover the relief
 23 as provided by ORS 659A.885 (1) and (2).

24 (4) As used in this section, "credit history" means any written or other communication of any
 25 information by a consumer reporting agency that bears on a consumer's creditworthiness, credit
 26 standing or credit capacity.

27 **SECTION 39.** ORS 686.450 is amended to read:

28 686.450. As used in ORS 686.450 to 686.465 and 686.990 (3):

29 (1)(a) "Aggravated animal abuse" means any animal abuse as described in ORS 167.322.

30 (b) "Aggravated animal abuse" does not include:

31 (A) Good animal husbandry, as defined in ORS 167.310; or

32 (B) Any exemption listed in ORS 167.335.

33 (2) "Law enforcement agency" means:

34 (a) Any city or municipal police department.

35 (b) A police department established by a **community college or** university under ORS 352.121
 36 or 353.125 **or section 3 of this 2019 Act.**

37 (c) Any county sheriff's office.

38 (d) The Oregon State Police.

39 (e) A law enforcement division of a humane society in Oregon that employs special agents au-
 40 thorized under ORS 131.805 or humane special agents commissioned under ORS 181A.340.

41 (f) A law enforcement division of a county or municipal animal control agency that employs
 42 sworn officers.

43 (3) "Veterinarian" means a person licensed to practice veterinary medicine under ORS chapter
 44 686.

45 **SECTION 40.** ORS 756.160 is amended to read:

1 756.160. (1) The Public Utility Commission shall inquire into any neglect or violation of any law
2 of this state or any law or ordinance of any municipality thereof relating to public utilities and
3 telecommunications utilities by any public utility or telecommunications utility doing business
4 therein, its officers, agents or employees and shall enforce all laws of this state relating to public
5 utilities and telecommunications utilities and may enforce all such laws and ordinances of a
6 municipality. The commission shall report all violations of any such laws or ordinances to the At-
7 torney General.

8 (2) The Attorney General, district attorney of each county, all state, county and city police of-
9 ficers and police officers commissioned by a **community college or** university under ORS 352.121
10 or 353.125 **or section 3 of this 2019 Act** shall assist the commission in the administration and
11 enforcement of all laws administered by the commission, and they, as well as assistants and em-
12 ployees of the commission, shall inform against and diligently prosecute all persons whom they have
13 reasonable cause to believe guilty of violation of any such laws or of the rules, regulations, orders,
14 decisions or requirements of the commission made pursuant thereto.

15 (3) Upon the request of the commission, the Attorney General or the district attorney of the
16 proper county shall aid in any investigation, hearing or trial, and shall institute and prosecute all
17 necessary suits, actions or proceedings for the enforcement of those laws and ordinances referred
18 to in subsection (1) of this section.

19 (4) Any forfeiture or penalty provided for in any law administered by the commission shall be
20 recovered by an action brought thereon in the name of the State of Oregon in any court of appro-
21 priate jurisdiction.

22 **SECTION 41.** ORS 801.395 is amended to read:

23 801.395. "Police officer" includes a member of the Oregon State Police, a sheriff, a deputy
24 sheriff, a city police officer, an authorized tribal police officer as defined in ORS 181A.680, a police
25 officer commissioned by a **community college or** university under ORS 352.121 or 353.125 **or sec-**
26 **tion 3 of this 2019 Act**, a Port of Portland peace officer, a reserve officer as defined in ORS 133.005
27 or a law enforcement officer employed by a service district established under ORS 451.410 to 451.610
28 for the purpose of law enforcement services.

29 **SECTION 42.** ORS 811.720 is amended to read:

30 811.720. (1) Except as provided in subsection (4) of this section, any accident occurring on a
31 highway or upon premises open to the public resulting in injury or death to any person is subject
32 to the reporting requirements under the following sections:

33 (a) The reporting requirements for drivers under ORS 811.725.

34 (b) The reporting requirements for occupants of vehicles in accidents under ORS 811.735.

35 (c) The reporting requirements for owners of vehicles under ORS 811.730.

36 (2) Except as provided in subsection (4) of this section, an accident occurring on a highway or
37 upon premises open to the public resulting in damage to the property of any person in excess of
38 \$2,500 is subject to the following reporting requirements:

39 (a) The driver of a vehicle that has more than \$2,500 damage must report the accident in the
40 manner specified under ORS 811.725.

41 (b) The owner of a vehicle that has more than \$2,500 damage must report the accident in the
42 manner specified in ORS 811.730 and under the circumstances specified in ORS 811.730.

43 (c) If the property damage is to property other than a vehicle involved in the accident, each
44 driver involved in the accident must report the accident in the manner specified under ORS 811.725
45 and each owner of a vehicle involved in the accident must report the accident in the manner spec-

1 ified in ORS 811.730 and under the circumstances specified in ORS 811.730.

2 (d) If a vehicle involved in the accident is damaged to the extent that the vehicle must be towed
 3 from the scene of the accident, each driver involved in the accident must report the accident in the
 4 manner specified under ORS 811.725 and each owner of a vehicle involved in the accident must re-
 5 port the accident in the manner specified in ORS 811.730 and under the circumstances specified in
 6 ORS 811.730.

7 (3) The dollar amount specified in subsection (2) of this section may be increased every five
 8 years by the Department of Transportation based upon any increase in the Portland-Salem Consumer
 9 Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics
 10 of the United States Department of Labor or its successor during the preceding 12-month period.
 11 The amount determined under this subsection shall be rounded to the nearest \$100.

12 (4) The following are exempt from the reporting requirements of this section:

13 (a) Operators of snowmobiles, Class I all-terrain vehicles or Class III all-terrain vehicles.

14 (b) A law enforcement official acting in the course of official duty if the accident involved a law
 15 enforcement official performing a lawful intervention technique or a law enforcement official and a
 16 person acting during the commission of a criminal offense. As used in this paragraph:

17 (A) "Law enforcement official" means a person who is responsible for enforcing the criminal
 18 laws of this state or a political subdivision of this state and who is employed or volunteers:

19 (i) As a peace officer commissioned by a city, **community college or** university that has es-
 20 tablished a police department under ORS 352.121 or 353.125 **or section 3 of this 2019 Act**, port,
 21 school district, mass transit district, county or county service district authorized to provide law
 22 enforcement services under ORS 451.010;

23 (ii) With the Department of State Police or the Criminal Justice Division of the Department of
 24 Justice;

25 (iii) As an investigator of a district attorney's office, if the investigator is certified as a peace
 26 officer in this state; or

27 (iv) As an authorized tribal police officer as defined in ORS 181A.680.

28 (B) "Lawful intervention technique" means a method by which one motor vehicle causes, or at-
 29 tempts to cause, another motor vehicle to stop.

30 **SECTION 43.** ORS 811.745 is amended to read:

31 811.745. (1) Except as provided in subsection (4) of this section, any accident occurring on a
 32 highway or upon premises open to the public resulting in injury or death to any person is subject
 33 to the reporting requirements under the following sections:

34 (a) The reporting requirements for drivers under ORS 811.748.

35 (b) The reporting requirements for occupants of vehicles in accidents under ORS 811.750.

36 (2) Except as provided in subsection (4) of this section, an accident occurring on a highway or
 37 upon premises open to the public resulting in damage to the property of any person in excess of
 38 \$2,500 is subject to the following reporting requirements:

39 (a) The driver of a vehicle that has more than \$2,500 damage must report the accident in the
 40 manner specified under ORS 811.748.

41 (b) If the property damage is to property other than a vehicle involved in the accident, each
 42 driver involved in the accident must report the accident in the manner specified under ORS 811.748.

43 (c) If a vehicle involved in the accident is damaged to the extent that the vehicle must be towed
 44 from the scene of the accident, each driver involved in the accident must report the accident in the
 45 manner specified under ORS 811.748.

1 (3) The dollar amount specified in subsection (2) of this section may be increased every five
 2 years by the Department of Transportation based upon any increase in the Portland-Salem Consumer
 3 Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics
 4 of the United States Department of Labor or its successor during the preceding 12-month period.
 5 The amount determined under this subsection shall be rounded to the nearest \$100.

6 (4) The following are exempt from the reporting requirements of this section:

7 (a) Operators of snowmobiles and Class I, Class III and Class IV all-terrain vehicles.

8 (b) A law enforcement official acting in the course of official duty if the accident involved a law
 9 enforcement official performing a lawful intervention technique or involved a law enforcement offi-
 10 cial and a person acting during the commission of a criminal offense. As used in this paragraph:

11 (A) "Law enforcement official" means a person who is responsible for enforcing the criminal
 12 laws of this state or a political subdivision of this state and who is employed or volunteers:

13 (i) As a peace officer commissioned by a city, port, **community college or** university that has
 14 established a police department under ORS 352.121 or 353.125 **or section 3 of this 2019 Act**, school
 15 district, mass transit district, county or service district authorized to provide law enforcement ser-
 16 vices under ORS 451.010;

17 (ii) With the Department of State Police or the Criminal Justice Division of the Department of
 18 Justice; or

19 (iii) As an investigator of a district attorney's office, if the investigator is certified as a peace
 20 officer in this state.

21 (B) "Lawful intervention technique" means a method by which one motor vehicle causes, or at-
 22 tempts to cause, another motor vehicle to stop.

23 (5) The reporting requirements under this section are in addition to, and not in lieu of, the re-
 24 porting requirements under ORS 811.720.

25 **SECTION 44.** ORS 811.747 is amended to read:

26 811.747. As used in ORS 811.748 and 811.750:

27 (1) "Emergency communications system" has the meaning given that term in ORS 403.105.

28 (2) "Law enforcement agency" means any agency that employs members of the Oregon State
 29 Police, a sheriff, a deputy sheriff, a city police officer, a police officer commissioned by a **commu-
 30 nity college or** university under ORS 352.121 or 353.125 **or section 3 of this 2019 Act** or a law
 31 enforcement officer employed by a service district established under ORS 451.410 to 451.610 for the
 32 purpose of law enforcement services.

33 **SECTION 45.** ORS 823.081 is amended to read:

34 823.081. (1) The Department of Transportation shall inquire into any neglect or violation of any
 35 law of this state, or any law or ordinance of any municipality thereof, relating to motor carriers or
 36 railroads by any motor carrier or railroad doing business therein, its officers, agents or employees
 37 and shall enforce all laws of this state relating to motor carriers and railroads and may enforce all
 38 such laws and ordinances of a municipality. The department shall report all violations of any such
 39 laws or ordinances to the Attorney General.

40 (2) The Attorney General, district attorney of each county, all state, county and city police of-
 41 ficers and police officers commissioned by a **community college or** university under ORS 352.121
 42 or 353.125 **or section 3 of this 2019 Act** shall assist the department in the administration and
 43 enforcement of all laws related to motor carriers and railroads administered by the department, and
 44 they, as well as assistants and employees of the department, shall inform against and diligently
 45 prosecute all persons whom they have reasonable cause to believe guilty of the violation of any such

1 laws or of the rules, regulations, orders, decisions or requirements of the department made pursuant
 2 thereto.

3 (3) Upon the request of the department, the Attorney General or the district attorney of the
 4 proper county shall aid in any investigation, hearing or trial, and shall institute and prosecute all
 5 necessary suits, actions or proceedings for the enforcement of those laws and ordinances referred
 6 to in subsection (1) of this section.

7 (4) Any forfeiture or penalty provided for in any law regarding motor carriers or railroads ad-
 8 ministered by the department shall be recovered by an action brought thereon in the name of the
 9 State of Oregon in any court of appropriate jurisdiction or as provided in ORS 183.745.

10 **SECTION 46.** ORS 830.005 is amended to read:

11 830.005. As used in this chapter, unless the context requires otherwise:

12 (1) "Board" means the State Marine Board.

13 (2) "Boat" means every description of watercraft, including a seaplane on the water and not in
 14 flight, used or capable of being used as a means of transportation on the water, but does not include
 15 boathouses, floating homes, air mattresses, beach and water toys or single inner tubes.

16 (3) "Boating offense" means violation of any provision of law that is made a crime or violation
 17 under the provisions of this chapter.

18 (4) "In flight" means from the moment a seaplane starts its takeoff run until the end of a normal
 19 power-off landing run.

20 (5) "Length" means the length of a boat measured from end to end over the deck excluding
 21 sheer.

22 (6) "Motorboat" means any boat propelled in whole or in part by machinery, including boats
 23 temporarily equipped with detachable motors.

24 (7) "Navigable waters of the United States" means those waters of the United States, including
 25 the territorial seas adjacent thereto, the general character of which is navigable, and that, either
 26 by themselves or by uniting with other waters, form a continuous waterway on which boats or ves-
 27 sels may navigate or travel between two or more states, or to and from foreign nations.

28 (8) "Operate" means to navigate or otherwise use a boat.

29 (9) "Operator of a boat livery" means any person who is engaged wholly or in part in the busi-
 30 ness of chartering or renting boats to other persons.

31 (10) "Passenger" means every person on board a boat who is not the master, operator, crew
 32 member or other person engaged in any capacity in the business of the boat.

33 (11) "Peace officer" includes a member of the Oregon State Police, a sheriff or deputy sheriff,
 34 a city police officer, an authorized tribal police officer as defined in ORS 181A.680, and a police of-
 35 ficer commissioned by a **community college or university** under ORS 352.121 or 353.125 **or section**
 36 **3 of this 2019 Act.**

37 (12) "State waters" means those waters entirely within the confines of this state that have not
 38 been declared navigable waters of the United States.

39 (13) "Waters of this state" means all waters within the territorial limits of this state, the mar-
 40 ginal sea adjacent to this state and the high seas when navigated as part of a journey or ride to
 41 or from the shore of this state.

42 **SECTION 47.** ORS 180.320 is amended to read:

43 180.320. (1) All state agencies, district attorneys and all police officers of the state, county or
 44 any municipality, **community college**, university or court thereof, shall cooperate with the Division
 45 of Child Support of the Department of Justice in furnishing and making available information, re-

1 cords and documents necessary to assist in establishing or enforcing support obligations or parent-
 2 age, in performing the duties set out in ORS 25.080 and in determining the location of any absent
 3 parent or child for the purpose of enforcing any state or federal law regarding the unlawful taking
 4 or restraint of a child or for the purpose of making or enforcing a child custody determination.
 5 Notwithstanding the provisions of ORS 109.225 or 416.430 or ORS chapter 432, records pertaining
 6 to the parentage of a child shall be made available upon written request of an authorized repre-
 7 sentative of the Division of Child Support. Any information obtained pursuant to this subsection is
 8 confidential, and shall be used only for the purposes 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 48.** ORS 181A.775 is amended to read:

15 181A.775. As used in ORS 181A.775 to 181A.805:

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

19 (2) "Law enforcement agency" means the Department of State Police, the Department of Justice,
 20 a district attorney, a political subdivision of the State of Oregon, a municipal corporation of the
 21 State of Oregon, a tribal government, **a community college** and a university, that maintains a law
 22 enforcement unit as defined in ORS 181A.355 (12)(a)(A).

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

24 (a) A police officer or reserve officer as defined in ORS 181A.355; and

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

26 (4) "Tribal government" means a tribal government as defined in ORS 181A.680:

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

29 (b) That has adopted the provision of tribal law described in ORS 181A.685 (4)(d)(A).

30 **SECTION 49.** ORS 414.805 is amended to read:

31 414.805. (1) An individual who receives medical services while in the custody of a law enforce-
 32 ment officer is liable:

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

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

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

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

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

45 (A) The provider has billed the individual or the individual's insurer or health care service

1 contractor for the charges or expenses owed to the provider; and

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

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

8 (4) As used in this section:

9 (a) "Law enforcement officer" means:

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

12 (B) An authorized tribal police officer as defined ORS 181A.680.

13 (b) "Public agency" means the state, a city, **a community college or** university that has es-
14 tablished a police department under ORS 352.121 or 353.125 **or section 3 of this 2019 Act**, port,
15 school district, mass transit district or county.

16 **SECTION 50.** ORS 418.257 is amended to read:

17 418.257. As used in ORS 418.257 to 418.259:

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

19 (a) Any physical injury to a child in care caused by other than accidental means, or that appears
20 to be at variance with the explanation given of the injury.

21 (b) Neglect of a child in care.

22 (c) Abandonment, including desertion or willful forsaking of a child in care or the withdrawal
23 or neglect of duties and obligations owed a child in care by a child-caring agency, caretaker, certi-
24 fied foster home, developmental disabilities residential facility or other person.

25 (d) Willful infliction of physical pain or injury upon a child in care.

26 (e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427,
27 163.465, 163.467 or 163.525.

28 (f) Verbal abuse.

29 (g) Financial exploitation.

30 (h) Sexual abuse.

31 (i) Involuntary seclusion of a child in care for the convenience of a child-caring agency, care-
32 taker, certified foster home or developmental disabilities residential facility or to discipline the child
33 in care.

34 (j) A wrongful use of a physical or chemical restraint of a child in care, excluding an act of
35 restraint prescribed by a physician licensed under ORS chapter 677 and any treatment activities
36 that are consistent with an approved treatment plan or in connection with a court order.

37 (2) "Certified foster home" means a foster home certified by the Department of Human Services
38 and subject to ORS 418.625 to 418.645.

39 (3)(a) "Child in care" means a person under 21 years of age who is residing in or receiving care
40 or services from:

41 (A) A child-caring agency or proctor foster home subject to ORS 418.205 to 418.327, 418.470,
42 418.475 or 418.950 to 418.970;

43 (B) A certified foster home; or

44 (C) A developmental disabilities residential facility.

45 (b) "Child in care" does not include a person under 21 years of age who is residing in any of

1 the entities listed in paragraph (a) of this subsection when the care provided is in the home of the
 2 child by the child's parent.

3 (4) "Child-caring agency" has the meaning given that term in ORS 418.205.

4 (5) "Developmental disabilities residential facility" means a residential facility or foster home
 5 for children who are 18 years of age or younger and receiving developmental disability services that
 6 is subject to ORS 443.400 to 443.455, 443.830 and 443.835.

7 (6) "Involuntary seclusion" means the confinement of a child in care alone in a room from which
 8 the child in care is physically prevented from leaving. "Involuntary seclusion" does not include
 9 age-appropriate discipline, including but not limited to a time-out.

10 (7) "Proctor foster home" has the meaning given that term in ORS 418.205.

11 (8)(a) "Financial exploitation" means:

12 (A) Wrongfully taking the assets, funds or property belonging to or intended for the use of a
 13 child in care.

14 (B) Alarming a child in care by conveying a threat to wrongfully take or appropriate moneys
 15 or property of the child in care if the child would reasonably believe that the threat conveyed would
 16 be carried out.

17 (C) Misappropriating, misusing or transferring without authorization any moneys from any ac-
 18 count held jointly or singly by a child in care.

19 (D) Failing to use the income or assets of a child in care effectively for the support and main-
 20 tenance of the child in care.

21 (b) "Financial exploitation" does not include age-appropriate discipline that may involve the
 22 threat to withhold, or the withholding of, privileges.

23 (9) "Intimidation" means compelling or deterring conduct by threat. "Intimidation" does not in-
 24 clude age-appropriate discipline that may involve the threat to withhold privileges.

25 (10) "Law enforcement agency" means:

26 (a) Any city or municipal police department.

27 (b) Any county sheriff's office.

28 (c) The Oregon State Police.

29 (d) Any district attorney.

30 (e) A police department established by a **community college or** university under ORS 352.121
 31 or 353.125 **or section 3 of this 2019 Act.**

32 (11) "Neglect" means:

33 (a) Failure to provide the care, supervision or services necessary to maintain the physical and
 34 mental health of a child in care; or

35 (b) The failure of a child-caring agency, proctor foster home, certified foster home, develop-
 36 mental disabilities residential facility, caretaker or other person to make a reasonable effort to
 37 protect a child in care from abuse.

38 (12) "Services" includes but is not limited to the provision of food, clothing, medicine, housing,
 39 medical services, assistance with bathing or personal hygiene or any other service essential to the
 40 well-being of a child in care.

41 (13) "Sexual abuse" means:

42 (a) Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit mate-
 43 rial or language;

44 (b) Any sexual contact between a child in care and an employee of a child-caring agency,
 45 proctor foster home, certified foster home, developmental disabilities residential facility, caretaker

1 or other person responsible for the provision of care or services to a child in care;

2 (c) Any sexual contact between a person and a child in care that is unlawful under ORS chapter
3 163 and not subject to a defense under that chapter; or

4 (d) Any sexual contact that is achieved through force, trickery, threat or coercion.

5 (14) "Sexual contact" has the meaning given that term in ORS 163.305.

6 (15) "Sexual exploitation" means sexual exploitation as described in ORS 419B.005 (1)(a)(E).

7 (16) "Verbal abuse" means to threaten significant physical or emotional harm to a child in care
8 through the use of:

9 (a) Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; or

10 (b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate
11 sexual comments.

12 **SECTION 51.** ORS 441.630 is amended to read:

13 441.630. As used in ORS 441.630 to 441.680:

14 (1) "Abuse" means:

15 (a) Any physical injury to a resident of a long term care facility which has been caused by other
16 than accidental means.

17 (b) Failure to provide basic care or services, which failure results in physical harm or unrea-
18 sonable discomfort or serious loss of human dignity.

19 (c) Sexual contact with a resident caused by an employee, agent or other resident of a long term
20 care facility by force, threat, duress or coercion.

21 (d) Illegal or improper use of a resident's resources for the personal profit or gain of another
22 person.

23 (e) Verbal or mental abuse as prohibited by federal law.

24 (f) Corporal punishment.

25 (g) Involuntary seclusion for convenience or discipline.

26 (2) "Abuse complaint" means any oral or written communication to the department, one of its
27 agents or a law enforcement agency alleging abuse.

28 (3) "Department" means the Department of Human Services or a designee of the department.

29 (4) "Facility" means a long term care facility, as defined in ORS 442.015.

30 (5) "Law enforcement agency" means:

31 (a) Any city or municipal police department.

32 (b) A police department established by a **community college or** university under ORS 352.121
33 or 353.125 **or section 3 of this 2019 Act.**

34 (c) Any county sheriff's office.

35 (d) The Oregon State Police.

36 (e) Any district attorney.

37 (6) "Public or private official" means:

38 (a) Physician, including any intern or resident.

39 (b) Licensed practical nurse or registered nurse.

40 (c) Employee of the Department of Human Services, a community developmental disabilities
41 program or a long term care facility or person who contracts to provide services to a long term care
42 facility.

43 (d) Employee of the Oregon Health Authority, local 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 and occupational therapists.
- 4 (i) Legal counsel for a resident or guardian or family member of the resident.
- 5 (j) Member of the Legislative Assembly.
- 6 (k) Personal support worker, as defined by rule adopted by the Home Care Commission.
- 7 (L) Home care worker, as defined in ORS 410.600.

8 **SECTION 52.** ORS 441.630, as amended by section 23, chapter 75, Oregon Laws 2018, is
9 amended to read:

10 441.630. As used in ORS 441.630 to 441.680:

11 (1) "Abuse" means:

12 (a) Any physical injury to a resident of a long term care facility which has been caused by other
13 than accidental means.

14 (b) Failure to provide basic care or services, which failure results in physical harm or unrea-
15 sonable discomfort or serious loss of human dignity.

16 (c) Sexual contact with a resident caused by an employee, agent or other resident of a long term
17 care facility by force, threat, duress or coercion.

18 (d) Illegal or improper use of a resident's resources for the personal profit or gain of another
19 person.

20 (e) Verbal or mental abuse as prohibited by federal law.

21 (f) Corporal punishment.

22 (g) Involuntary seclusion for convenience or discipline.

23 (2) "Abuse complaint" means any oral or written communication to the department, one of its
24 agents or a law enforcement agency alleging abuse.

25 (3) "Department" means the Department of Human Services or a designee of the department.

26 (4) "Facility" means a long term care facility, as defined in ORS 442.015.

27 (5) "Law enforcement agency" means:

28 (a) Any city or municipal police department.

29 (b) A police department established by a **community college or** university under ORS 352.121
30 or 353.125 **or section 3 of this 2019 Act.**

31 (c) Any county sheriff's office.

32 (d) The Oregon State Police.

33 (e) Any district attorney.

34 (6) "Public or private official" means:

35 (a) Physician, including any intern or resident.

36 (b) Licensed practical nurse or registered nurse.

37 (c) Employee of the Department of Human Services, a community developmental disabilities
38 program or a long term care facility or person who contracts to provide services to a long term care
39 facility.

40 (d) Employee of the Oregon Health Authority, local health department or community mental
41 health program.

42 (e) Peace officer.

43 (f) Member of the clergy.

44 (g) Regulated social worker.

45 (h) Physical, speech and occupational therapists.

- 1 (i) Legal counsel for a resident or guardian or family member of the resident.
- 2 (j) Member of the Legislative Assembly.
- 3 (k) Personal support worker, as defined in ORS 410.600.
- 4 (L) Home care worker, as defined in ORS 410.600.
- 5 _____