



2021 LEGISLATIVE REPORT



OREGON ASSOCIATION CHIEFS OF POLICE



OREGON STATE SHERIFFS' ASSOCIATION

2021 LEGISLATIVE SESSION

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2021 Legislative Session “New Laws” Report

On Saturday evening June 26th at 5:20 pm, the Oregon House of Representatives and Oregon State Senate completed their work and adjourned the 2021 Legislative Session just one day before the Constitutionally defined end date of June 27th. As you know, the 2021 Legislative Session was the 180 day constitutionally time limited “long session” that occurs in even-numbered years. The Session, which officially commenced on January 19th, will be remembered because it was conducted virtually and because of the staggering amount of one-time money that was appropriated due to the financial relief made available to Oregon through the American Rescue Plan Act and an expected revenue downturn that never materialized. It will also be remembered as a deeply divided session and by the number of legislators who faced sanctions due to their actions. Representative Hernandez resigned in order to avoid being the first legislator to be expelled from the House of Representative in Oregon History and Representative Brad Witt voluntarily stepped down from his role as a committee chair after he was accused of inappropriate sexual communication with another member of the committee. A few months later, the House of Representatives passed HR 3 by a vote of 59 to 1 to expel Representative Mike Nearman from the assembly due to actions he took on to allow protestors access the Capitol on December 21st, 2020. Most notably, the 2021 Legislative Session will be remembered as the session that focused on addressing the impacts of the COVID-19 pandemic, addressing wildfire impacts and the mitigation of future wildfire risk and on racial and economic equity in policing and all state agencies.

Disclaimer: The following “New Laws” report attempts to provide law enforcement agencies with a detailed review of the key provisions of measures impacting public safety that were passed during the 2021 Legislative Session. There is a potential that we overlooked one or more bills, but the following report is comprehensive. While every effort was made to insure accuracy, this report should not be considered legal advice or counsel. Please consult your city attorney or county counsel regarding issues involving legal interpretation and always read the actual text of a measure for confirmation and clarification.

Thank you for your confidence and for the privilege of representing Oregon’s law enforcement leaders!

Kevin Campbell, OACP/OSSA Lobbyist

Important Background – Getting the Most from this Report

Accessing the complete text of a measure:

While the following report attempts to provide a significant amount of detail regarding the provisions of adopted legislation, you may want to read the actual language of the bill. To read the actual text of a new law, simply click on the bill number on the left side of the report and a pdf of the “Enrolled Bill” will open. As a bill makes its way through the legislative process, earlier versions of a bill will identify current language that is being removed in *italics* and new language in **bold text**. However, the enrolled bill shows the final language of the law as it will appear initially in Oregon Laws and eventually in the Oregon Revised Statutes.

The difference between Oregon Laws vs. Oregon Revised Statutes

What are the “Oregon Laws”?

At the end of every legislative session, all the bills passed by the House and Senate and signed by the Governor are combined into a publication called the “Oregon Laws”. In addition to legislative measures, the Oregon Laws also includes legislative resolutions, the text of statutory initiatives adopted by voters for the regular session that follows the election and supplemental documents including the index, tables and foreword. Each bill that is signed by the Governor is assigned an Oregon Laws chapter number by the Secretary of State. Chapter numbering begins with 1 for each regular or special session. While legislation will eventually receive an Oregon Revised Statute (ORS) citation, the Oregon Laws chapter citation is the reference until it does and law enforcement will cite to an Oregon Laws reference until an updated ORS cite is identified for provisions of the law. When finalized, you can access Oregon Laws at: [Oregon Laws](#)

When are the Oregon Revised Statutes Updated?

The Oregon Revised Statutes constitute the codified laws of the State of Oregon and they are published every two years. Each addition incorporates all laws and changes to laws enacted by the Legislative Assembly through the odd-numbered year regular session referenced in the volume titles for that edition. In other words, the 2019 Edition of the Oregon Revised Statutes includes the law changes made by the Oregon Legislature during the 2019 Legislative Session. The next ORS update will be published by the end of 2021.

Paying attention to effective dates:

In this report, the effective date of each measure will be included in the explanation of key provisions. In some cases, the effective date isn't known yet because the Governor hasn't signed the bill yet. It is important to note that in some cases, different provisions within a single bill may have different effective or operative dates. Every measure will take effect based on one of three options:

- **Default Effective Date:** If there is no specific effective date mentioned in the final text of a bill, the effective date is always January 1st of the following year. For bills passed during the 2019 Legislative Session, these measures will take effect on January 1st, 2020

- **Designated Effective Date:** In some cases, the effective date is specifically noted “date certain” in the text of a bill for a wide variety of reasons including:
 - To provide time to educate the public regarding a new measure
 - To delay any potential cost of implementing provisions of a bill into the future
 - To give impacted organizations/agencies, time to adjust to the new requirements/provisions
- **“Emergency Clause” - Takes Effect Upon Passage Date:** The terminology for an effective date that occurs “upon passage” is called an “Emergency Clause” because these bills take effect immediately once the Governor signs the bill. An “Emergency Clause is intended to address situations where the legislature determines the measure is necessary for the immediate preservation of the public peace, health and safety

2021 Public Safety Legislation

❖ ACCREDITATION, CERTIFICATION AND TRAINING

HB 2162 – Accreditation and Equity Training Requirements

Effective Date: September 25, 2021	2021 Oregon Laws Site: Chapter 611
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HB 2162 includes the following key provisions:

- Directs the Department of Public Safety Standards and Training to designate one or more accrediting bodies for law enforcement agencies with 35 or more sworn police officers.
- Requires law enforcement agencies with 100 or more sworn police officers to be accredited no later than July 1, 2025.
- Requires law enforcement agencies with 35 or more sworn police officers to be accredited no later than July 1, 2026.
- Directs department to report to Legislative Assembly on amount of additional instruction hours necessary to expand equity training in basic training course for police officers.
- Adds two public members to Board of Public Safety Standards and Training and adds one public member to Police Policy Committee.
- Directs department to develop statewide equity training program for police officers and require training for basic certification as police officer.
- Provides that police officer certification may be denied, suspended or revoked if and officer has been discharged for cause for use of excessive force, abuse of lawful authority or discriminatory policing.

HB 2513 – Airway and Circulatory Training & Response

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 294
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HB 2513 includes the following key provisions:

- Adds at least three hours of training in airway and circulatory anatomy and physiology to the minimum training required for basic certification as a police officer.
- Adds certification in adult and child cardiopulmonary resuscitation for basic certification as a police officer.
- Requires at least two hours of training in airway and circulatory anatomy and physiology during each three-year maintenance training period.
- Requires police officers to maintain a certification in adult and child cardiopulmonary resuscitation.
- Requires a peace officer, as defined in ORS 161.015, to immediately request emergency medical services when they encounter a restrained person suffering from a respiratory or cardiac compromise if:
 - It is tactically feasible to request emergency medical services; and
 - The officer has access to communications.

HB 2575 – Trauma-Informed Training Grants and Policy

Effective Date: September 25, 2021	2021 Oregon Laws Site: Chapter 532
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HB 2575 includes the following key provisions:

- Directs the Department of Justice (DOJ) to establish a program for awarding grants to law enforcement agencies and local governments to fund training for groups and agencies that interact with persons who have experienced trauma.
- Allows a law enforcement agency or local government to apply for a grant to fund training for an established trauma-informed training program provided by an outside entity or for the development of a new training program for law enforcement agencies, district attorneys, sexual assault nurse examiners, emergency communications workers, victim advocates or for other group or agency appropriate to receive the training.
- Tasks the Department of Justice with establishing the application process and eligibility criteria for the grant program by rule in keeping with the model training program described in the bill and tasks the department with establishing the grant award process.
- Directs DOJ to award grants in accordance with the rules no later than July 1, 2023 and requires them to consider the grant applicants community partnerships as part of the grant award process.
- Requires the DOJ to develop a model training program for groups and agencies that interact with persons who have experienced trauma.
- Requires the model trauma-informed training program to include the following as a minimum:
 - Be research-based and consider the psychological and neurological effects of trauma;

- Utilize best practices when recommending techniques for interacting with persons who have experienced trauma;
 - Have the objective of minimizing further trauma; and
 - Consider the impact of structural racism and other forms of historical trauma.
- Requires DOJ to consult with subject matter experts from community-based organizations, including organizations that represent individuals who are Black, Indigenous and People of Color (BIPOC) as part of the rulemaking process.
- Tasks DPSST in consultation with the DOJ to develop best practices for law enforcement agencies when interacting with persons who have experienced trauma.
- Requires the trauma-informed best practices to include alternative options for law enforcement agencies of varying size and resource capacity.
- Requires the trauma-informed best practices to:
 - Be research-based and consider the psychological and neurological effects of trauma;
 - Recommend techniques for interacting with persons who have experienced trauma;
 - Have the objective of minimizing further trauma;
 - Consider the impact of structural racism and other forms of historical trauma;
 - Require law enforcement officers to consider the effects of trauma when working on a case;
 - Recommend techniques for interviewing persons who have experienced trauma; and
 - Provide recommendations for writing reports based on interviews with persons who have experienced trauma.
- Requires law enforcement agencies to adopt appropriate best practice policies for interacting with persons who have experienced trauma no later than the date established by DPSST by rule.
- Requires DPSST to regularly review and, if necessary, update trauma-informed training, consistent with the model training program developed by DOJ for all police officers who enter the training academy operated by DPSST.

HB 2986 – Officer Training re Crimes Motivated by Perceived Gender of Victim

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 246
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HB 2986 includes the following key provisions:

- Requires the Board on Public Safety Standards and Training to ensure all police officers and certified reserve officers receive training related to investigating, identifying, and reporting crimes motivated by prejudice based on perceived gender of the victim.
- Provides that the minimum statewide qualifications for employment as a law enforcement officer are established in rule by the Department of Public Safety Standards and Training (DPSST). The rules specify that all law enforcement officers must receive training on the investigation, identification and reporting of crimes motivated by prejudice based on perceived race, color, religion, national origin, sexual orientation, marital status, political affiliation or beliefs, membership or activity in or on behalf of a labor organization or against a labor organization, physical or mental disability, age, economic or social status or citizenship of the victim (see OAR 259-008-0085(1)(b)(E)).
- HB 2986 adds gender to this list.

❖ ALCOHOL/DRUGS & PRESCRIPTION DRUGS

HB 2646 — ~~Kratom Product Regulation~~

Effective Date: Not Effective	2021 Oregon Laws Site: VETOED
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HB 2646 includes the following key provisions:

- ~~• Requires kratom products to be registered with the Oregon Department of Agriculture (ODA) and specifies eligibility for product registration.~~
- ~~• Defines “retailer” as a person who sells, distributes, or exposes for sale kratom products for personal consumption.~~
- ~~• Prohibits a retailer from selling or distributing kratom products from a kratom processor not registered with ODA, or to individuals under 21 years of age.~~
- ~~• Directs ODA to adopt rules to establish procedures for kratom product registration including an affidavit certifying regulatory compliance, and procedures by which a person may submit complaints of regulatory violations.~~

HB 2648 — **Pseudoephedrine Behind the Counter Sales Authorization**

Effective Date: September 25, 2021	2021 Oregon Laws Site: Chapter 297
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HB 2648 includes the following key provisions:

- Authorizes a pharmacist or pharmacy technician to transfer a drug containing pseudoephedrine, ephedrine, or a salt, isomer, or salt of isomer of pseudoephedrine or ephedrine without a prescription to an individual 18 years of age or older with a valid government-issued photo identification.
- Mandates that pseudoephedrine or ephedrine-containing products must be stored behind a pharmacy counter that is closed to the public.
- Requires a pharmacist or pharmacy technician, prior to transfer, to verify specific information in an electronic monitoring system.
- Requires a log to be retained at the pharmacy for at least two years from the date of transaction.
- Allows law enforcement to obtain information contained in a log through a subpoena accepted by the State Board of Pharmacy (Board).
- Specifies requirements for the electronic tracking system.
- Specifies that a violation is a Class A misdemeanor.
- Becomes operative January 1, 2022.

HB 3140 – Psilocybin DUII Fix

Effective Date: June 11, 2021	2021 Oregon Laws Site: Chapter 253
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House Bill 3140 provides that a person has committed DUII if the person drives a vehicle while under the influence of psilocybin and updates other statutes in the vehicle code referencing DUII or intoxicants to include psilocybin. Prior to the passage of Measure 109 in 2020, psilocybin was considered a controlled substance and a person driving under the influence of psilocybin would have been guilty of DUII. However, Measure 109 specifically excludes psilocybin from the definition of "controlled substance" and therefore a person can no longer be guilty of DUII if they are driving under the influence of psilocybin, so long as they are using psilocybin in compliance with the provisions of Measure 109.

HB 3176 – Implied Consent Hearing – Judge Authority to Require Remote Hearing

Effective Date: June 15, 2021	2021 Oregon Laws Site: Chapter 302
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HB 3176 allows chief administrative law judge to require an implied consent hearing regarding the suspension of driving privileges to be conducted by telephone or other two-way electronic communication when the judge determines that an in-person hearing would pose a significant risk to health or safety, including risks associated with travel to the hearing location.

SB 201 – DUII Fix – Hedgpeth/Dollman Court Decisions

Effective Date: July 14, 2021	2021 Oregon Laws Site: Chapter 480
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SB 201 addresses impacts on DUII enforcement created by court rulings in Oregon v. Hedgpeth (2019) and Oregon v. Dollman (2020) The measure includes the following key provisions:

- Provides that an individual has committed the crime of driving under the influence of intoxicants (DUII) if the individual has a .08 percent or higher blood alcohol level within two hours of driving as measured by a breath or blood test.
- Provides that the admissibility of any evidence of the amount of alcohol in a person's blood as shown by chemical analysis of the person's breath or blood is not limited by the measure, in any civil or criminal action, suit or proceeding arising out of the acts committed by the person driving a vehicle while under the influence of intoxicants.
- Clarifies that the fine for DUII is enhanced to a minimum of \$2000 if the person has a .15 percent or higher blood alcohol level within two hours of driving.
- Requires the prosecutor to prove an individual did not drink between driving and the breath or blood test if seeking to prove guilt by showing the defendant had a blood alcohol level at or above .08 percent.

- Clarifies that criminal homicide constitutes manslaughter in the first degree or assault in the first degree when a defendant has been convicted of at least three of any of the following offenses in any combination in the 10 years prior to the date of the current offense for:
 - Driving under the influence of intoxicants in violation of ORS 813.010, or its statutory counterpart in another jurisdiction.
 - A driving under the influence of intoxicants offense in another jurisdiction that involved the impaired driving or operation of a vehicle, an aircraft or a boat due to the use of intoxicating liquor, cannabis, a controlled substance, an inhalant or any combination thereof.
 - An offense in another jurisdiction that involved driving or operating a vehicle, an aircraft or a boat while having a blood alcohol content above that jurisdiction’s permissible blood alcohol content.

SB 755 – Ballot Measure 110 Implementation

Effective Date: July 19, 2021	2021 Oregon Laws Site: Chapter 591
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SB 755 addresses the need for statutory changes to implement Ballot Measure 110 and includes the following key provisions:

- Clarifies the use of presumptive field tests in Class E violation proceedings.
- Limits jurisdiction over E violation citations to circuit courts.
- Requires cited individuals to complete a “screening” rather than an “assessment” and defines “screening.”
- Creates an electronic process for verification of a completed screening to be sent to the Oregon Judicial Department.
- Requires the court to dismiss an E violation citation upon receiving verification that the person has obtained a screening through a Behavioral Health Resource Network, including the telephone hotline described in section 23 or any other equivalent or more intensive treatment contact, within the specified time period.
- Specifies \$100 as the presumptive fine and \$45 as the minimum fine for Class E violation citation.
- Requires officers to provide information on how to obtain screening when issuing E violation citations and specifies that the requirement may be satisfied by providing the person with the number for the telephone hotline.
- Specifies that failure to pay a fine on a Class E violation is not a basis for further penalties or for a term of incarceration
- Creates a process for juveniles to handle their citations through the juvenile system.
- Re-inserts penalties for unlawful possession of a substantial quantity of controlled substances subject to ORS 475.900 by specifying that:
 - unlawful possession of a controlled substance in Schedule I is a Class A misdemeanor if the person possesses:
 - Forty or more user units of a mixture or substance containing a detectable amount of lysergic acid diethylamide; or
 - Twelve grams or more of a mixture or substance containing a detectable amount of psilocybin or psilocin.

- Unlawful possession of a controlled substance in Schedule II is a Class C felony if:
- The possession is a commercial drug offense under ORS 475.900 (1)(b); or
- The person possesses a substantial quantity under ORS 475.900 (2)(b).
- Unlawful possession of a controlled substance in Schedule 1 is a Class B felony if:
- The possession is a commercial drug offense under ORS 475.900 (1)(b); or
- The person possesses a substantial quantity under ORS 475.900 (2)(b).
- Corrects the omission of hydrocodone from drug penalty statutes and classifies the penalty for unlawful possession of hydrocodone as a;
 - Class E violation
 - Class A misdemeanor if:
 - The possession is a commercial drug offense under ORS 475.900 (1)(b); or
 - The person possesses 40 or more pills, tablets, capsules or user units of a mixture or substance containing a detectable amount of hydrocodone.
- Restores enhanced penalties for unlawful possession of a substantial quantity of a controlled substance for methadone, oxycodone, heroin, 3,4-methylenedioxymethamphetamine, cocaine, and methamphetamine.
- Delineates substantial quantities of fentanyl for purposes of the statute including;
- For delivery or manufacture of a controlled substance, five grams or more of a mixture or substance containing a detectable amount of fentanyl, or any substituted derivative of fentanyl as defined by the rules of the Oregon Board of Pharmacy.
- Adding possession, delivery or manufacture of fentanyl to the list of factors used to establish a commercial drug offense and defining substantial quantity as three grams or more of a mixture or substance containing a detectable amount of fentanyl, or any substituted derivative of fentanyl as defined by the rules of the Oregon Board of Pharmacy
- Creates a process for prosecuting attorneys, with consent of defendant, to dispose of not yet adjudicated cases that would have been E violations after February 1, 2021.
- Prohibits the use of ORS 153.992 and ORS 153.064 to prosecute or arrest individuals who fail to appear for E violation-related proceedings.
- Changes the term "Addiction Recovery Center" or "ARC" to "Behavioral Health Resource Network" (BHRN) and requires one complete BHRN to be operational per county.
- Clarifies that a complete BHRN may consist of a single entity or multiple entities providing services in conjunction or separately, and that individual entities within a BHRN do not need to provide all service elements of a BHRN.
- Allows entities jointly to apply for funding.
- Expands services required to be provided by complete BHRNs to include substance use disorder treatment, housing, and harm reduction services, in addition to screenings, assessments, intervention plans, peer counseling, and mobile outreach services.
- Removes the sunset on the Oregon Health Authority (OHA) screening phone hotline and specifies that the phone hotline must provide the same screenings as BHRNs and send verification of screening to the judicial department.
- Clarifies that the BM 110 fund is the payor of last resort.
- Expands the ability to disburse funding to include grants and other funding.
- Changes the quorum rules for the Oversight and Accountability Council (OAC) created by BM 110 to two-thirds of the members of the council, rounded up to the next odd number of members.

- Adds the Director of the Alcohol and Drug Policy Commission or the director’s designated staff person, as a nonvoting member and designates the representatives on the commission from the Oregon Health Authority and Health Systems Division Behavioral Health Services as a non-voting member.
- Directs the Oversight and Accountability Council to prioritize funding to community-based organizations serving communities most impacted by the war on drugs.
- Clarifies that tribes and tribal-affiliated organizations can receive grant funding.
- Removes language that allowed funding for government entities only if no applicants were community-based organizations.
- Directs OHA to publish information on grant recipients and to report to legislature quarterly.
- Requires OAC members to abide by ethical rules under Oregon Revised Statutes Chapter 244 including reporting requirements, methods of handling conflicts, and filing annual statements of economic interest.
- Requires a real-time audit and financial review to be conducted by the Secretary of State, in addition to traditional auditing requirements.
- Directs the audits to examine specific data on implementation and enforcement, treatment services, functioning of the OAC and OHA, and individual outcomes of persons cited under the Act.

❖ BEHAVIORAL HEALTH/COMMITMENT/FITNESS TO PROCEED

HB 2417 – Crisis Stabilization Services Expansion

Effective Date: July 27, 2021	2021 Oregon Laws Site: Chapter 617
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SB 2417 includes the following key provisions:

Crisis Stabilization Centers

- Directs the Oregon Health Authority to adopt by rule requirements for crisis stabilization centers that, at a minimum, require a center to:
 - Be designed to prevent or ameliorate a behavioral health crisis or reduce acute symptoms of mental illness or substance use disorder, for individuals who do not require inpatient treatment, by providing continuous 24-hour observation and supervision;
 - Be staffed 24 hours per day, seven days per week, 365 days per year by a multidisciplinary team capable of meeting the needs of individuals in the community experiencing all levels of crisis
 - Have a policy prohibiting rejecting patients brought in or referred by first responders, and have the capacity, at least 90 percent of the time, to accept all referrals;
 - Have services to address substance use crisis issues;
 - Have the capacity to assess physical health needs and provide needed care and a procedure for transferring an individual, if necessary, to a setting that can meet the individual’s physical health needs if the facility is unable to provide the level of care required;
 - Offer walk-in and first responder drop-off options;

- Screen for suicide risk and complete comprehensive suicide risk assessments and planning when clinically indicated;
- Screen for violence risk and complete more comprehensive violence risk assessments and planning when clinically indicated;

Crisis Hotline Center:

- Directs the Oregon Health Authority to establish a crisis hotline center to receive calls, texts and chats from the 9-8-8 suicide prevention and behavioral health crisis hotline and to provide crisis intervention services and crisis care coordination anywhere in this state 24 hours per day, seven days per week. The crisis hotline center shall:
 - Have an agreement to participate in the National Suicide Prevention Lifeline network.
 - Meet National Suicide Prevention Lifeline requirements and best practices guidelines for operational and clinical standards and any additional clinical and operational standards prescribed by the authority. Record data, provide reports and participate in evaluations and related quality improvement activities.
 - Establish formal agreements to collaborate with other agencies to ensure safe, integrated care for people in crisis who reach out to the 9-8-8 suicide prevention and behavioral health crisis hotline.
 - Contact and coordinate with the local community mental health programs for rapid deployment of a local mobile crisis intervention team and follow-up services as needed.
 - Utilize technologies, including chat and text applications, to provide a no-wrong-door approach for individuals seeking help from the crisis hotline and ensure collaboration among crisis and emergency response systems used throughout this state, such as 9-1-1 and 2-1-1, and with other centers in the National Suicide Prevention Lifeline network.
 - Establish policies and train staff on serving high-risk and specialized populations, including but not limited to lesbian, gay, bisexual, transgender and queer youth, minorities, veterans and individuals who have served in the military, rural residents and individuals with co-occurring disorders.
 - Prescribes policies, training and staff requirements for purposes of implementation.
 - Provides that crisis stabilization services provided to individuals accessing the 9-8-8 suicide prevention and behavioral health crisis hotline shall be reimbursed by the authority, coordinated care organizations or commercial insurance, depending on the individual’s insurance status.

Local Government Services:

- Requires the Oregon Health Authority, in consultation with local community mental health programs, to the extent funding is available, require each community mental health program to provide crisis stabilization services to individuals contacting the 9-8-8 suicide prevention and behavioral health crisis hotline who need crisis stabilization services in the community by enhancing and expanding the use of mobile crisis intervention teams.
 - A city may request funding from a county to establish and maintain one or more mobile crisis intervention teams.
 - Mobile crisis intervention teams must operate in compliance with rules adopted by the authority.

Statewide Coordinated Crisis Services System Report:

- Requires the Oregon Health Authority, no later than January 1, 2022, to report to the interim committees of the Legislative Assembly related to mental or behavioral health, recommendations on policies, legislative changes, if any, and funding to implement the National Suicide Hotline Designation Act of 2020 and establish a statewide coordinated crisis services system.
- Requires the report to address: establishment of the crisis hotline center, access to adequate mobile crisis intervention teams statewide, statewide access to crisis stabilization centers; and access to other crisis services, including peer respite centers, behavioral health urgent care walk-in centers or other services for specific populations.
- Requires OHA report findings to Legislative Assembly by September 15, 2022.

Funding Appropriations

- Appropriates the following to the Oregon Health Authority, for the biennium beginning July 1, 2021:
 - \$5,000,000, which may be expended for costs associated with the crisis hotline center established in section 2 of this 2021 Act;
 - \$10,000,000, for distribution to counties to establish and maintain mobile crisis intervention teams.

HB 2980 – Peer Respite Center Services and Funding

Effective Date: July 27, 2021	2021 Oregon Laws Site: Chapter 626
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HB 2980 includes the following key provisions:

- Directs the Oregon Health Authority to provide funding to peer-run organizations to operate three peer respite centers. Specifies that peer respite centers should be located in Portland metropolitan area, southern Oregon region, and eastern Oregon region.
- Requires the peer-run organizations to allow OHA to access peer respite centers for investigations and assessments.
- Defines "peer respite services," "peer-run organization," and "peer support."
- Requires at least one of the peer respite centers to participate in a pilot project designed specifically to provide culturally responsive services to a community of color.
- Allocates \$4.5 million in General Fund money to provide \$750,000 to each peer respite center each year of the biennium.
- Declares emergency, effective on passage.

SB 72 – Provider Authority to Disregard Patients Wishes re Mental Health Treatment

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 33
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SB 72 includes the following key provisions:

- Senate Bill 72 allows a physician or mental health service provider to act contrary to the treatment indicated in a declaration of mental health treatment for a person committed under the extremely dangerous person standard.
- The measure requires the same criteria be met as for treatment of a person civilly committed.
- The measure includes the cost of outpatient services within the calculation of current cost of care for persons who are or were at the Oregon State Hospital.

SB 200 – District Attorney Policies re Guilty Except Insanity Dispositions

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 329
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SB 200 Requires the district attorney in each county to develop and adopt written policies regarding guilty except for insanity (GEI) dispositions. Requires the policies to be available to the public by December 1, 2022.

SB 205 – Authority to Commit Extremely Dangerous Mentally Ill During Pendency of Petition

Effective Date: July 14, 2021	2021 Oregon Laws Site: Chapter 482
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SB 205 includes the following key provisions:

- Authorizes the courts to detain an individual who is alleged to be extremely dangerous while the civil commitment petition is pending.
- States that the venue for initiation of commitment proceedings by the district attorney (DA) for extremely dangerous persons with mental illness is proper in the county of the qualifying act or the county of residency.
- Permits the DA to provide to the state hospital notice of intent to file a petition and allows the state hospital to delay discharge of the person for up to seven judicial days to allow the petition to be filed and the court to make findings.
- Requires the court, upon receipt of the petition, to schedule a hearing, and if the person is in custody, the hearing must commence within 30 days of the filing date, unless the court finds good cause.
- Defines "good cause as:
 - The person who would be considered the victim of the act, if the act were criminally prosecuted, or an essential witness for either the state or the person, is unable to testify within the 30-day period.

- The attorney for the person cannot reasonably be expected to participate in the hearing within the 30-day period, cannot be adequately prepared to represent the person at the hearing within the 30-day period, or has a schedule conflict that cannot be resolved in a manner that allows the attorney to represent the person at a hearing within the 30-day period.
- An examiner cannot be appointed to conduct the examination, or conduct the examination and prepare a report, within the 30-day period.
- If a guardian “ad litem” is appointed on the case, the guardian ad litem cannot be prepared for a hearing within the 30-day period.
- Allows the court to order that a person be committed to the custody of the state hospital or secure mental health facility during the pendency of the petition if certain factors are met; requires that placement must comply with constitutional due process rights and that commitment may not exceed 60 days.
- Provides timelines and requirements for when a person is held at a secure facility that is not the state hospital or a secure mental health facility.
- Provides direction for cases where the hearing does not occur within 60 days.
- Provides direction to the court for instances when a court commits a person and the person has pending criminal charges.
- Modifies the venue for recertification of extremely dangerous persons, and directs the venue for filing of the certificate of recommitment to the county in which the person was originally committed.
- States that while a hearing is pending regarding a person contesting an additional period of commitment to the Psychiatric Security Review Board (PSRB), the person remains under jurisdiction of the PSRB, and that the hearing must occur as soon as possible, but no later than 60 days from the date of the hearing request, unless the person requests a postponement.
- Changes language from "mental disorder" to "qualifying mental disorder" relating to commitment of extremely dangerous persons with mental illness.
- Allows for hearings to be conducted via simultaneous electronic transmission.
- Declares emergency, effective upon passage.

SB 206 – Modified Court Procedures – Guilty Except for Insanity Conditional Release

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 483
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SB 206 includes the following key provisions:

- Requires a defendant, after being found guilty except for insanity, to provide notice to specified parties of intent to request conditional release.
- Modifies requirements for the court in determining whether a person should be conditionally released.
- Directs the court to take certain actions depending on the seriousness of the offense.
- After a court-ordered mental health consultation, if the outcome indicates the necessary supervision and treatment are available in the community and appropriate for the person, requires the local mental health program to evaluate the person to determine whether the person can be adequately controlled with supervision and treatment if conditionally released.

- Directs the program to report its recommendations to the court and the Psychiatric Security Review Board (PSRB).
- Establishes timelines for the court to notify the PSRB of placing a person on conditional release and for the PSRB to hold a review hearing.
- Directs the PSRB to establish, by rule, standards for the mental health consultations and evaluations.

SB 295 – Fitness to Proceed Definitions

Effective Date: June 23, 2021	2021 Oregon Laws Site: Chapter 395
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SB 295 restructures the aid and assist statutes to effectuate the intent of SB 24 (2019) to increase the use of community-based services for competency restoration. The measure includes the following key provisions:

- Modifies procedures and criteria for committing a defendant charged with felony to state mental hospital or other facility in order to gain or regain fitness to proceed.
- Requires the court to find that the defendant requires hospital level of care due to public safety concerns or acuity of symptoms of the defendant’s mental disorder and that appropriate community restoration services are not provided before committing a defendant to the state hospital.
- Modifies procedures and criteria for committing a defendant charged with a misdemeanor to the state mental hospital or other facility in order to gain or regain fitness to proceed by requiring:
 - A recommendation from a certified evaluator that the defendant requires hospital level of care and a statement from the community mental health program director concerning available community restoration services, or
 - The court to make certain findings concerning the severity of the defendant’s symptoms, public safety concerns and whether appropriate community restoration services are provided.
- Modifies procedures when circumstances authorizing commitment of a defendant no longer exist. Establishes timelines under which evaluations of a defendant must be performed and the results of which must be provided to the court ordering commitment.
- Establishes a timeline for a treatment facility to provide progress reports on a defendant's treatment status to the court.
- Provides that if a defendant is charged with felony, the superintendent of the state mental hospital or the director of a facility to which the defendant is committed may notify the court when hospital level of care is no longer necessary.
- Requires the superintendent or director to notify the court when specified circumstances have changed for a defendant charged with misdemeanor.

- Authorizes a community mental health program director to notify the court if community restoration services become available for a committed defendant charged with felony or misdemeanor.
- Establishes criteria and a timeline for court consideration of a defendant's release into the community when hospital level care is no longer necessary.
- Provides that documents related to involuntary medication of a defendant are confidential and may be made available only to specified parties.

SB 565 – Modification of definition of “slayer” for Guilty Except for Insanity

Effective Date: May 21, 2021	2021 Oregon Laws Site: Chapter 81
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SB 565 Includes a person who is found guilty or responsible for taking a person’s life except for insanity to the definition of “slayer” for purposes of prohibiting such a person from gaining a monetary benefit, such as receiving an inheritance or based on their status as a beneficiary of an insurance policy. Oregon law prohibits a person who, with felonious intent, takes the life of another from collecting on insurance policies where the slayer was named the beneficiary. A slayer is also treated as having pre-deceased the slain person and so cannot inherit from that person.

❖ CORRECTIONS – JAILS - PAROLE & PROBATION

HB 3035 – Health Care Services to Adults in Custody in Local Correctional Facilities

Effective Date: July 19, 2021	2021 Oregon Laws Site: Chapter 543
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HB 3035 includes the following provisions:

- Establishes an 11-member Task Force on Corrections Medical Care charged with conducting a review of:
 - The process by which adults in custody of the Department of Corrections file grievances concerning access to and the provision of medical care;
 - The current medical care standards of care in DOC to determine whether the standards align with the right of adults in custody to community-level medical care; and
 - The timelines and goals for the adoption of an electronic health records system by DOC.
- The Task Force is required to submit a report to the Legislature by September 15, 2022. The Task Force sunsets on June 30, 2023.
- Beginning December 31, 2021 and every six months thereafter, DOC is required to report to the interim committees of the Legislative Assembly related to the judiciary and health care the following information:
 - The Department’s progress on the adoption of an electronic health records system;

- The number of grievances filed by adults in custody concerning the provision of medical care;
- The medical services available to adults in custody within department facilities; and, if applicable,
- The progress and impact of a DOC program that assigns health care navigators to adults in custody.
- Directs DOC, in consultation with the Oregon Health Authority, to report to the interim committees of the Legislative Assembly related to the judiciary and health care by December 31, 2022 the health outcomes concerning all adults in the DOC custody.
- Requires DOC to use existing staff and resources to participate on the Task Force and to comply with reporting requirements.

HB 3229 – Health Care Services to Adults in Custody in Local Correctional Facilities

Effective Date: September 25, 2021	2021 Oregon Laws Site: Chapter 303
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HB 3229 includes the following provisions:

- Directs the Oregon Criminal Justice Commission (CJC) to create an advisory council to work with the CJC to develop recommendations for minimum standards, policies, and procedures for the provision of health care services to adults in custody (AICs) in local correctional facilities.
- Specifies the membership of the 16-member advisory council to include representatives of a sheriffs’ organization, a county counsels’ organization; a chief administrator at a local correctional facility; a person who provides health care services to adults in custody at a local correctional facility, representatives of advocacy organizations along with two members of the Oregon Legislative Assembly (a state representative and state senator).
- The recommendations developed by the advisory council must include:
 - Qualifications and licensure requirements for health care professionals;
 - Access by adults in custody to a health care professional who is authorized to prescribe pharmaceutical medications;
 - Staffing levels and round-the-clock, on-call health care services;
 - Protocols to ensure timely transfer and continuity of care for adults in custody to and from a hospital following a determination by a health care professional that treatment at a hospital is medically necessary;
 - Screening health care needs of adults in custody;
 - Scheduling and administering appointments, including follow-up appointments, with health care professionals;
 - Establishing an appropriate, confidential space for the provision of health care services to adults in custody; and

- Any pilot project or tiered implementation the commission and advisory council deem worthy of consideration.
- Requires the CJC, in consultation with the advisory council, to develop recommendations for the establishment of a permanent independent commission to exercise on an ongoing basis the duties and responsibilities of periodically updating and optimizing minimum standards, policies and procedures for the provision of health care services to adults in custody in local correctional facilities. The recommendations must include, but are not limited to:
 - The name of the permanent independent commission;
 - The number, term and qualifications of members on the permanent independent commission;
 - The appointing authority for each member of the permanent independent commission;
 - The executive agency, if any, under whose auspices the permanent independent commission will be established;
 - Protocols for conducting business and holding meetings; and
 - The frequency at which the permanent independent commission must report to the Legislative Assembly recommendations to update and optimize minimum standards, policies and procedures for the provision of health care services to adults in custody at local correctional facilities.
- Requires the CJC to present recommendations for the minimum standards identified, including cost estimates for statewide implementation and possible funding sources to cover those costs, and recommendations for the establishment of a permanent independent commission along with any national best practices, promising local practices and recommended legislative changes, in a report to the interim committees of the Legislative Assembly related to the judiciary on or before September 15, 2022.

HB 3273 – Release of Booking Photos

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 374
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HB 3273 includes the following key provisions:

- Prohibits the release of a booking photo by a law enforcement agency to anyone except to:
 - The person in the booking photo;
 - Another law enforcement agency for a law enforcement purpose;
 - The public upon a determination that there is a law enforcement purpose for the release;
 - A state mental hospital upon admission related to the arrest;
 - A party or victim in the case for which the booking photo was obtained; or
 - The public upon a conviction resulting from the arrest from which the booking photo was obtained.

- Requires a publish-for-pay publication to remove and destroy a booking photo image upon request.
- Specifies fees a publication can require and civil damages that can be imposed for failure to remove an image.
- Provides that a publisher conditioning removal of an image upon payment of fee by person acquitted, not prosecuted, or who has had their conviction set aside, vacated, or pardoned, can be prosecuted for theft by deception under ORS 164.085.

SB 19 – Transfer of Warner Creek Correctional Facility to Lake County if Closed

Effective Date: July 27, 2021	2021 Oregon Laws Site: Chapter 642
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SB 19 includes the following key provisions:

- Directs the Department of Corrections (DOC) to transfer the title of the Warner Creek Correctional Facility to Lake County no later than 180 days after all adults have been transferred to another facility and DOC provides the county with written notice of the closure.
- Includes in the transfer the state's interest in mineral or geothermal resources and all fixtures installed in the facility except for those fixtures DOC determines are appropriate for transfer to another institution or facility.
- Permits DOC to withdraw the offer if it is not accepted within 30 days.
- Requires the county to bear transaction and closing costs, and to provide notice to the Department of Administrative Services of any subsequent sale, transfer, or nongovernmental use of the property for the duration of the period during which any state-issued bonds remain outstanding.
- Allows the county to amend its land use regulations under certain conditions.
- Allows the Department of Corrections to partition the real property including and adjacent to the Two Rivers correctional Institution to create a parcel of roughly 140 acres of unimproved real property.
- Allows the Department so sell, exchange, lease, gift, or otherwise dispose of the property.
- If asked, the Department of Administrative Services shall assist with the disposition of the property.
- Provides that the transfer provisions of the act are repealed on January 2, 2024

SB 234 – Stakeholder Group to Serve Adults in Custody Eligible for Student Grants

Effective Date: June 15, 2021	2021 Oregon Laws Site: Chapter 332
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SB 234 includes the following key provisions:

- Directs the Higher Education Coordinating Commission (HECC) to convene a group of specified stakeholders to conduct a study and develop recommendations for serving adults in custody who are eligible to receive federal student (Pell) grants.
- Requires stakeholder group to provide results and recommendations to interim legislative committees by December 31, 2021.
- Sunsets the stakeholder group on June 30, 2022.

SB 836 – DOC Alternatives Before Suspending Alternative Incarceration Program

Effective Date: July 14, 2021	2021 Oregon Laws Site: Chapter 501
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SB 836 includes the following key provisions:

- Directs the Department of Corrections (DOC) to establish a process for regular communication with adults in custody (AIC) participating in alternative incarceration programs regarding program changes.
- Requires that alternative incarceration programs be trauma-informed and gender-responsive.
- Requires DOC to consider all alternative options before suspending or terminating an alternative incarceration program in its entirety for more than five consecutive days.
- Requires DOC to report to the committees of the Legislative Assembly related to the judiciary within 30 days of DOC suspending or terminating an alternative incarceration program.
- Requires DOC to regularly report data to the committee concerning interruptions to alternative incarceration programs and delays in release resulting from interruptions of programs.

SJR 10 – Constitutional Amendment to Prohibit Slavery & Involuntary Servitude

Filed with Secretary of State: June 26, 2021	Next General Election
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SJR 10 proposes an amendment to the Oregon Constitution that is referral to Oregon voters. The referral includes the following key provisions:

- Proposes an amendment to the Oregon Constitution to remove language allowing slavery and involuntary servitude for punishment of a crime when a party has been duly convicted.
- Refers the proposed amendment to the people for approval or rejection at the next regular general election.

- States that upon conviction for a crime, a convicted person may be ordered by a court or probation or parole agency to engage in alternatives to incarceration as part of sentencing for a crime, to provide accountability, reformation, protection of society or rehabilitation.
- States that individuals who are convicted of a crime benefit from being fully engaged in productive activity, and that those who are incarcerated and perform labor, participate in training or educational opportunities develop motivation, work capabilities, and cooperation.
- States that section 41 of the Oregon Constitution authorizes compensation for labor, and that the purpose of this constitutional amendment is not to withdraw opportunities, but to work in tandem with section 41, while removing the stain of slavery and involuntary servitude from the state.

❖ COURTS

HB 2176 – Court Elimination of Judgement Added Fee Collection Requirement

Effective Date: September 25, 2021	2021 Oregon Laws Site: Chapter 215
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HB 2176 includes the following key provisions:

- Removes the \$50 minimum fee added to judgments with monetary obligations that the court is charged with collecting.
- Retains the \$200 maximum fee.
- Changes the authority of the Chief Justice to authorize or direct courts and components of the judicial branch to waive or suspend fees.
- Prohibits compromise on restitution or a compensatory fine in a criminal monetary judgment but allows compromise on other portions of a judgment.

SB 296 – Authority of Chief Justice during Period of Statewide Emergency

Effective Date: June 8, 2021	2021 Oregon Laws Site: Chapter 199
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SB 296 includes the following key provisions:

- Authorizes the Chief Justice, during a period of statewide emergency as defined by the measure, and upon a finding of good cause, to extend or suspend any time period or time requirement established by statute or rule for certain proceedings.
- Provides that, during a period of statewide emergency, criminal citations may include a date to appear in court more than 30 days from the date the citation was issued.
- Provides that the presiding judge of a circuit court may, upon the motion of a party or the court’s own motion, postpone the date of appearances for all proceedings described in the measure within the jurisdiction of the court, if the court finds good cause.

- Extends sunset, from December 31, 2021, to December 31, 2022, on provisions granting the Chief Justice of the Supreme Court and a presiding judge of a circuit court certain authority during an emergency related to COVID-19, including the authority to extend custody and postpone criminal trials upon a finding of good cause and within specified limits.

SB 497 – Court Judgement Document – Misdemeanor DV Supervision

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 581
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SB 497 includes the following key provisions:

- Requires the court to ensure that when a person is convicted of certain crimes involving domestic violence, the judgment document reflects that the conviction qualifies as a designated person misdemeanor as defined by the measure.
- Provides that a county, for purposes of grant-in-aid funding from the Department of Corrections for community corrections, is responsible for supervision, sanctions, and services for offenders convicted of designated person misdemeanors.
- States that a person convicted of certain designated person misdemeanors qualifies for earned reduction to term of probation.
- Defines “Designated person misdemeanor” to mean:
 - Assault in the fourth degree constituting domestic violence if the judgment document is as described in ORS 163.160 (4);
 - Menacing constituting domestic violence if the judgment document is as described in ORS 163.190 (3); or
 - Sexual abuse in the third degree under ORS 163.415.

❖ CRIMES AND VIOLATIONS

SB 398 – Crime of Intimidation by Display of a Noose

Effective Date: January 1st, 2022	2021 Oregon Laws Site: Chapter 276
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SB 398 includes the following key provisions:

- Creates the Class A misdemeanor crime of intimidation by display of a noose.
- Punishes by maximum of 364 days’ imprisonment, \$6,250 fine, or both.
- Provides that a person commits the crime of intimidation by display of a noose if:
 - The person, with the intent to intimidate another person or place another person in fear of imminent bodily harm, knowingly places a noose:
 - On public property; or

- On private property without the written consent of the property owner;
 - The other person is intimidated or placed in fear of imminent bodily harm by the display; and
 - A reasonable person would be intimidated or placed in fear of imminent bodily harm by the display.
- Defines noose as a tied loop in the end of a length of rope or cord.
- Defines intimidate as threatening another person in a manner that compels or deters the other person’s conduct.

SB 803 – Catalytic Converter Theft Legislation

Effective Date: January 1st, 2022	2019 Oregon Laws Site: Chapter 412
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SB 803 includes the following key provisions designed to address the growing problem of catalytic converter theft:

- Prohibits a scrap metal business from purchasing or receiving catalytic converters except from a commercial seller or from an owner of a vehicle from which the catalytic converter was removed.
- Prohibits a scrap metal business from paying for catalytic converters in a form other than electronic funds transfer, credit card, debit card, stored value card or device, or check which prohibits the payment using cash or cryptocurrency.
- Specifies when the payment from a scrap metal business can be made, depending on the form of payment including:
 - For an electronic funds transfer, credit card transaction or debit card transaction, payment can be immediate.
 - For other authorized forms of payment, not earlier than three business days after the date of the purchase.
- Prohibits a dismantler from acquiring a catalytic converter that has been removed from a vehicle and offered for sale as an independent item.
- Establishes the offense of unlawfully purchasing or receiving metal property if a person:
 - Conducts a private metal property transaction or purchases or receives private metal property without holding a license required by state law or local ordinance to engage in all applicable business activity,
 - Fails to create a metal property record under ORS 165.117 when purchasing or receiving private metal property or fails to properly maintain metal property records related to private metal property,
 - Purchases or receives private metal property at any place other than a fixed place of business for either the scrap metal business or the commercial seller,
 - Purchases or receives private metal property if the person is not, or is not an agent or employee of, a business enterprise with a fixed place of business.

- Fails to report to a law enforcement agency within 24 hours designated information
- Modifies the defense to a charge of unlawfully transporting metal property.
- Requires a scrap metal business to create a transaction record that includes the specific description of catalytic converters included in the transaction, and to include the VIN and a copy of the title or registration for the vehicle from which a catalytic converter was removed.
- Expands the content of records that must be created as part of a commercial account for all metal property transactions, with additional information when catalytic converters are part of the transaction.
- Requires record signatories to affirm under penalty of law that the information provided and reflected on the record is true and accurate.
- Requires a dismantler to maintain records regarding the sale or disposal of a catalytic converter.
- Authorizes the Department of Transportation to issue a \$1000 fine to a dismantler that acquires a catalytic converter or a component of a catalytic converter, that has been removed from a vehicle and is offered for sale as an independent item, separate and distinct from a vehicle acquisition, whether individually or as part of a bundle, bale or in other bulk form.
- Provisions apply to conduct occurring on or after the effective date of the measure.

❖ CRIMINAL RECORDS CHECKS

HB 2132 – Criminal Records Checks Provision Modification

Effective Date: June 11, 2021	2021 Oregon Laws Site: Chapter 213
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HB 2132 includes the following key provisions:

- Allows an authorized agency (as defined in ORS 174.111 and the Oregon State Bar) to request that the Department of State Police (OSP) conduct a fingerprint-based criminal records check on a person who is a contractor or vendor who provides services to the agency when access to criminal offender information is required to perform a noncriminal justice administrative functions for the agency.
- Requires an authorized agency to conduct a fitness determination for contractors and vendors in coordination with the department.
- Removes the requirement that a criminal records check include a name-based check of the national sex offender registry, if requested by the agency.
- Requires an employee, contractor, or vendor to meet the security background check requirements of the Federal Bureau of Investigation (FBI) in order to have unescorted access to criminal offender information.
- Allows OSP to retain fingerprint cards returned by the FBI for data security purposes.

❖ CROWD CONTROL/CIVIL DISTURBANCE

HB 2481 – Military Equipment Procurement Restrictions

Effective Date: September 25, 2021	2021 Oregon Laws Site: Chapter 225
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HB 2481 includes the following key provisions:

- Prohibits a law enforcement agency from receiving the following property from a military surplus program operated by the federal government:
 - Unmanned aircraft systems that are armored or weaponized;
 - Aircraft that are combat-configured or combat-coded;
 - Grenades or similar explosives, or grenade launchers; or
 - Firearms silencers.
- Provides that a law enforcement agency purchasing allowable property from a military surplus program may only use state or local funds, and may not use federal funds for the purchase.
- Authorizes a law enforcement agency to purchase surplus military property, that isn't otherwise prohibited, if the following requirements are satisfied:
 - For Local law enforcement agencies with jurisdiction over a municipality or tribal lands, requires written approval from the governing body of the municipality or tribal lands for receipt of the property.
 - For County Sheriff's Offices: requires sheriff's office to notify the board of county commissioners or county court in writing at least 5 days before requesting the property. Requires written notice to include information about the type of equipment requested, the estimated cost savings to the county if the request is granted, the estimated costs of refurbishing or repairing the equipment and the intended use by the sheriff for the property.
 - For a law enforcement agency within a state agency or special government body, including the Department of Justice, requires written approval from the director, or the person in a position equivalent to a director, of the state agency or special government body.
 - For a law enforcement agency that is a state agency,
- Requires written approval from the person or entity with the authority to appoint and remove the director, or the person in a position equivalent to a director, of the state agency.
- Requires a law enforcement agency requesting property from a military equipment surplus program to public notice of the request on a publicly accessible website within 14 days after the request.

HB 2928 – Chemical Incapacitants and Kinetic Impact Projectiles Regulation

Effective Date: July 19, 2021

2021 Oregon Laws Site: Chapter 540

HB 2928 includes the following key provisions:

- Defines chemical incapacitant, key component of a binary or multicomponent chemical system, kinetic impact projectile, law enforcement agency, precursor, and toxic chemical for purposes of the measure.
- Prohibits a law enforcement agency from using a chemical incapacitant for crowd control, except when:
 - The circumstances constitute a riot as defined in ORS 166.015; and
 - The officer using the chemical incapacitant reasonably believes, when and to the extent the chemical incapacitant is used, that the use of the chemical incapacitant is necessary to terminate and prevent furtherance of riotous behavior.
- Prohibits a law enforcement agency from using a kinetic impact projectile for crowd control that intentionally targets the head of a person, except against an individual engaged in conduct justifying the use of deadly force by a police officer.
- Prohibits a law enforcement agency from using a sound device for crowd control for any purpose other than announcements. When possible, a law enforcement agency shall provide announcements for crowd control both audibly and visibly.
- When using chemical incapacitants, kinetic impact projectiles or sound devices, a law enforcement agency shall do the following when it is safe to do so:
 - Attempt to take injured persons to safety or allow injured persons to seek medical help
 - May not prevent emergency medical services from reaching injured persons
 - Take reasonable action to accommodate disabilities when issuing or enforcing orders to disperse.
 - Inform federal law enforcement agencies of the requirements
- Prohibits a law enforcement agency or a person acting on behalf of a law enforcement agency from:
 - Using a proxy law enforcement agency to enact measures that a court or state has barred the law enforcement agency from using.
 - Act in concert with another law enforcement agency to engage in misconduct barred by a court order or statute.
- Provides that a violation of the prohibition on using a proxy or acting in concert with another agency in contradiction to a court order or statute constitutes official misconduct in the second degree.

HB 3059 – Unlawful Assembly Law Modernization

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 250
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HB 3059 includes the following key provisions:

- Currently, ORS 131.675 directs local authorities to go amongst any unlawfully or riotously assembled group and command them to disperse. If the group does not immediately disperse after being commanded to do so, the local authorities shall go among the persons assembled and shall arrest them or cause them to be arrested.
- House Bill 3059 A amends ORS 131.675 to allow officials to go among the persons assembled and order the persons to disperse and removes the requirement to arrest persons who fail to disperse as ordered.

HB 3164 – Interfering with a Peace Officer or Parole Officer – Crime Modification

Effective Date: June 11, 2021	2021 Oregon Laws Site: Chapter 254
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HB 3164 includes the following key provisions:

- Removes the refusal to obey a lawful order by a peace officer as an element constituting the crime of interfering with a police officer.
- Provides that a crime of interfering with a police officer occurs when a person intentionally or knowingly acts in a manner that prevents, or attempts to prevent, the peace officer or parole and probation officer from performing the lawful duties of the officer with regards to another person or a criminal investigation.
- Prohibits the arrest of a person for the crime of interfering with a peace officer if the person is arrested or charged for another offense based on the same conduct.

HB 3355 – Crowd Management Uniforms/Officer Identification

Effective Date: June 15, 2021	2021 Oregon Laws Site: Chapter 306
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HB 3355 includes the following key provisions:

- Defines “crowd management” as a public security practice in which large crowds of 50 persons or more are managed to prevent the outbreak of crowd crushes, affrays, fights or riots.
- Specifies what identification must be on a law enforcement officer's uniform and gear during crowd management situations in cities with populations over 60,000.
- Directs law enforcement agency to adopt policy prohibiting the intentional obscuring of the required identification.

- Requires a law enforcement officer who is on duty and assigned to work crowd control in a city over 60,000 population to have:
 - The officer’s first initial and last name, or a unique identifier assigned by the officer’s law enforcement agency, affixed to the front and back of the officer’s uniform;
 - If wearing a tactical helmet and assigned a unique identifier by the officer’s law enforcement agency, the unique identifier affixed to the back of the officer’s helmet;
 - The name of the jurisdiction of the officer’s law enforcement agency and the word “POLICE,” “SHERIFF” or “TROOPER” on the front and back of the officer’s uniform;
 - A patch signifying the officer’s law enforcement agency affixed to one shoulder.
- Requires a law enforcement officer to provide their name and identifying number, or a business card, to a member of the public upon request if practical, safe, and tactically feasible.
- Provides process by which a member of the public can request and obtain the name and state assigned identifying number of an officer from a law enforcement agency and allows exception if officer is participating in an undercover operation.
- Exempts the Oregon State Police from provisions of the measure.
- Uniform requirements are operative 90 days after the effective date of the act (August 21, 2021).
- Provisions requiring officers to provide name & identifying number take place on June 15th, the date the Governor signed the measure.

❖ EMERGENCY MANAGEMENT

HB 2119 – Transfer of Responsibility for 2-1-1 System to Human Services Department

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 111
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HB 2119 transfers responsibility for administration of the 2-1-1 system from OEM to the Department of Human Services (DHS) and enables DHS to receive federal funds intended for administration of the 2-1-1 system.

HB 2927 – Creates the Oregon Department of Emergency Management (ODEM)

Effective Date: July 19, 2021	2021 Oregon Laws Site: Chapter 539
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HB 2927 includes the following key provisions:

- Renames the Office of Emergency Management to the Oregon Department of Emergency Management (ODEM) and establishes the Department as an independent state agency.
- Transfers all unexpended balances for the Office of Emergency Management within the Oregon Military Department to ODEM.

- Requires ODEM to coordinate emergency management functions and training related to emergency response on a regional basis.
- Requires ODEM to develop and carry out emergency preparedness statewide exercises.
- Transfers the Oregon Emergency Response System from the Department of State Police to ODEM.
- Renames the Office of the State Fire Marshal to the Department of State Fire Marshal (DSFM) and establishes the Department as an independent state agency.
- Transfers all unexpended balances for the Office of State Fire Marshal within Department of State Police to the Department of State Fire Marshal.
- Relocates the Oregon Homeland Security Council (HSC) to the Office of Governor, modifies the duties of the HSC, adds members to the HSC and allows the HSC to meet as needed to carry out the mission of the council.
- Establishes the Emergency Preparedness Advisory Council within the Office of Governor.
- Outlines the mission, duties, and membership of the Emergency Preparedness Advisory Council.
- Sunsets the Emergency Preparedness Advisory Council on January 2, 2030.
- Establishes the Local Government Emergency Management Advisory Council within ODEM and outlines the membership of the Council.
- Sunsets Local Government Emergency Management Advisory Council on January 2, 2030.
- Establishes the Task Force on Implementation (task force) and specifies that the task force consists of members from the Governor's Fire Service Policy Council.
- Requires the task force to make recommendations to the Legislative Assembly by February 1, 2022, on whether the Office of the State Fire Marshal (office) should be made an independent state agency or which state agency should house the office.
- Requires the Office of State Fire Marshal to become independent state agency by July 1, 2023. Requires transfer of Oregon Emergency Response System from Department of State Police to ODEM to take place by July 1, 2025.
- Specifies rest of measure becomes operative by July 1, 2022.

FIREARMS

SB 554 – Firearms Omnibus: Storage, Possession in Public Buildings, CHL Fees, etc.

Effective Date: September 25, 2021	2021 Oregon Laws Site: Chapter 146
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SB 554 includes the following key provisions:

Storage Requirements:

- Requires an owner or possessor of a firearm to secure the firearm any time it isn't being carried or under the control of the owner, possessor or authorized person:
 - With an engaged trigger or cable lock;
 - In a locked container; or
 - In a gun room.
- Clarifies that a firearm is not considered secured if;

- a key or combination to a trigger or cable lock or the container is readily available to a person that is not authorized by the owner or possessor to carry or control the firearm.
- The firearm is a handgun, is left unattended in a vehicle and is within view of persons outside the vehicle.
- The penalty for failing to safely store a firearm is a:
 - Class C violation, or
 - Class A violation if a minor obtains an unsecured firearm as a result of the violation and the owner or possessor of the firearm knew or should have known that a minor could gain unauthorized access to the unsecured firearm.
- Provides that each firearm owned or possessed in violation of the statute constitutes a separate violation.
- States that a firearm owner or possessor is per se negligent for injury caused by a firearm stored unsecured in violation of this Act within two years of the violation unless:
 - The injury results from a lawful act of self-defense or defense of another person; or
 - The unsecured firearm was obtained by a person as a result of the person entering or remaining unlawfully in a dwelling.
- Provides that the law does not apply to a police officer (ORS 181A.355), with respect to a particular firearm, if storage of the firearm is covered by a policy of the law enforcement agency employing the police officer and the firearm is stored in compliance with the policy.

Firearm Transfers

- Requires a person who transfers a firearm, that is subject to a required criminal background check, to transfer the firearm:
 - With an engaged trigger or cable lock; or
 - In a locked container
- Sets the penalty for failure to properly transfer a firearm is a Class C violation
- Provides that each firearm transferred in violation of the measure constitutes a separate violation.
- States that a firearm owner or possessor is per se negligent for injury caused by a firearm transferred in violation of the measure within two years of the violation unless the injury results from a lawful act of self-defense or defense of another person.
- Clarifies that the transfer requirements do not apply to:
 - The transfer of a firearm made inoperable for the specific purpose of being used as a prop in the making of a motion picture or a television, digital or similar production; or
 - A transfer that occurs when a firearm is taken from the owner or possessor of the firearm by force

Loss or Theft Reporting Requirements

- Requires a person who owns, possesses or controls a firearm to report the loss or theft of a firearm to a law enforcement agency in the jurisdiction in which the loss or theft occurred as soon as practicable but not later than within 72 hours from the time the person knew or reasonably should have known of the loss or theft.
- Provides that if a means of reporting a loss or theft of a firearm within 72 hours is not reasonably available, the person who owned, possessed or controlled the firearm that was lost or stolen must report the loss or theft within 24 hours of the means of reporting becoming available.
- Permits a person to include the serial number of the firearm in a lost or stolen firearm report.

- Sets the penalty for failure to report as directed by the measure is a Class B violation
- Provides that each firearm for which a person fails to report when lost or stolen within the required time limit constitutes a separate violation.
- Provides that a person commits the crime of initiating a false report (under ORS 162.375) if the person knowingly provides false information in a lost or stolen firearm report.
- States that a firearm owner or possessor is per se negligent for injury (to a person or property) caused by a stolen firearm that occurs within two years as a result of a failure to report a firearm in violation of this measure or until the loss or theft report is made, whichever occurs sooner.
- Provides that the presumption of negligence may not be overcome by a showing that the person acted reasonably.
- Clarifies that the presumption of negligence for failing to report does not apply if the injury results from a lawful act of self-defense or defense of another person.
- Requires a law enforcement agency to create a record concerning a lost or stolen firearm in the Law Enforcement Data System within 24 hours of receiving a report of a lost or stolen firearm unless the agency is unable to create such a record due to insufficient information.
- Authorizes the Department of State Police to adopt rules to comply with the measure requirements.

Supervision of a Minor

- Requires a person who transfers a firearm to a minor to directly supervise the minor's use of the firearm.
- States that a firearm owner or possessor is per se negligent for injury to a person or property caused by a minor's unsupervised use of a firearm in violation of the measure.
- Provides that the presumption of negligence may not be overcome by a showing that the person acted reasonably.
- Clarifies that presumption of negligence does not apply if the injury results from a lawful act of self-defense or defense of another person.
- Allows a person who transfers a firearm to a minor to delegate the duty to supervise the minor's use of the firearm to another person, with the consent of the other person and the minor's parent or guardian.
- Provides that the presumption of per se negligence for injury applies to a person assuming the duty to supervise.
- Provides exceptions for the transfer of a firearm (other than a handgun) to a minor during the time in which the minor is engaged in activities related to hunting or target shooting if;
 - The firearm is transferred to a minor in accordance with ORS 166.470 and the minor is the owner of the firearm as a result of the transfer; or
 - The firearm is temporarily transferred to a minor by the minor's parent or guardian or by another person with the consent of the minor's parent or guardian, for the purpose of;
 - hunting in accordance with ORS 497.360,
 - hunting of a predatory animal as defined in ORS 610.002, or
 - target shooting at a shooting range, shooting gallery or other area designed for the purpose of target shooting.

Gun Dealer Notice Requirements

- Requires a gun dealer to post notice as described by measure of possessor’s legal obligation to store firearms in a safe manner and to prevent unsupervised access to firearm by a minor.

Regulation of Firearms in Public Buildings

- Authorizes the governing board of a public university, community college, the Oregon Health and Science University Board of Directors, or a district school board to adopt a policy providing that the affirmative defense described in ORS 166.370 (3)(g), concerning persons licensed to carry a concealed handgun under ORS 166.291 and 166.292, does not apply to the possession of firearms on the grounds of the schools controlled by the board.
- Requires the board that adopts a policy precluding the affirmative defense to;
 - Post a clearly visible sign, at all normal points of entry to the school grounds subject to the policy, indicating that the affirmative defense does not apply; and
 - Post a notice on the board’s website identifying all school grounds subject to the policy.
- Expands the definition of public building to include the passenger terminal of a commercial service airport with over one million passenger boardings per year.
- Provides that a person is guilty of a Class A misdemeanor if, in a prosecution for possession of a firearm within the Capitol, on school grounds subject to a policy adopted by a board as authorized by the act, or within the passenger terminal of a commercial service airport with over one million passenger boardings per year, the person proves by a preponderance of the evidence that the person was licensed to carry a concealed handgun at the time of the offense.
- Adds an affirmative defense for a person who possesses a firearm in the passenger terminal of a commercial service airport as defined in the measure if the firearm is unloaded and in a locked hard-sided container for the purposes of transporting the firearm as checked baggage in accordance with federal law.

Concealed Handgun Permit Fees

- Increases the fee paid to the Sheriff for the initial issuance of a concealed handgun license from \$50 to \$100 and from \$50 to \$75 for a renewal of a concealed handgun license.

❖ HOMELESSNESS

HB 2006 – Emergency Shelters/Transitional Housing and Navigation Centers

Effective Date: May 12, 2021	2021 Oregon Laws Site: Chapter 18
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HB 2006 includes the following key provisions:

Emergency Shelters

- Defines “emergency shelter” as a building or cluster of buildings that provides shelter on a temporary basis for individuals and families who lack permanent housing.
- Provides that a building or cluster of buildings used as an emergency shelter under an approval granted under section 3 of this 2021 Act or section 11, chapter 12, Oregon Laws 2020 (first special session):

- May resume its use as an emergency shelter after an interruption or abandonment of that use for two years or less, notwithstanding ORS 215.130 (7).
 - May not be used for any purpose other than as an emergency shelter except upon application for a permit demonstrating that the construction of the building and its use could be approved under current land use laws and local land use regulations.
- Provides that an approval of an emergency shelter under this measure or section 11, chapter 12, Oregon Laws 2020 (first special session) is void unless the shelter is operating within two years following the approval.
- Requires a local government to approve an application for the development or use of land for an emergency shelter, if the emergency shelter:
 - Includes sleeping and restroom facilities for clients
 - Will comply with applicable building codes
 - Is located inside and urban growth boundary or in an area zoned for rural residential use
 - Will not result in the development of a new building that is sited within an area designated under a statewide planning goal relating to natural disasters and hazards (flood plains or mapped environmental health hazards) unless the development complies with regulations directly related to the hazard;
 - Has adequate transportation access to commercial and medical services; and
 - Will not pose any unreasonable risk to public health or safety.
- Requires an emergency shelter, as defined by the measure, to be operated by:
 - A local government (ORS 174.116)
 - An organization with at least two years of experience operating an emergency shelter using best practices that is:
 - A local housing authority (ORS 456.375)
 - A religious corporation (ORS 65.001); or
 - A public benefit corporation (ORS 65.001), whose charitable purpose includes the support of homeless individuals, that has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code on or before January 1, 2018; or
 - A nonprofit corporation partnering with any other entity identified as an approved operator by the measure.
- Provides that an emergency shelter approved under the provisions of the measure:
 - May provide the following on-site for its clients and at no cost to the clients:
 - Showering or bathing;
 - Storage for personal property;
 - Laundry facilities;
 - Service of food prepared on-site or off-site;
 - Recreation areas for children and pets;
 - Case management services for housing, financial, vocational, educational or physical or behavioral health care services; or
 - Any other services incidental to shelter.
 - May include youth shelters, winter or warming shelters, day shelters and family violence shelter homes (ORS 409.290).
- Provides that an emergency shelter approved based on the provisions of this measure are authorized to provide additional services to individuals who are transitioning from unsheltered homeless status and allows the organization providing services to charge a fee of no more than

\$300 per month per client and only to clients who are financially able to pay the fee and who request the services.

- Clarifies that the approval of an emergency shelter as defined by the measure is not a land use decision and is subject to review only under ORS 34.010 to 34.100.
- Provides that the emergency shelter approval requirement/process is repealed on July 1, 2022 for applications not completed and submitted before the date of the repeal.

Enhanced Transitional Housing Accommodations Definition

- Amends the definition of “transitional housing accommodations” to include areas in parking lots or facilities for individuals or families to reside overnight in a motor vehicle, without regard to whether the motor vehicle was designed for use as temporary living quarters.
- Provides that any political subdivision may:
 - Allow any public or private entity to allow overnight camping by homeless individuals living in vehicles on the property of the entity.
 - may impose reasonable conditions upon offering camping space, including establishing a maximum number of vehicles allowed.
- Requires entities approved by a political subdivision to provide camping spaces must also provide access to sanitary facilities, including toilet, handwashing and trash disposal facilities.
- Authorizes the Oregon Housing and Community Services Department to use resources from the Emergency Housing Account for development of technical assistance and training resources for organizations developing and operating emergency shelters and transitional housing accommodations based on the measure.

Low-barrier emergency shelters:

- Defines “low-barrier emergency shelter” as an emergency shelter that follows established best practices to deliver shelter services that minimize barriers and increase access to individuals and families experiencing homelessness.
- Requires the Oregon Housing and Community Services Department to award grants and provide technical assistance to organizations to fund:
 - The construction, purchase or lease of facilities to be used as low-barrier emergency shelters;
 - The operation, use or staffing of low-barrier emergency shelters, including the costs to provide clients with access to the shelters;
 - The development or use of amenities or facilities that provide no-cost services to individuals and families who are homeless, including restroom and hygiene facilities, laundry facilities, dining facilities, storage for personal property, meeting or gathering spaces and facilities providing case management services; or
 - Rapid rehousing services and supports for individuals and families.
- Requires the Oregon Housing and Community Services Department to:
 - Ensure that funds are distributed among different region of the state; and
 - Prioritize funding areas of highest need as identified in the August 2019 Oregon Statewide Shelter Study.
 - Ensure that grants are awarded through a competitive process that emphasizes collaborative proposals; or to one or more community action agencies.

Navigation Centers

- Defines “navigation center” as a low-barrier emergency shelter that is open seven days per week and connects individuals and families with health services, permanent housing and public benefits.
- Authorizes the Oregon Department of Administrative Services to award grants to local governments to:
 - Plan the location, development or operations of a navigation center;
 - Construct, purchase or lease a building for use as a navigation center;
 - Operate a navigation center that has been constructed, purchased or leased; or
 - Contract for the performance of activities related to a navigation center.
- Requires local governments receiving a grant to return all moneys granted if the navigation center subject to the grant is not operating on or before July 1, 2022.
- The following grants were awarded to specified nonprofit organizations and local governments through HB 5042 to establish and/or operate navigation centers to assist individuals and families with access to health services, permanent housing, and public benefits. The grants were awarded as follows:
 - \$1,500,000 to the City of McMinnville for a navigation center;
 - \$1,500,000 to the City of Roseburg for a navigation center;
 - \$2,000,000 to Bybee Lakes Hope Center for a navigation center;
 - 2,500,000 to the City of Bend for a navigation center;
 - \$2,500,000 to the City of Medford for a navigation center;
 - \$5,000,000 to the City of Salem for a navigation center; and
 - \$5,000,000 to Lane County for a navigation center within the City of Eugene

HB 3115 – Homelessness - Codification of Martin v. Boise

Effective Date: June 23, 2021	2021 Oregon Laws Site: Chapter 370
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HB 3115 seeks to codify the 2019 9th Circuit Court of Appeals decision in Martin v. Boise relating to local laws regulating the acts of sitting, lying, sleeping, or keeping warm and dry in outdoor public spaces with regards to persons experiencing homelessness. The measure includes the following key provisions:

- Defines “keeping warm and dry” to mean using measures necessary for an individual to survive outdoors given the environmental conditions but does not include using any measure that involves fire or flame.
- Defines “public property” to mean the term as it is defined in ORS 131.705.
- Provides that “city or county law” does not include policies developed pursuant to ORS 203.077 or 203.079.
- Provides that any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness.
- Creates an affirmative defense to a charge of violating a city or county law regulating the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public that the law is not objectively reasonable.

- Authorizes a person experiencing homelessness to bring suit for injunctive or declaratory relief to challenge the objective reasonableness of these city or county laws and requires that the action be brought in the circuit court of the county that enacted the law or of the county in which the city that enacted the law is located.
- Requires “reasonableness” to be determined based on the totality of the circumstances, including, but not limited to, the impact of the law on persons experiencing homelessness.
- Allows the court, in its discretion, to award reasonable attorney fees to a prevailing plaintiff if the plaintiff:
 - Was not seeking to vindicate an interest unique to the plaintiff; and
 - At least 90 days before the action was filed, provided written notice to the governing body of the city or county that enacted the law being challenged of an intent to bring the action and the notice provided the governing body with actual notice of the bases the plaintiff intends to challenge the law.
- Clarifies that the measure does not create a private right of action for monetary damages.
- Provides that the requirements of the measure become operative on July 1, 2023

HB 3124 – Removal of Homeless from Established Camping Sites – Notice/Personal Property

Effective Date: June 23, 2021	2021 Oregon Laws Site: Chapter 371
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- Defines “personal Property as any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.
- Requires law enforcement officials, at least 72 hours before removing homeless individuals from an established camping site to post a written notice in English and Spanish at all entrances to the camping site to the extent that the entrances can reasonably be identified.
- Requires law enforcement officials, when a 72-hour notice is posted, to inform the local agency that delivers social services to homeless individuals as to where the notice has been posted.
- Requires all personal property at the camping site that remains unclaimed after removal to be given to a:
 - law enforcement official,
 - local agency that delivers social services to homeless individuals,
 - outreach worker,
 - local agency official or a person authorized to issue a citation for unlawful camping under state law, administrative rule or city or county ordinance, whether the 72-notice is required or not.
- Requires unclaimed personal property to be stored:
 - For property removed from camping sites in counties other than Multnomah County, in a facility located in the same community as the camping site from which it was removed.
 - For property removed from camping sites in Multnomah County, in a facility located within six blocks of a public transit station.
 - Items that have no apparent value or utility or are in an insanitary condition may be immediately discarded upon removal of the homeless individuals from the camping site.

- Weapons, controlled substances other than prescription medication and items that appear to be either stolen or evidence of a crime shall be given to or retained by law enforcement officials.
- Requires the written notice, at a minimum, to include:
 - Where unclaimed personal property will be stored;
 - A phone number that individuals may call to find out where the property will be stored; or
 - If a permanent storage location has not yet been determined, the address and phone number of an agency that will have the information when available.
- Requires unclaimed property to be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined.
- Requires personal property to be stored for a minimum of 30 days during which time it shall be reasonably available to any individual claiming ownership.
- Personal property unclaimed after 30 day may be disposed of or donated to a 501(c)(3) corporation (Internal Revenue Code as amended and in effect on Dec. 31, 2020).
- Provides that the 72-hour notice requirement does not apply:
 - When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring at an established camping site.
 - In the event of an exceptional emergency at an established camping site, including, but not limited to, possible site contamination by hazardous materials, a public health emergency or other immediate danger to human life or safety.
- Allows a notice to be posted at least 24 hours before removing individuals from a camping site if a funeral service is scheduled with less than 72 hours' notice at a cemetery at which there is a camping site, or a camping site is established at the cemetery less than 72 hours before the scheduled service.
- Prohibits a person authorized to issue a citation for unlawful camping (under state law, administrative rule or city or county ordinance) from issuing a citation within 200 feet of a notice required by the measure and within two hours before or after the notice was posted.
- Provides that any law or policy of a city or county that is more specific or offers greater protections to homeless individuals subject to removal from an established camping site preempts contrary provisions of this measure.
- Effective Date: Took effect on the date the Governor signed the measure into law on June 23, 2021.

HB 3261 – Project Turnkey: Zoning-Conversion to Emergency Shelter/Affordable Housing

Effective Date: May 6, 2021	2021 Oregon Laws Site: Chapter 16
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- Requires a local government to unconditionally allow the conversion of the lawful use of a property, notwithstanding any statewide land use planning goals or land use regulations:
 - From use as a hotel or motel, to use as an emergency shelter.
 - From use as a hotel or motel, or a hotel or motel that was converted to an emergency shelter, to use as affordable housing.
- Provides that the conversion requirement only applies to areas:
 - Within an urban growth boundary;

- Not designated by the local government as specifically for heavy industrial uses;
- With adequate transportation access to commercial and medical services; and
- Not within an area designated for a statewide land use planning goal relating to natural disasters or hazards, including flood plains or mapped environmental health hazards, unless the converted use complies with regulations directly related to the disasters or hazards.
- Authorizes a local government to require a converted use to comply with:
 - Applicable building codes;
 - Occupancy limits; or
 - For affordable housing uses, reasonable standards relating to siting or design, if the standards do not, individually or cumulatively, prohibit the conversion through unreasonable costs or delay.
- Provides that conversions identified by the measure does not constitute a land use decision as defined in ORS 197.015.
- Provides that a local government is not required to consider whether the conversion significantly affects an existing or planned transportation facility for the purposes of implementing a statewide land use planning goal relating to transportation.
- Defines the following terms for purposes of the measure:
 - “Affordable housing” means housing in which all units are affordable to households with incomes equal to or less than 60 percent of the area median income as defined in ORS 458.610 and whose affordability is enforceable by an affordable housing covenant, as described in ORS 456.270 to 456.295, for a duration of no less than 30 years.
 - “Conversion” includes an alteration to a building that changes the number of units but does not expand the building footprint.
 - “Emergency shelter” means a building that provides shelter on a temporary basis for individuals and families who lack permanent housing.
 - “Lawful use” includes a nonconforming use as described in ORS 215.130 (6) or any other local land use regulation allowing for the continuation of a use that was lawful when first enacted.
- Applies to conversions or applications for conversions on or after January 1, 2021.
- Effective Date: Took effect on the date the Governor signed the measure into law on May 6, 2021.

NOTE: In 2020, the Oregon Legislature allocated a total of \$65 million of CARES Act funding through the Oregon Joint Legislative Emergency Board for Project Turnkey for the purpose of acquiring motels/hotels for use as non-congregate shelter for people experiencing homelessness or at-risk of homelessness. The two funds included:

- \$30 million designated for shelter opportunities in counties or tribal communities impacted by the 2020 wildfires has been fully allocated, resulting in the funding of seven projects for a total of 388 units in six counties (appropriated on 10/23/2020).
- \$35 million designated for shelter opportunities in the remaining areas of the state. Of this amount, \$31.2 million has been allocated to date (appropriated on 11/9/2020).

During the 2021 Legislative Session, an additional 9.7 million was appropriated in HB 2004 to the Oregon Community Foundation to complete Project Turnkey projects in Deschutes, Multnomah, Malheur and Yamhill counties. In addition, \$800,000 was appropriated for a Turnkey project in Salem and \$5,107,713 was appropriated for a Turnkey project in Corvallis in HB 5006.

❖ HONOR AND RECOGNITION

HCR 4 – Oregon State Police Trooper Burrell Milo Baucom

Filed with Secretary of State: June 17, 2021	
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House Concurrent Resolution 4 recognizes and honors Oregon State Police Trooper Burrell Milo Baucom for his service to this state. Trooper Baucom was hired as a patrol officer by the Oregon State Traffic Division in 1930 and was assigned to patrol in the area of Medford, Oregon. The Oregon State Police (OSP) was formed the following year and Trooper Baucom was hired by OSP shortly thereafter. On July 1, 1933, Trooper Baucom was patrolling north of Grants Pass, Oregon, and he stopped a motor vehicle that had been reported stolen. When Trooper Baucom approached the stopped vehicle, the teenaged driver shot Baucom multiple times, killing him. The driver and a passenger fled the scene, but they were apprehended after a massive manhunt. Trooper Baucom was the second OSP trooper killed in the line of duty. He was honored with a military funeral and a procession through downtown Medford, with OSP troopers serving as honorary pallbearers, and was laid to rest in Portland following a family service.

HCR 7 – Oregon State Police Lieutenant Harold R. Berg

Filed with Secretary of State: June 17, 2021	
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House Concurrent Resolution 7 recognizes and honors Oregon State Police Lieutenant Harold R. Berg for his service to this state. On May 10, 1975, while he was off duty and enjoying a family picnic at Cape Lookout State Park, Lieutenant Berg volunteered in a search and rescue operation for two missing Boy Scouts. While attempting to search a cave near the water's edge, Lieutenant Berg was washed out to sea by a sneaker wave and he died at the age of 38. The OSP established the Harold R. Berg Lifesaving Award in his memory. Lieutenant Berg's selfless and heroic actions exemplified the spirit and commitment of the OSP and its credo that an officer is "never off duty." Lieutenant Berg was a dedicated law enforcement officer who served the people of the State of Oregon with honor and distinction.

HCR 20 – Oregon State Police Trooper Dale Benjamin "Bennie" Courtney

Filed with Secretary of State: June 17, 2021	
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House Concurrent Resolution 20 recognizes and honors Oregon State Police Trooper Dale Benjamin "Bennie" Courtney for his service to this state. Trooper Courtney began his law enforcement career with the McMinnville Police Department before becoming a trooper with the Oregon State Police on

June 19, 1950. Just months into his service with the Oregon State Police, Trooper Courtney was called to the home of Tigard farmer Fred Plieth, who had heard shooting from a neighbor’s farm during the early morning hours of October 1, 1950. Trooper Courtney and Mr. Plieth confronted two teenagers, Harvey Francis O’Day, 14, of California and John Louis Wilson, 15, of Newberg. When Trooper Courtney entered the farmhouse, he was shot and killed instantly by O’Day. Trooper Courtney was widely respected, shared his passion for baseball as a volunteer coach, had many family members and friends, and is still greatly missed.

❖ IMMIGRATION ISSUES

[HB 3265](#) – Immigration Restrictions...Law Enforcement/Corrections & Parole & Probation

Effective Date: July 19, 2021	2021 Oregon Laws Site: Chapter 550
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HB 3265 includes the following key provisions:

Definitions (Section 1 & 8)

Section 1

- “Court facility” means a building or space occupied or used by a court of this state or local jurisdiction of this state, and any adjacent property including, but not limited to, sidewalks, parking area, grass or landscaped area, plazas, court-related offices, commercial and governmental spaces within the building or space and entrances to and exits from the building or space.
- “Federal immigration authority” means the United States Department of Homeland Security, the United States Immigration and Customs Enforcement, the United States Citizenship and Immigration Services, the United States Customs and Border Protection or a successor agency, any other federal immigration agency or official, or any other entity to which a federal immigration agency delegates or assigns the authority to detect, investigate or enforce violations of immigration law.
- “Immigration enforcement” means any activity that has as a purpose the apprehension or identification of an individual in order to:
 - Subject the individual to civil immigration arrest, civil immigration detention, removal or deportation proceedings or removal or deportation from the United States; or
 - Criminally prosecute the individual for offenses related to federal laws regarding immigration status.

Section 8

- “Federal immigration authority” to mean the United States Department of Homeland Security, the United States Immigration and Customs Enforcement, the United States Citizenship and Immigration Services, the United States Customs and Border Protection or a successor agency, any other federal immigration agency or official, or any other entity to which a federal

immigration agency delegates or assigns the authority to detect, investigate or enforce violations of immigration law.

- “Information concerning a person’s citizenship or immigration status” to mean information about whether a person is a citizen of the United States or has lawful authority to be present in the United States, either through a visa, a green card or another official documentation. The term does not include information consisting of a person’s address, location, contact information, relatives, associates or other information that could lead to the detection or apprehension of the person.

Public body or law enforcement agency prohibition from denying services, collecting or sharing information regarding a person’s immigration/citizenship status and requires notification of treaty laws, consular notification and other laws (Section 2)

- Prohibits a law enforcement agency or public body from denying services, benefits, privileges or opportunities to an individual in custody, or on parole, probation or post-prison supervision, on the basis of known or suspected immigration status, the existence of an immigration detainer, hold, notification or other related federal immigration request or a civil immigration warrant except as required by state or federal law;
- Inquire into or collect information about an individual’s immigration or citizenship status or country of birth unless:
 - The information is required to advance an investigation into a violation of state or local criminal law;
 - The information is submitted to a court of this state, whether orally or in writing, in connection with a proceeding in that court; or
 - As necessary to determine the individual’s eligibility for a benefit that the individual is seeking;
- Provide information about an individual in the custody of the public body or law enforcement agency to a federal immigration authority for the purpose of civil immigration enforcement, except:
 - As may be required by a judicial subpoena issued as part of a court proceeding or by another compulsory court-issued legal process; or
 - To the extent that the information is available to the general public and under the same terms and conditions as the information is available to the general public.
- Provides that a judicial subpoena does not include an administrative subpoena created and signed by a federal immigration authority.
- Requires a law enforcement agency to explain to the individual in writing, with interpretation into another language if requested, the following information in order to ensure compliance with all treaty obligations, including consular notification, and state and federal laws, on the commitment or detention of an individual:
 - The individual’s right to refuse to disclose the individual’s nationality, citizenship or immigration status; and

- That disclosure of the individual’s nationality, citizenship or immigration status may result in civil or criminal immigration enforcement, including removal from the United States.
- Authorizes any person to bring a civil action against a law enforcement agency or public body that violates subsections (1) to (3) of this section to enjoin the violation.

Public Body requirement to document and reporting federal agency immigration communications and requests (Section 3)

- Prohibits the use of public facilities, property, moneys, equipment, technology or personnel for the purpose of investigating, detecting, apprehending, arresting, detaining or holding individuals for immigration enforcement. Actions involving one of these purposes include, but are not limited to:
 - Granting a federal immigration agency access to an area of a facility that is not normally open to the public.
 - Supporting or assisting a federal agency in immigration enforcement, including but not limited to any of the following:
 - Providing information, including but not limited to an individual’s contact information, country of birth, custody status, release date, parole, probation or post-prison supervision appointment dates or times, or home or work address, except as provided in section 2 of this 2021 Act;
 - Investigating or interrogating individuals for immigration enforcement; or
 - Establishing traffic perimeters for the purpose of supporting or facilitating immigration enforcement.
- Requires a public body that receives a communication or request from a federal agency that relates to immigration enforcement, other than a judicial subpoena, to decline the request and document the communication or request. The public body is required to:
 - Provide documentation to the director or other similar management personnel of the public body.
 - Submit documentation to the Oregon Criminal Justice Commission (CJC) at least on a monthly bases pursuant to procedures established by the commission.
 - Adopt internal procedures to carry out the process for declining, documenting and reporting federal agency immigration enforcement requests.
- Requires the CJC to publish and continually update, on a website operated by or on behalf of the commission:
 - An entry for each documented and reported communication or request,
 - The public body that received the communication or request,
 - The federal agency involved in the communication or that made the request and a summary of the public body’s response to the communication or request.
 - Prohibits the information contained on the website from containing any personally identifiable information of the individuals involved in the communication or request, including of an individual targeted by federal immigration authorities, an individual who

reported the communication or request, an individual who witnessed the communication or request or report of the communication or request or the family members of an individual described in this paragraph.

- Provides that reports and documentation obtained by the CJC for this purpose may be used only for statistical purposes and coordination with the sanctuary violation reporting mechanism established by the measure.
- Provides that information that may reveal the identity of an individual contained in the report or documentation is exempt from disclosure under ORS 192.311 to 192.478.
- Authorizes the CJC, pursuant to a request from the Department of Justice (DOJ), to release information to the department that is necessary to investigate a report made to the sanctuary violation reporting mechanism established by the measure if the information is used to support a person targeted by federal immigration authorities, a person who reports the communication/request, a person who witnesses the communication/request or family members.
- Requires the Criminal Justice Commission to issue a report (not later than July 1, 2022, and at least annually thereafter) that, summarizes the information reported to the commission and published on the website.
- Requires the CJC to provide the report to the Governor, the Legislative Assembly, the district attorneys of this state, the Department of State Police, each law enforcement agency in this state and the Department of Public Safety Standards and Training.
- Authorizes any person to bring a civil action against a law enforcement agency or public body that uses public facilities, property, moneys, equipment, technology or personnel in violation of the measure to enjoin the violation.

Sanctuary Violation Reporting Mechanism (Section 4)

- Requires the Department of Justice to establish a sanctuary violation reporting mechanism to receive reports of alleged violations of the measure and requires the reporting mechanism to:
 - Include a staffed telephone hotline and an online system that allows for electronic reporting.
 - Be coordinated with the Oregon Criminal Justice Commission to develop a standardized intake process for reports made through the hotline or online system;
 - Collect all data possible regarding agencies, personnel, locations and individuals involved with violations reported through the hotline or online system;
 - Provide culturally competent assistance, referrals and resources to an individual targeted by a violation reported through the hotline or online system, and ensure that the assistance, referrals and resources are designed to reduce the effects of trauma and prevent further trauma; and
 - Coordinate with local organizations and service providers to assist individuals targeted by violations reported through the hotline or online system and families of those individuals.

- Requires DOJ, in coordination with the CJC to publish and continually update, on a website operated by or on behalf of the department:
 - The number of complaints received by the mechanism;
 - An entry for each complaint, including the alleged violation, the federal agency implicated in the complaint and public bodies or agencies involved in the incident and the response of the public bodies and agencies.
- Prohibits information contained on the website from containing any personally identifiable information of the individuals involved in the incident on which the complaint is based.
- Provides that information and data obtained under this section:
 - May be used only for the purposes described in this section; and
 - Is exempt from public disclosure under ORS 192.311 to 192.478 if the information may reveal the identity of an individual involved in an incident on which a complaint reported to the sanctuary violation reporting mechanism is based.

Limitation on Civil Arrest for Individuals Participating in Court Proceedings (Section 5):

- Provides that an individual may not be subject to civil arrest without a judicial warrant or judicial order when the individual is in a court facility.
- Provides that an individual who, in good faith, is attending a court proceeding in which the individual is a party or potential witness, or family or household member of a party or potential witness, may not be subject to civil arrest while going to, remaining at or returning from the court proceeding, unless the civil arrest is supported by a judicial warrant or judicial order that authorizes the civil arrest.
- Authorizes any person to bring a civil action against a law enforcement agency or public body that violates this section to enjoin the violation.

Prohibition on Agreements to Exercise Federal Immigration Enforcement Powers or to Detain/House Individuals in Federal Custody & Prohibits Private Immigration Detention Facilities (Section 6 & 7)

- Prohibits a public body, law enforcement agency or an officer of a law enforcement agency from entering into or renewing an agreement, contract, memorandum of understanding or other arrangement that authorizes the public body, law enforcement agency or officer to exercise federal immigration enforcement powers, including those powers specified in 8 U.S.C. 1357(g), or that otherwise permits the public body, law enforcement agency or officer to detain or house individuals for federal civil immigration violations.
- Prohibits a public body or law enforcement agency from entering into or renewing an agreement, contract, memorandum of understanding or other arrangement under which the public body or law enforcement agency detains or houses individuals who are in the custody of a federal immigration authority for violations of federal immigration law.
- Prohibits a person from operating a private immigration detention facility within this state.
- Authorizes any person to bring a civil action against a law enforcement agency or public body that violates this section to enjoin the violation.

- Clarifies that the act applies to agreements, contracts, memoranda of understanding or other arrangements entered into or renewed on or after the effective date of this 2021 Act.

Prohibiting Disclosure of Information Concerning a Person’s Citizenship/Immigration Status (Section 8)

- Requires a public body that collects information concerning a person’s citizenship or immigration status to decline to disclose the information unless the disclosure is required by:
 - State or federal law;
 - A court order; or
 - A warrant authorized by a court.
- States that nothing prevents a person from obtaining records about the person or the person’s dependents from a public body; or authorizes a public body to withhold aggregated information that is not personally identifiable.
- Authorizes any person to bring a civil action against a law enforcement agency or public body that violates the requirements of the measure to enjoin the violation by:
 - Disclosing information for enforcement of federal immigration laws including:
 - The person’s address
 - The person’s workplace or hours of work;
 - The person’s school or school hours;
 - The person’s contact information, including telephone number, electronic mail address or social media account information;
 - The identity of known associates or relatives of the person;
 - The date, time or location of the person’s hearings, proceedings or appointments with the public body that are not matters of public record; or
 - Information the listed information with respect to known relatives or associates of the person.
 - Inquiring about or requesting information concerning a person’s citizenship or immigration status except as required by state or federal law, or as necessary to determine eligibility for a benefit a person is seeking.

Oregon Law Enforcement Agency Participation in Detecting or Apprehending Persons for Purpose of Federal Immigration Laws (Section 9)

- Clarifies that a law enforcement agency may not use agency moneys, equipment or personnel for the purpose of detecting or apprehending persons for the purpose of enforcing federal immigration laws; and
- Prohibits a law enforcement agency from entering into a formal or informal agreement with a federal immigration authority related to the detention of a person for the purpose of enforcing federal immigration laws.
- Authorizes any person to bring a civil action against a law enforcement agency that violates either of these provisions and enjoin the violation.

❖ JUVENILE/YOUTH

HB 2155 – Mandatory Child Abuse Reporting Exemption for Victim Assistance Providers

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 214
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House Bill 2155 clarifies that the mandatory reporting exemption for stand-alone domestic violence and sexual assault programs includes programs nested within larger organizations that have a broader purpose. The measure modifies the definition of public or private official to clarify the mandatory reporting exemption for victim assistance providers otherwise required to report suspected child abuse. Certain programs that assist survivors of domestic violence, sexual assault, stalking, and trafficking are exempt from mandatory reporting requirements because confidentiality improves success and is sometimes necessary to protect survivors. However, when programs for domestic violence and sexual assault survivors are housed or nested within larger entities whose primary purpose is to offer a broader range of services to a community, it is not clear whether the mandatory reporting exemption applies.

HB 2939 - Youth Waiver Hearing Venue & Increased Age Limit for OYA Facilities

Effective Date: June 11, 2021	2021 Oregon Laws Site: Chapter 240
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HB 2939 is the product of a workgroup designed to implement SB 1008 from the 2019 Legislative Session. The measure includes the following key provisions:

- Clarifies that the venue for a youth subject to a waiver hearing is the county where the alleged act was committed, unless:
 - The court determines that the case may not be waived under ORS 419C.349; or
 - The state stipulates that it will not file a motion requesting waiver under ORS 419C.349 (1).
- Authorizes youth commitment at the Oregon Youth Authority (OYA) up until age 20 if the act was committed prior to age 18, with some exceptions.
- Applies provisions allowing a youth to remain committed to OYA up to age 20, to youth in custody for acts committed before, on or after the effective date of this 2021 Act that are the subject of dispositional orders entered on or after the effective date of this 2021 Act that recommend placement in a youth correction facility.

HB 2940 - Exemption to Youth Detention Time Limit when Waiver Hearing is Pending

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 241
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HB 2940 includes the following key provisions:

- Creates an exception to the 28-day time limit for detention of a youth if a request for a waiver hearing is pending.
- Removes the detention timelines for youth subject to waiver hearings and replaces them with a mandatory 30-day status hearing.
- Requires the court to hold a review hearing every 30 days at which the parties must describe the efforts made toward expeditious case resolution, with consideration of public safety and the youth’s continued placement in detention as paramount concerns, and for the court to identify opportunities for judicial intervention to assist the parties with resolution of any outstanding issues.
- Allows the court to waive a youth’s appearance at a detention hearing or status hearing if a written waiver is filed with the court that is signed by the youth and the youth’s counsel.

SB 83 – Modifies Youth Diversion Plan Law Provisions

Effective Date: January 1st, 2022	2019 Oregon Laws Site: Chapter 267
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SB 83 includes the following key provisions:

- Directs the Oregon Youth Authority (OYA) to collaborate with the county juvenile departments to divert youth offenders from commitment to youth correction facilities to alternative community services.
- Modifies the process and requirements for youth diversion plan approval.
- Allows juvenile crime prevention basic services to be used for detention and other juvenile department services.
- Requires OYA to provide financial oversight and administration of contracts and financial oversight of subcontracts and repeals the requirement that OYA conduct performance audits of contracts and subcontracts.
- Requires OYA to enter into intergovernmental agreements with a county or counties to delineate the duties necessary to carry out the diversion plan.
- Directs OYA, in consultation with county juvenile departments, to adopt rules, including rules to ensure equitable access to a continuum of out-of-home placement options and to develop performance metrics for the diversion plans.

SB 131 – Juvenile Death Notification & Cooperation – Addition of Responsible Professionals

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 321
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SB 131 includes the following key provisions:

- Adds supervisors of youth correction facilities and juvenile community supervision officers to the list of persons who must cooperate during a death investigation under the direction of the district medical examiner and the district attorney for the county where the death occurred.
- Adds the medical-legal death investigator as a person requiring cooperation for death investigations.
- Provides that cooperating with the medical examiner or medical-legal death investigator does not violate the requirements for disclosing privileged reports and materials in ORS 419A.257.

SB 133 - Youth Correction Facilities Limit on Admissibility – Facilitated Dialog/Letter Bank

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 474
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SB 133 includes the following key provisions:

- Describes the purpose and scope of the "facilitated dialogue and responsibility letter bank program"
- Defines the communications within the program as all communications by a victim, survivor, person temporarily assigned to a youth correction facility or youth offender, or by a program facilitator, advisory committee member, volunteer, contractor or staff person, that are made in the course of or in connection to the program, when conducted pursuant to Oregon Youth Authority (OYA) rules.
- Describes the types of communications encompassed in the program.
- Limits the admissibility of program communications in any judicial or administrative proceeding, except as required under rules adopted by the OYA.
- Establishes civil immunity for related acts or omissions unless the person acted in bad faith, malicious intent or with wanton or willful disregard for the rights, safety or property of another.
- Allows OYA to disclose to a victim certain information about the youth offender:
 - When OYA seeks information from the victim about the potential impact of a crime to inform the youth offender's case plan;
 - When OYA seeks information from the victim about the potential impact of authorizing a youth offender to go on parole; or
 - At the request of the victim.
- Following a waiver hearing for a youth offender, allows the district attorney to, at the request of the victim and pursuant to a protective order, provide the victim with a copy of the court's

written waiver findings and determination, regardless of whether the victim appeared at the hearing or presented information to the court.

SB 134 - Exemption to Disclosure – Certain Youth in OYA Programs or Treatment

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 475
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Senate Bill 134 institutes a public interest test for OYA to release information or records prepared or maintained by OYA regarding a person who is in the custody of the Department of Corrections and temporarily assigned to a youth correction facility. The measure includes the following key provisions:

- Requires that information or records prepared or maintained by the Oregon Youth Authority (OYA) relating to a person committed to the custody of the Department of Corrections (DOC) and temporarily assigned to a youth correction facility are confidential and exempt from disclosure if the public interest in confidentiality clearly outweighs the public interest in disclosure and disclosure of the information would:
 - Interfere with rehabilitation, or
 - Substantially prejudice or prevent the carrying out the functions of OYA.
- Clarifies that the measure does not prevent OYA from disclosing that information to a person's counsel, the district attorney, or the assistant district attorney for use in the person's criminal, juvenile or dependency case.

SB 135 – Disclosure of Child Abuse Records to OYA

Effective Date: January 1st, 2022	2021 Oregon Laws Site: Chapter 194
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SB 135 includes the following key provisions:

- Adds the Oregon Youth Authority (OYA) to the list of entities that law enforcement may disclose information to about investigations of suspected child abuse or neglect.
- Includes OYA within the prohibition against further disclosure, except with respect to information sharing between law enforcement and other corrections organizations and to authorized treatment providers, in order to supervise offenders.
- Authorizes further disclosure, for purposes of "second look" hearings, between OYA, the Department of Corrections (DOC), courts, district attorneys, and attorneys for persons in custody.

SB 386 – Parental Notification of Child Witnesses Policy Requirement

Effective Date: September 25, 2021	2019 Oregon Laws Site: Chapter 335
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SB 386 includes the following key provisions:

- Requires county sheriffs, municipal police departments, police departments established by a university under and the Oregon State Police to develop comprehensive policies regarding parental notification of the interview of a child witness no later than January 1, 2022.
- Provides that a policy developed as required by the measure may prioritize child safety, consistent with state and federal law.
- Requires each county sheriff, municipal police department and police department established by a university and the Oregon State Police to submit a report to the interim committees of the Legislative Assembly related to the judiciary no later than September 15, 2022,
- Defines “child witness, for purposes of the measure, to mean an unmarried person who is under 18 years of age and who is not the victim of, suspect in or related to the suspect in a child welfare, criminal or delinquency investigation.
- Repeals the requirements of the measure on January 2, 2023

SB 418 - Youth Statement Involuntary if Officer Intentionally Utilized False Information

Effective Date: September 25, 2021	2021 Oregon Laws Site: Chapter 487
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SB 418 includes the following key provisions:

- Provides that a statement made by a person during a custodial interview conducted by a peace officer is presumed to be involuntary if the person is under 18 years of age, and
 - The statement is made in connection with an investigation into a misdemeanor or a felony, or
 - An allegation that the person being interviewed committed an act that, if committed by an adult would constitute a misdemeanor or a felony, and the court determines that the peace officer intentionally used information known by the officer to be false to elicit the statement.
- Provides that the presumption may be overcome if the district attorney proves by clear and convincing evidence that the statement was voluntary and not made in response to the false information used by the peace officer to elicit the statement.
- Applies to custodial interviews conducted on or after the effective date of this 2021 Act.

SB 436 – Terminology Change from “Youth Offender” to “Adjudicated Youth”

Effective Date: January 1, 2022	2019 Oregon Laws Site: Chapter 489
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SB 436 is a “housekeeping” measure that changes statutory references from "youth offender" to "adjudicated youth," and resolves conflicts with those terms in various measures.

❖ LABOR RELATIONS/HUMAN RESOURCES/OVERSIGHT

HB 2930 – Police Misconduct Arbitration Hearings

Effective Date: July 19, 2021	2021 Oregon Laws Site: Chapter 541
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HB 2930 includes the following key provisions:

- Removes the discipline matrix or discipline guide as a mandatory subject of collective bargaining for law enforcement.
- Establishes the Commission on Statewide Law Enforcement Standards of Conduct and Discipline (Commission) for the purpose of adopting statewide uniform rules through a public process for:
 - Standards of conduct, including guidelines and procedures
 - Disciplinary standards and procedures, including a range of disciplinary actions that may include consideration of aggravating or mitigating circumstances.
- Specifies 15 members of the Commission shall include:
 - Four members of the commission as follows:
 - The Director of the Department of Public Safety Standards and Training or a designee
 - The Attorney General or a designee from the Attorney General’s office
 - One nonvoting member from the Oregon State Senate appointed by the President of the Senate
 - One nonvoting member from the Oregon House of Representatives appointed by the Speaker of the House
 - 11 members of the commission, jointly appointed by the Director of the Department of Public Safety Standards and Training and the Attorney General, consistent with the following:
 - Two members who are chief law enforcement officers.
 - Two members who represent labor organizations who represent law enforcement officers.
 - Two members who represent historically marginalized groups or community-based organizations that represent communities impacted by policing.

- One member who represents a federally recognized Indian tribe or association of tribes within this state.
 - Two members who are representatives of local government to represent the interests of cities and counties.
 - One member who represents public defender organizations established under ORS chapter 151 or the Oregon Criminal Defense Lawyers Association.
 - One member who represents the interests of prosecutors in this state.
- Requires the commission to establish an open hearings process that includes public notice, outreach, and public hearings.
- Requires the uniform standards to address, at a minimum, standards of conduct and discipline regarding:
 - Unjustified or excessive use of physical or deadly force;
 - Sexual harassment;
 - Sexual Assault;
 - Assault
 - Conduct that is motivated by or based on a real or perceived factor of an individual’s race, ethnicity, national origin, sex, gender identify, sexual orientation, religion or homelessness;
 - Moral character; and
 - The use of drugs or alcohol while on duty.
- Requires the Employment Relations Board (ERB) to appoint an arbitrator from a list of qualified, indifferent, unbiased arbitrators & Allows each party an opportunity to object to the ERB's appointed arbitrator.
- Requires law enforcement agencies or, if applicable, a civilian or community oversight board, agency or review body and arbitrators presiding over alleged misconduct cases to make discipline determinations that adhere to the rules adopted by the Commission.
- Requires that the standard that arbitrators apply in police discipline cases be just cause.
- Defines “just cause” as a cause reasonably related to the public safety officer’s ability to perform required work. The term includes a willful violation of reasonable work rules, regulations, or written policies.
- Requires the employer or, if applicable, a civilian or community oversight board, agency or review body to show by a preponderance of the evidence:
 - The officer engaged in the alleged misconduct, and
 - The discipline met the statutory just cause standard, as defined in ORS 236.350.
- Requires the arbitrator, when determining the reasonableness of the disciplinary action imposed by an agency, to uphold the discipline unless it is arbitrary and capricious.
- Prohibits an arbitrator from overturning or reducing the discipline of employment termination if doing so would be inconsistent with the public interest.
- Includes the following definitions for purposes of the measure:
 - “Law enforcement agency” and “law enforcement officer” have the meanings given those terms in ORS 131.930.

- “Civilian or community oversight board, agency or review body” means a board, an agency or a body:
- Designated by a municipality or a law enforcement agency in performing duties related to investigating allegations of officer misconduct or reviewing police policies and practices; or
- Created to oversee disciplinary matters concerning law enforcement officers pursuant to a city charter or ordinance for which a measure that included the question of whether to establish the board, agency or body was referred to and approved by the people of the city at an election held on or after July 1, 2020.
- Applies to collective bargaining agreements entered into after the effective date of the act and states that the terms in the measure are not subject to collective bargaining.
- Requires the Commission to adopt and publish rules establishing the uniform standards by October 1, 2022.

HB 2936 – Law Enforcement Hiring Tools and Officer Speech

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 299
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HB 2936 includes the following key provisions:

- Makes findings that racism has no place in public safety and that law enforcement officers hold a unique position in our community. Finds that membership or participation in hate groups, racial supremacist organizations, militant groups, or the display of such symbols erodes public trust in law enforcement.
- Requires DPSST to create a statewide uniform background checklist and standardized personal history questionnaire for use by law enforcement units in hiring process. Requires law enforcement agencies to adopt policies setting standards for speech and expression by officers in and out of course and scope of employment. Applies to all forms of speech and expression. Specifies that policies must not violate constitutional rights to free speech and expression.
- Requires a pre-employment background to include a description of the investigation, including information about: a psychiatric or psychological evaluation of the applicant and an evaluator's assessment of the applicant's tendencies, feelings, and opinions on diverse cultures, races, and ethnicities and differing social, political, economic, and life statuses, investigation into applicant's finances; and identification of at least three references provided by the applicant and interviewed by law enforcement unit.
- Requires employers to provide employment information to law enforcement units for the purpose of hiring public safety officers when the request is made in writing and accompanied by a notarized authorization of applicant releasing employer from liability.
- Authorizes a law enforcement unit to bring an action for an injunction in circuit court to compel an employer to disclose employment information under this section.

- Limits disclosure of employment information received by a law enforcement agency only to other law enforcement agencies for investigative leads and shall independently verify the information.
- Exempts law enforcement units from prohibition on employer access to personal social media accounts for purposes of hiring.
- Specifies that uniform background and standardized personal history checklists are not required for hiring corrections officers until July 1, 2023.

HB 3145 – Misconduct Reporting and Public Database

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 634
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HB 3145 includes the following key provisions:

- Requires a law enforcement agency to report discipline imposed on a police officer that includes an economic sanction to DPSST once the discipline is final and the arbitration process is complete. The report must include:
 - The name and rank of the officer disciplined;
 - The name of the law enforcement unit at which the officer is or was employed; and
 - A description of the facts underlying the discipline imposed, including a copy of any final decision.
- Requires DPSST to add the reported discipline of police officers involving economic sanctions to the statewide online database of suspensions and revocations of police officers that is accessible by the public.
- Requires DPSST to publish the information related to sustained economic discipline of an officer within 10 days after receiving the notice of the discipline.

SB 115 – DPSST Procurement Authority Clarification

Effective Date: May 19, 2021	2021 Oregon Laws Site: Chapter 34
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Senate Bill 115 gives DPSST specific authority to procure goods or services in furtherance of its charge and in accordance with the provisions of the Public Contracting Code.

SB 184 – Veterans Preference Law Modification

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 195
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SB 184 includes the following key provisions:

- Replaces all references to "preference" points and replaces them with "percentage" points.

- Provides that an individual is treated as a veteran for purposes of the preference provided for in ORS 408.230 if the individual:
 - Meets the definition of “veteran” under ORS 408.225 except for the requirement that the individual was discharged or released under honorable conditions; and
 - Submits a certification to the public employer that the individual is expected to be discharged or released from active duty under honorable conditions not later than 120 days after the submission of the certification.
- Provides that an individual is treated as a disabled veteran for purposes of the preference provided for in ORS 408.230 if the individual:
 - Meets the definition of “veteran” under ORS 408.225 except for the requirement that the individual was discharged or released under honorable conditions; and
 - Submits a certification to the public employer that the individual is expected to be medically separated from active duty under honorable conditions not later than 120 days after the submission of the certification.

SB 204 – Adds Community Oversight Boards to Definition of Criminal Justice Agency

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 481
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SB 204 Adds civilian or community oversight boards, agencies or review bodies to the definition of "criminal justice agency" if those agencies or review bodies are designated by a municipality or law enforcement agency to perform duties related to investigating allegations of officer misconduct or reviewing police policies and practices. Agencies that qualify as a "criminal justice agency," under ORS 181A.010, are permitted to retrieve criminal justice information from Oregon's Law Enforcement Data System (LEDS) - (ORS 181A.280).

SB 621 – Local Community Oversight Board Authority to Implement

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 402
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SB 621 includes the following key provisions:

- Provides that notwithstanding collective bargaining laws, any provisions of a city charter or ordinance that relates to the establishment of a local community oversight board created to oversee disciplinary matters concerning law enforcement officers, as defined in ORS 131.930, shall remain in full force and effect provided that:
 - A measure that included the question of whether to establish the local community oversight board was referred to the people of the city at an election held on or after July 1, 2020; and
 - A majority of voters voting on the measure voted in favor of the establishment of the board.

❖ MARIJUANA/HEMP:

[HB 2111](#) – OLCC Name Change to “Oregon Liquor and Cannabis Commission”

Effective Date: August 2, 2021	2021 Oregon Laws Site: Chapter 351
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HB 2111 Changes the name of the "Oregon Liquor Control Commission" to the "Oregon Liquor and Cannabis Commission" to reflect the commission's expanded regulatory duties.

[HB 2284](#) – Oregon Hemp Commission

Effective Date: September 25, 2021	2021 Oregon Laws Site: Chapter 216
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HB 2284 establishes the “Oregon Hemp Commission as a commodity commission under the Oregon Department of Agriculture.

[HB 2519](#) – Intrastate Deliveries of Marijuana Items

Effective Date: September 25, 2021	2021 Oregon Laws Site: 155
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HB 2519 Allows the delivery of marijuana items, pursuant to bona fide orders, to consumers within a city or county in which a marijuana retailer is located and to consumers in cities or counties that have adopted ordinances allowing for the delivery of marijuana items from adjacent cities or counties. Allows governing body of city or county to adopt an ordinance allowing for the delivery of marijuana items from an adjacent city or county.

[HB 3000](#) – Hemp and Marijuana Regulation

Effective Date: July 19, 2021	2021 Oregon Laws Site: Chapter 542
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HB 3000 includes the following key provisions:

Regulating cannabis intoxicants

- Defines “adult use cannabinoid,” “adult use cannabis item,” and “artificially-derived cannabinoid.”
- Immediately prohibits sale of adult use cannabis items to minors.
- Immediately gives ODA authority to consider artificially-derived cannabinoids to be an adulterant.
- Gives OLCC authority to regulate artificially-derived cannabinoids.
- Allows OLCC to set potency and concentration limits for THC and other adult use cannabinoids for marijuana items and hemp items, in consultation with ODA and OHA.
- Includes artificially-derived cannabinoids in OLCC’s labeling rules.

- Allows OHA to require testing for other adult use cannabinoids.
- Directs ODA to establish tracking requirements for hemp commodities and products intended for human consumption, which may include associating test results to the batch that was tested.
- Allows ODA to expand the scope of “hemp handler” activities and establish other license types.

Addressing illicit cannabis production

- Doubles funding for the Illegal Marijuana Market Enforcement Grant Program Fund.
- Creates a Class A misdemeanor crime of unlawful production of marijuana for growing cannabis in excess of the amount allowed by state law at a location that is not licensed or registered by ODA, OHA, or OLCC and allows destruction of unlawfully produced cannabis as contraband.
- Directs OLCC to establish a methodology for presumptively distinguishing between hemp and marijuana. If ODA finds a hemp licensee is producing marijuana, they may order it be destroyed.
- Allows ODA to enter into interagency agreement with OLCC for OLCC staff to inspect hemp crops.
- Allows law enforcement to accompany ODA to licensed hemp operations for the purpose of providing protection to agency staff, pursuant to rules promulgated by ODA.
- Allows the Governor to order the Oregon National Guard to assist ODA enforcing hemp laws.
- Requires hemp growers to report when they do not plant and when they lose a crop.
- When a crop exceeds 0.3% THC and must be destroyed, requires hemp growers to provide ODA with documentation of the destruction of the crop.
- Requires that ODA refuse to register a hemp grower that planted prior to applying for registration unless all plants are removed. Places limitations around registering a hemp grower that planted after applying for registration but before receiving the registration.
- Allows ODA to impose a civil penalty of up to \$10,000 for a crop that exceeds 10% THC.

Implementing the 2018 Farm Bill for hemp production

HB 3000 contains the authority necessary to have a state hemp plan approved by USDA under the 2018 Agricultural Improvement Act (the “Farm Bill”). This includes authority for criminal records checks, and allowing license denials based on an applicant’s criminal record.

Establishing a Task Force

Establishes a bipartisan and bicameral Task Force including representation from cities, counties, law enforcement, hemp growers, hemp handlers, marijuana licensees, OSU’s Global Hemp Innovation Center, ODA, OHA, and OLCC. The task force will consider and make recommendations on long-term and structural concerns around cannabis regulation in Oregon.

HB 3295 – County Eligibility for Marijuana Tax Distributions

Effective Date: September 25, 2021	2021 Oregon Laws Site: Chapter 636
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HB 3295 modifies county eligibility requirements for the transfer of moneys from the Oregon Marijuana Account. The measure includes the following key provisions;

- Requires a county to convene a cannabis advisory panel to provide recommendations to the county commission regarding the county’s regulation of marijuana and use of moneys

transferred to the county under ORS 475B.759 before the county adopts an ordinance opting-out to be eligible for transfers of moneys from the Oregon Marijuana Account.

- Directs the County Commission to appoint members of the cannabis advisory panel and defines the membership of the panel.
- Directs a county cannabis advisory panel to provide recommendations to the county commission on at least the following:
 - The use of moneys transferred to the county under ORS 475B.759;
 - Increases in public safety measures related to marijuana use and marijuana entities in the county; and
 - Issues presented by the production, processing, wholesaling and distribution of marijuana in the unincorporated area subject to the jurisdiction of the county.
- Provides that a county that adopts an ordinance described in ORS 475B.759 (4)(d) and that does not appoint a county cannabis advisory panel under this section is not eligible to receive transfers of moneys under ORS 475B.759.
- Allows for counties that opted-out but continue to allow some marijuana businesses prior to Jan-1-2018, to continue receiving revenue distributions from the marijuana account according to the existing formula which is proportional to existing marijuana businesses.
- Requires that counties that opted out between 2018 and 2021 to establish an advisory panel as a condition for the county to continue being considered in the distribution formula.

SB 96 – Regulation of Inhalant Delivery Systems

Effective Date: September 25, 2021	2021 Oregon Laws Site: Chapter 646
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SB 96 authorizes the Oregon Liquor Control Commission (OLCC) to regulate the testing and labeling of inhalant delivery systems that include industrial hemp-derived vapor items. The measure includes the following additional provisions:

- Defines "industrial hemp-derived vapor item" as an industrial hemp concentrate or industrial hemp extract, as those terms are defined in ORS 571.269, whether alone or combined with other substances, that is intended for use in an inhalant delivery system.
- Modifies the definition of "processing" for purposes of marijuana regulation by adding "The compounding or conversion of industrial hemp into industrial hemp concentrates or industrial hemp extracts" to the current definition dealing with compounding or conversion of marijuana.
- Requires OLCC to consult with the Oregon Health Authority and the Oregon Department of Agriculture when establishing rules for:
 - Standards for testing Industrial hemp-derived vapor items
 - Appropriate tests for industrial hemp-derived vapor items
 - Establishing procedures for determining batch sizes and for sampling industrial hemp-derived vapor items
 - Establishing different minimum standards for industrial hemp-derived vapor items as appropriate.
- Directs the OLCC, as is necessary to protect the public health and safety, and in consultation with the Oregon Health Authority and the State Department of Agriculture, to adopt rules establishing standards for the labeling of inhalant delivery systems that contain industrial hemp-derived vapor items that communicates:

- Health and safety warnings;
- If applicable, activation time;
- Potency;
- Content of the inhalant delivery system that contains an industrial hemp-derived vapor item.
- Provides that if a person violates a provision of statute or rule with regard to an industrial hemp-derived vapor item;
 - The Department of Agriculture is authorized to impose disciplinary action described in ORS 571.285 and impose a civil penalty under ORS 571.348 if the person is a grower or handler registered under ORS 571.281.
 - The OLCC is authorized to impose a civil penalty under ORS 475B.655 if the person is not a grower or handler registered under ORS 571.281.
- Applies to inhalant delivery systems sold or transferred and to industrial hemp-derived vapor items processed on or after the operative date of January 1, 2022 as specified in section 15 of the measure.
- Takes effect on 91st day following adjournment sine die.

SB 408 – Marijuana Program Modifications

Effective Date: June 23, 2021	2021 Oregon Laws Site: 397
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SB 408 includes the following key provisions:

- Specifies conditions under which Oregon Liquor Control Commission (OLCC) may delay processing, approving, or denying a license application to cases where:
 - the applicant or a person named in the application is the subject of a proposed revocation or suspension;
 - the application is for the premises of an existing licensee who is the subject of a proposed revocation or suspension; or
 - the OLCC has received information from law enforcement that the applicant or a person named in the application is engaged or has engaged in the unregulated commerce of marijuana items or the unlawful manufacture or delivery of controlled substances.
- Limits conditions under which OLCC may revoke, suspend, or restrict a recreational marijuana licensee and allows for revocation only when the conduct of a licensee poses a significant risk to public health or safety.
- Requires OLCC to develop a schedule outlining the number and types of violations that, if committed within a two-year period, indicate a disregard for the law or a failure to control the premises.
- Requires OLCC to report to an interim committee of the Legislative Assembly related to judiciary on rulemaking activities no later than December 31, 2021, and December 31, 2022.
- Allows for transfer of specified marijuana products between producers and processors with common ownership.

- Establishes mandatory content for the manifest that a transport driver must carry in a transport vehicle when transporting marijuana or marijuana items.
- Requires OLCC to adopt rules supporting marijuana plant diversity by allowing a qualified producer to receive a maximum of 200 seeds from any source in this state and allows for delivery of seeds by producers, processors, and wholesalers to licensees, registered medical patients, and designated caregivers.
- Increases possession limits from one ounce to two ounces of usable marijuana in a public place. Requires OLCC and the Oregon Health Authority (OHA) to adopt by rule concentration limits for a single package of cannabinoid product, concentrate, or extract with a maximum concentration of up to 100 milligrams tetrahydrocannabinol (THC) per package.
- Requires OLCC to report to Legislative Assembly no later than December 31, 2022, on changes that would further reduce use of plastics by recreational marijuana industry.
- Establishes an operative date of January 1, 2022, for majority of measure. Declares emergency, effective on passage.

SB 808 – OLCC Peace Officer Status for Marijuana Regulation

Effective Date: June 11, 2021	2021 Oregon Laws Site: Chapter 286
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SB 808 adds regulatory specialists exercising the authority of the Oregon Liquor Control Commission related to marijuana to the definition of “peace officer” in ORS 133.005. Under current law, OLCC regulatory specialists who exercise authority related to alcohol are already included in the definition. Regulatory specialists are prohibited from carrying a firearm.

❖ PROSECUTION/DEFENSE & PRE-TRIAL

SB 48 – Pre-Trial Reform

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 643
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SB 84 includes the following key provisions:

- Directs the presiding judge of a judicial district to enter a standing pretrial release order specifying persons and offenses that are subject to release on recognizance, conditional release, and those not eligible for release until arraignment.
- Directs the Chief Justice of the Oregon Supreme Court to establish release guidelines for pretrial release orders described with input from a criminal justice advisory committee appointed by the Chief Justice and expect the guidelines to:
 - Provide consistent release decision-making structure across the state;
 - Reduce reliance on the use of security;
 - Include provisions for victim input and notification; and

- Balance the rights of the defendant and presumption of pretrial release against any risk to public safety and of failure to appear.
- Directs the pretrial release assistance officer to make reasonable efforts to contact the victim and obtain the victim's position on release prior to submitting a report or making a release decision as authorized, if defendant is charged with certain crimes.
- Removes mandatory minimum bail amounts from statute.
- Requires release decisions to be made at the time of arraignment or other first appearance unless good cause to postpone, as defined by measure, is shown.
- Directs the district attorney to make reasonable efforts to inform the victim of the location, date, and time of the appearance and requires the victim to be provided with an opportunity to reasonably express any views relevant to the issues addressed at the appearance.
- Requires the court, upon request by a party or the court's own motion, if a release decision is postponed to hold a release hearing within 48 hours of arraignment or first appearance, but under no circumstances more than five days after first appearance.
- Authorizes a law enforcement agency to release a booking photo to the court as part of a pretrial release report or process.
- Allows the Oregon Judicial Department (OJD) to act to comply with the requirements established by measure prior to the operative date of July 1, 2022, if necessary to satisfy the duties, functions, and powers conferred on OJD.

SB 176 – Privilege Exemptions for Proceedings Involving Elder/Adult Abuse

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 323
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Senate Bill 176 includes the following key provisions:

- Provides that in cases involving abuse of an elderly person or abuse of an adult, the privileges created in ORS 40.230 to 40.255, including the psychotherapist-patient privilege, the physician-patient privilege, the privileges extended to nurses, to staff members of schools and to regulated social workers and the spousal privilege, are not grounds for excluding evidence regarding the abuse, or the cause thereof, in any judicial proceeding resulting from a report made pursuant to ORS 124.050 to 124.095.
- Provides that either spouse shall be a competent and compellable witness against the other in any judicial proceedings resulting from a report made pursuant to ORS 124.050 to 124.095,
- Oregon statutes provide limitations on the admissibility of certain evidence based on privilege between the parties involved. Examples of privilege include psychotherapist-patient privilege, the physician-patient, and the spousal privilege.

SB 177 – Contempt in Order – Unavailability of Declarant Clarification

Effective Date: June 15, 2021	2021 Oregon Laws Site: Chapter 324
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SB 177 states that the proponent of a hearsay statement is not required to issue a material witness order, as defined in ORS 136.608, or seek sanctions for contempt in order to show the unavailability of the declarant for purposes of admitting their statement under Or. Evid. Code 804(1). A recent Oregon Supreme Court decision in *State v. Iseli*, held that the unavailability of the witness wasn't established because the state failed to seek a material witness warrant or a remedial contempt order against the victim. Senate Bill 177 provides that the proponent of a statement is not required to issue a material witness warrant in order to establish the unavailability of witness.

SB 704 – Gender Discovery – Doesn't Constitute Affirmative Defense for Murder II

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 84
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SB 704 includes the following key provisions:

- Provides that discovery of a victim's actual or perceived gender, gender identity, gender expression, or sexual orientation does not constitute a reasonable explanation for extreme emotional disturbance for purposes of asserting an affirmative defense to murder in the second degree.
- Provides that a person is not justified in using physical force upon other person if the person would not have used physical force but for discovery of the other person's actual or perceived gender, gender identity, gender expression, or sexual orientation.

SB 751 – Modified Definition of "Disclose" for Discovery in Criminal Cases

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 409
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SB 751 includes the following key provisions:

- Modifies the definition of "disclose" for purposes of providing discovery in criminal cases.
- Requires that copies of required materials be provided to a defendant by the district attorney unless a copy cannot reasonably be provided.
- Requires a defendant be provided an opportunity to inspect, photograph, and conduct independent testing of tangible physical evidence.
- Requires exculpatory evidence to be provided to the defendant by the district attorney, regardless of whether the information is recorded or in writing.

❖ OFFICER ISSUES

HB 2650 – Transport of Injured K-9 Officers by Emergency Medical Services Providers

Effective Date: September 25, 2021	2021 Oregon Laws Site: Chapter 122
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HB 2650 includes the following key provisions:

- Allows emergency medical services (EMS) providers to transport police dogs injured in the line of duty for emergency treatment so long as it does not delay or otherwise interfere with the emergency transportation of a person.
- Defines “police dog” to mean a dog owned or used by a law enforcement unit, as defined in ORS 181A.355, in the course of the law enforcement unit’s work.

HB 2929 – Duty to Intervene and Report Clarification

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 238
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HB 2929 includes the following key provisions:

- Removes the requirement that an officer intervene for misconduct by another officer that constitutes a violation of the minimum standards for physical, emotional, intellectual and moral fitness for public safety personnel.
- Clarifies that an officer that witnesses another officer engaged in misconduct including unjustified or excessive use of force, sexual harassment or sexual misconduct, discrimination, a crime; or violation of the minimum standards for fitness shall make a report as soon as practicable, but no later than 72 hours after witnessing the misconduct.
- Clarifies that a law enforcement officer who witnesses another officer engaged in misconduct shall report to:
 - A direct supervisor of the reporting officer;
 - A person in the reporting officer’s chain of command; or
 - The Department of Public Safety Standards and Training.
- Requires a person who receives a report of misconduct, if they do not have the authority to direct an investigation into the misconduct, to forward the report to a person who has the authority to direct an investigation into the alleged misconduct as soon as practicable but no later than 72 hours after receiving the report.
- Requires a law enforcement unit that receives a report of misconduct or violation to complete an investigation within three months after the date of the report unless circumstances prevent the investigation from being completed.
- Requires a law enforcement agency to notify the Department of Public Safety Standards and Training when an investigation results in a finding that sustains a report of misconduct, but need

not notify the department when an investigation results only in a finding that sustains a report of a violation of the minimum standards for physical, emotional, intellectual and moral fitness.

- Requires DPSST to establish and maintain a form for reports of misconduct.
- Requires DPSST to forward reports of misconduct concerning a police officer that they receive to the law enforcement unit employing the officer for investigation.

HB 3047 – Doxing Cause of Action for Law Enforcement Officers and Others

Effective Date: June 15, 2021	2021 Oregon Laws Site: Chapter 300
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HB 3047 includes the following key provisions:

- Creates civil cause of action for the improper disclosure of personal information.
- Provides that the plaintiff must prove that the defendant knowingly, and without consent, disclosed the personal information of the plaintiff with the intent to stalk, harass, or injure the plaintiff.
- Requires that the plaintiff further prove that they were actually stalked, harassed, or injured by the disclosure and that a reasonable person would also have been stalked, harassed, or injured by the disclosure.
- Provides that a plaintiff who proves their claim is eligible for economic and noneconomic damages, punitive damages, injunctive relief, reasonable attorney fees, and other appropriate equitable relief. Imposes two-year statute of limitations.
- Defines "disclose," "injure," "harass," "personal information," and "stalk."

SB 731 – Tribal Police Officer Authority

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 408
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SB 731 includes the following key provisions:

- Repeals the law enforcement unit compliance requirements relating to the Department of Public Safety Standards and Training (DPSST) authority over tribal law enforcement agencies.
- Requires tribes and tribal law enforcement units to follow the DPSST regulations related to disclosure of information about public safety officers and regulations related to tribal police.
- Requires the tribe to notify DPSST of the dates of hire, separation, and the reason for separation of employment when an authorized tribal officer separates from tribal government employment.
- States that measure does not regulate the activities of tribal police officers or tribal government occurring in Indian country or on the land of a tribal government, or outside Indian country or the land of a tribal government but within a tribe's civil or criminal jurisdiction.

❖ PERS ISSUES

SB 297 – Adds Judicial Marshals to Police Officer Definition for PERS

Effective Date: September 25, 2021	2021 Oregon Laws Site: Chapter 173
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SB 297 Includes certified judicial marshals within the definition of police officer in the Public Employees Retirement System. Applies to judicial marshals employed on or after effective date.

SB 425 – Identifies Telecommunicators as First Responders

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 278
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SB 425 States that Legislative Assembly finds and declares that telecommunicators are first responders which allows them to participate in a qualified government retirement plan like law enforcement (PERS).

❖ PRIVATE SECURITY

HB 2527 – DPSST Requirement to Establish Private Security Licensing Standards/Procedures

Effective Date: July 27, 2021	2021 Oregon Laws Site: Chapter 618
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SB 2527 includes the following key provisions:

- Requires the licensure of private security entities by the Department of Public Safety Standards and Training (DPSST).
- Excludes private security providers on higher education campuses and special campus security providers from provisions of the measure.
- Prohibits a private security entity from discharging or discriminating against a private security provider if the provider has made a compensation claim against the entity, has instituted a proceeding against the entity, or plans to testify regarding an unlawful private security practice.
- Requires DPSST to investigate the character, competency, and reliability of applicants for private security entity licensure.
- Provides an opportunity to protest the issuance or renewal of a license.
- Specifies that a person who hires an unlicensed private security entity is jointly and severally liable for wage claims of employees or wage-related penalties.
- Allows DPSST or any person to bring action to enjoin any person from using an unlicensed security entity or to prohibit a person from acting as a unlicensed private security entity.

- Provides that it is a Class A violation for a private security entity to provide services without license and without providing internet address for DPSST webpage where information on private security entity's license may be accessed.
- Provides that it is a Class A violation for a person to retain the services of a private security entity without first verifying the webpage where the information can be found.
- Allows and specifies license sanctions against a private security entity after two or more violations.
- Requires that private security entities that employ armed private security professionals to ensure that firearm training requirements are completed with a firearm that matches the make, model, and caliber of firearm used by professional while performing private security services.
- Makes certain provisions operative January 1, 2024.

SB 116 – Private Security Prohibition – Implying Affiliation with Police Agency

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 320
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SB 116 includes the following key provisions:

- Prohibits the use or possession of equipment, vehicles, uniforms, or titles that imply that a private security provider or private security business is affiliated with a public or private safety agency.
- Provides that the prohibition does not extend to private security providers employed on college campuses or special campus security officers because they are subject to specific requirements in ORS 181A.912.

❖ SEARCH AND RESCUE

HB 2593 – Outdoor Recreation Search & Rescue Voluntary Card Program

Effective Date: September 25, 2021	2021 Oregon Laws Site: Chapter 458
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HB 2593 includes the following key provisions:

- Allows the Office of Emergency Management (OEM) to enter into an agreement with a nonprofit organization representing sheriffs, under which the organization is authorized:
 - To establish and administer a program to produce and issue outdoor recreation search and rescue contribution cards (card),
 - To receive donations that support search and rescue efforts.
- Requires OEM to report to the Legislative Assembly annually on the administration and effectiveness of the program, if OEM enters into an agreement.

- Specifies that the receipt of a card does not exempt a beneficiary of search and rescue services from responsibility to reimburse the relevant public body.
- Makes the card valid for one year.
- Allows the organization to issue a multiyear card for a period not to exceed five years.
- Limits the cost of an annual card to \$10 for an individual or \$25 for a family;
- Limits the cost of a multiyear card is limited to \$50 for an individual or \$125 for a family.
- Specifies that the agent's fee may not exceed five percent of the retail price of a card.
- Directs the organization to establish a system for collecting revenues from card sales from authorized agents, less any fees retained by same, and to create separate account for purposes of the card program.
- Allows the organization to solicit and accept gifts, grants or donations from public or private sources for deposit in the account.
- Requires money in the account to be used to:
 - Reimburse county sheriffs for search and rescue expenses;
 - Issue grants to county sheriffs' offices for search and rescue;
 - Reimburse organization's administrative costs for card program, not to exceed 10 percent of aggregate revenues from card sales collected.
- Requires the organization to provide OEM with a detailed accounting of the program quarterly.

❖ SENTENCING – POST CONVICTION - EXPUNGEMENT

HB 2036 – Post-Prison Supervision Discharge for Medical Reasons

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 203
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HB 2036 includes the following key provisions:

- Allows the State Board of Parole and Post-Prison Supervision to discharge a person from parole or post-prison supervision prior to the end of the supervision term if certain factors related to a medical condition are met including:
 - The person is permanently incapacitated and has a condition that requires constant medical care;
 - Parole or post-prison supervision prevents the person from accessing a care facility;
 - The person provides substantiation and verification of the medical condition from a medical professional; and
 - The board, in its discretion, determines that early discharge from supervision is compatible with the best interests of the person and the community
- Eliminates "terminal illness" as a factor and instead specifies that being on supervision must be preventing the person from accessing a care facility and that medical substantiation and verification from a medical professional is required.

- Changes the requirement for the victim's current address to the victim's current contact information be on file for notification, if the victim has requested notification.
- Directs the board to adopt rules for discharging persons pursuant to these parameters

HB 2172 – Sentence Reduction Eligibility Expansion for Certain Crime Convictions

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 450
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HB 2172 includes the following key provisions:

- Expands the eligibility for a reduction in the sentence of supervision to individuals on post-prison supervision who were convicted of a felony or a designated drug-related misdemeanor (including Assault II or Robbery II) through the Department of Corrections.
- Eligibility for a reduction in sentence depends on compliance with the terms of probation or post-prison supervision, including demonstrating a commitment to the payment of restitution to the extent the person is able to pay, and participation in recidivism reduction programs. Existing law required payment of restitution and doesn't include any exception based on ability to pay.
- Requires adoption of rules to establish standards for determining and providing ongoing notifications of eligibility for an earned reduction in supervision.
- Applies to sentences imposed on or after the effective date of Act.

SB 218 – Expands Conditional Discharge Eligibility if Accepted into Specialty Court

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 330
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Senate Bill 218 expands the cases for which a court may defer further proceedings to include any misdemeanor or Class C felony, other than driving while under the influence of intoxicants if the defendant has been accepted into specialty court.

SB 397 – Modifies Eligibility and Procedure for Filing “Motions to Set Aside”

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 486
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Senate Bill 397 includes the following key provisions:

- Modifies eligibility and the procedure for filing a motion to set aside a conviction, arrest, citation or charge.
- Reduces waiting periods for filing a motion.
- Eliminates the filing fee and allows for an at-cost criminal records check fee, to be determined by the Oregon State Police.

- Allows a prosecuting attorney to object to a motion to set aside within 120 days of the filing date and directs the court to hold a hearing when an objection is filed.
- Modifies the legal standard the court uses to consider a motion to set aside and specifies that if the person is otherwise eligible for relief, the court shall grant the motion unless it finds that the circumstances and behavior of the person, by clear and convincing evidence, create a risk to public safety.
- Allows a prosecuting attorney, for the purposes of initiating a criminal proceeding within the statute of limitations, to unseal records and outlines the process for doing so.
- Modifies the eligibility, procedure and standards for filing a motion to set aside judgment for a person who has been found guilty except for insanity (GEI).
- Prevents the prosecuting attorney from conditioning a stipulation to a GEI judgment on an agreement by a defendant's agreement to waive the ability to set aside the judgment.
- Creates parameters for criminal history data providers relating to including certain information in a criminal history report and makes violation of the requirements an unlawful trade practice.
- Directs the State Court Administrator to create forms for motions and orders to set aside.

SB 575 – Modifies Juvenile Expunction Procedure for Certain Records

Effective Date: September 25, 2021	2021 Oregon Laws Site: Chapter 585
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SB 575 modifies the process for the expunction of juvenile records and includes the following provisions:

- Requires a juvenile department to initiate the expunction process and issue a notice if the person does not have an open referral for a case by informal means and has not had contact with the department resulting in a conviction as an offender waived to adult court.
- Directs venue for juvenile expungement cases.
- Requires a juvenile department to issue a notice of expunction for juvenile records:
 - Within 90 days of a person turning age 18, or
 - By the date the department receives an expunction request from a qualifying person if a person is 18 years or older by the operative date of the act.
- Requires the department to conduct a reasonable search of its files to determine which agencies may be in possession of related files and to notify those agencies of the duty to expunge the person's records.
- Requires the agencies in possession of the records to indicate compliance within 60 days of receipt of the notice.
- Provides an allowance for an extension of time for agencies to comply with the expungement requirement in the case of an audit or grievance under the Interstate Compact for Juveniles.
- States that a department's destruction of a person's records is not expunction if those records are also maintained by the Department of Human Services for juvenile court jurisdiction dependency cases.

- Provides liability immunity for a person, in their capacity with the department, if that person sends a notice of expunction for an ineligible individual or fails to send a notice of expunction for an eligible individual, unless the person acts with knowledge and intentionally violates confidentiality provisions.
- Creates a cause of action if a person acts with knowledge and intentionally violates confidentiality provisions.
- Allows a person who is eligible for expungement to apply for appointment of counsel at state expense and requires the court to appoint counsel if a person is financially eligible.
- Modifies the definition of expunction to mean:
 - The removal by destruction of a judgment or order related to a contact and all records and references associated with a subject person;
 - The removal by sealing of a judgment or order related to a contact and all records and references associated with a subject person;
 - The removal by redaction of a subject person’s name and all personal identifiers and all references to the subject person within a record; or
 - If a record is kept by the Department of Human Services, the department’s affixing to the front of the file containing the record a stamp or statement identifying the name of the individual, the date of expunction and instruction that no further reference may be made to the record that is record that is subject to the expunction notice or order.
- Directs the Oregon Youth Authority (OYA), in consultation with county juvenile departments to develop statewide model forms for notice of expunction.
- Requires an application for expunction to be available from the court clerk.
- Directs the State Court Administrator to prescribe the content and form of expunction applications and judgments.
- Directs OYA to submit reports to the interim committee of the Legislative Assembly relating to juveniles on the status of their preparation by September 15, 2021, and on process, data, and recommendation by January 2, 2022.

SB 620 – Elimination of Supervision Fees

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 653
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SB 620 includes the following key provisions:

- Repeals the authority of community corrections program, State Board of Parole and Post-Prison Supervision, or other local supervisory authority to impose or collect a monthly fee to offset costs of supervising an individual's probation, parole, post-prison supervision, or other supervised release.
- Removes the authority of the court to impose or collect fees for court-ordered supervision or violations of court-ordered supervision.

- Prohibits the State Board of Parole and Post-Prison Supervision from requiring a supervised person to pay a fee to a victim impact program to offset the cost of the person's participation in the program.
- Applies to sentences imposed on or after the effective date of this 2021 Act.
- Note: An appropriation of \$10 million in General Fund was appropriated to cover the lost revenue from the elimination of fees that will be included in the DOC base budget moving forward.

SB 651 – Notification Requirement – Right to Object to Probation Modifications

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 404
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SB 651 requires a probation officer to notify a probationer of the right to file an objection and have a hearing when special conditions of probation modifications are proposed.

SB 819 – Reconsideration of Conviction & Sentence – Joint Petition from DA and AIC

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 414
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SB 819 includes the following key provisions:

- Establishes a procedure by which a district attorney and an incarcerated person may jointly petition the sentencing court for reconsideration of certain felony convictions and sentences if the original sentence no longer advances the interests of justice.
- Requires a petition to specify the terms of the agreement between the district attorney and the incarcerated person.
- Provides that after a hearing on the petition, if the court determines that the original sentence no longer advances the interests of justice, the court may resentence the person on the original conviction, vacate the previous judgment of conviction, or accept a plea to a new offense and impose sentence on the new offense.
- Provides that If the court imposes a new sentence on the original conviction, the court is prohibited from imposing a sentence greater than the original sentence imposed.
- Allows the court to consider post-conviction factors when determining whether to grant a petition, including but not limited to:
 - The person’s disciplinary record and record of rehabilitation while incarcerated;
 - Evidence that reflects whether the person’s age, time served and diminished physical or mental condition, if any, have reduced the person’s risk for future violence;
 - The safety of the victim associated with each conviction in the petition;
 - The amount of the original sentence already served by the person; and

- Evidence that reflects changed circumstances since the person’s original sentencing and shows that the person’s continued incarceration no longer advances the interests of justice.
- Directs the district attorney to notify a victim or a survivor of a victim of the reconsideration hearing and process and requires the court to provide an opportunity for the victim to provide a statement.
- States that resentencing under this provision does not revive any challenge otherwise barred at the time of resentencing.

❖ SEX OFFENSES/PROSTITUTION/HUMAN TRAFFICKING

SB 515 – Sex Trafficking Reporting Requirement for Permittee of Licensed Premises

Effective Date: September 25, 2021	2021 Oregon Laws Site: Chapter 44
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SB 515 includes the following key provisions:

- Requires the employees of a full or limited on-premises sales license to report to the Oregon Liquor Control Commission (OLCC) and law enforcement any reasonable belief that sex trafficking or employment of minors is occurring at the licensed premises.
- Provides immunity from liability for good faith reporting.
- Becomes operative January 1, 2022.
- Authorizes OLCC to adopt rules and to revoke or suspend the service permit of employees for failure to report.

SB 649 – Increased Penalties for Sexual Abuse in 2nd Degree if Committed by a Teacher

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 403
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SB 649 (Bailey’s Bill) includes the following key provisions:

- Increases penalties for the crime of sexual abuse in the second degree (criminal sexual contact with a minor victim) when the defendant is the victim’s teacher.
- Directs the Oregon Criminal Justice Commission to classify sexual abuse in the second degree committed by a teacher as a crime category of 8 if:
 - The victim is incapable of consent by reason of being under 18 years of age;
 - The offender is 21 years of age or older; and
 - At any time before the commission of the offense, the offender was the victim’s teacher (current law already includes coaches).
- Defines "teacher" for purposes of the measure as an employee of a school or school district who has direct responsibility for the instruction of students.

SB 752 – Affirmative Defense for Reasonable Belief that Victim Consented (Haltom Fix)

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 410
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SB 752 provides legislative clarification by establishing an affirmative defense to an allegation of second-degree sexual abuse based on non-consent if a jury finds the defendant reasonably believed the victim did consent to the sexual intercourse and amends sex offender registration exceptions under sex in the second-degree to align with existing exceptions.

SB 766 – Sexual Abuse Restraining Order Expiration for Petitioners under 18

Effective Date: July 14, 2021	2021 Oregon Laws Site: Chapter 496
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SB 766 includes the following key provisions:

- Modifies the date of expiration of sexual abuse restraining orders entered on behalf of a minor petitioner if the petitioner fails to request a renewal of the order by the specified date following the petitioner’s 18th birthday (January 1 of the year following the petitioner’s 18th birthday).
- Allows the court, if appropriate, to order the use of a summons to effect service in cases where the petitioner receives notice of incomplete service and service on the respondent cannot be effected within 30 days after the granting or renewal of the restraining order. The summons must include notice of where the respondent may obtain a complete copy of the order.
- Provides that if alternative service is ordered by the court, the person performing the service shall instead immediately deliver to the county sheriff copies of the petition, the restraining order and, if applicable, the summons, and a true copy of proof of service on which it is stated that alternative service was completed in accordance with ORCP 7 D(6)

❖ TECHNOLOGY/PRIVACY

HB 2459 – Video Conference Recording Definition of “Conversation”

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 357
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HB 2459 includes the following key provisions:

- Includes communication through a video conferencing program within the definition of "conversation" for purposes of prohibitions on recording conversations without specifically informing participants.

- Specifies that the prohibition does not apply if the person intends to capture alleged unlawful activity and is a participant in the conversation or at least one participant in the conversation consents to the recording and the person is:
 - a law enforcement officer or acting in coordination with a law enforcement officer;
 - acting in coordination with an attorney or enforcement or regulatory entity; or
 - the person reasonably believes the recording may be used as evidence in a judicial or administrative proceeding.
- Extends the exemption allowing the recording of communications when oral communications are part of a public or semi-public meeting, regularly scheduled class or educational activity, or private meeting or conference, if all others involved knew or reasonably should have known that the recording was being made, to include those occurrences happening through a video conferencing program.
- Defines video conferencing program as a software or application for computer or cellular phone that allows two or more persons to communicate via simultaneous video transmission.

❖ TRAFFIC – MOTOR VEHICLE

HB 2498 – Deaf or Hard of Hearing - Vehicle Registration Card & License Notation

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 14
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HB 2498 includes the following key provisions:

- Requires an application for vehicle registration to include an option for an applicant to include information on a registration card that the registered owner or operator is deaf or hard of hearing.
- Requires Oregon Department of Transportation (ODOT), upon request of a registered owner, to furnish a registration card with information that the registered owner or operator is deaf or hard of hearing.
- Requires ODOT, upon request of driver license holder, to issue a driver license with information that the driver is deaf or hard or hearing.
- Prohibits ODOT from adding a restriction on a driver license or driver permit if the restriction is related to the holder being deaf or hard of hearing.

HB 2530 – Makes Photo Radar Law for Portland High Crash Corridors Permanent

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 358
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HB 2530 includes the following key provisions:

- Repeals the sunset on provisions authorizing the operation of fixed photo radar speed enforcement in urban high crash corridors in the City of Portland making the law permanent.
- In 2015, House Bill 2621 authorized the City of Portland to operate fixed photo radar systems on urban high crash corridors. A fixed photo radar system is located at specific intersections and can operate 24 hours per day. Revenues generated from citations are limited to use for system maintenance and operation and for improving traffic safety for all modes of transportation.

HB 3125 – Voluntary Emergency Contact Information for Motor Vehicle Record

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 465
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HB 3125 includes the following key provisions:

- Directs Oregon Department of Transportation (ODOT) to create an emergency contact information form and make it available for individuals to voluntarily provide emergency contact information for inclusion in the individual's motor vehicle record for police officers to use, during or after emergency situations, to contact those listed.
- Directs ODOT to conduct an outreach program to educate applicants and the general public about the opportunity to include emergency contact information in the motor vehicle record.
- Sunsets the outreach program on January 2, 2025.

❖ USE OF FORCE

HB 2932 – Use of Force Reporting Requirement – FBI National Use of Force Database

Effective Date: January 1, 2022	2021 Oregon Laws Site: Chapter 625
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HB 2932 includes the following key provisions:

- Requires police agencies to participate in the National Use-of-Force Data Collection operated by the Federal Bureau of Investigation.
- Requires the Criminal Justice Commission to analyze data from the FBI Use of Force Database and submit a report on the analysis to an appropriate committee or interim committee of the Legislative Assembly.

❖ VICTIMS OF CRIME

HB 2746 – Hope Card Program – Persons Protected by Eligible Restraining Orders

Effective Date: January 1, 2022	2019 Oregon Laws Site: Chapter 460
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HB 2746 includes the following key provisions:

- Directs the Department of Justice to develop, implement, and administer a statewide Hope Card Program for the issuance of information cards regarding eligible civil protection orders.
- Requires the Department of Justice to develop rules for administration of the Hope Card Program in consultation with Oregon Indian tribes, the Oregon State Police, the State Court Administrator, representatives of victim service organizations, and other appropriate entities.
- Requires the Hope Card Program, upon request, to provide one or more information cards to a person protected by an eligible civil protection order.
- Provides that an information card issued under the program must be a durable, wallet-sized card containing essential information about the civil protection order, including the persons subject to the order, the court case number and jurisdiction, the issuance and expiration dates of the order and any other information prescribed by the department by rule.
- Prohibits the Hope Card Program from charging a fee for an application for or the issuance of an information card.

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