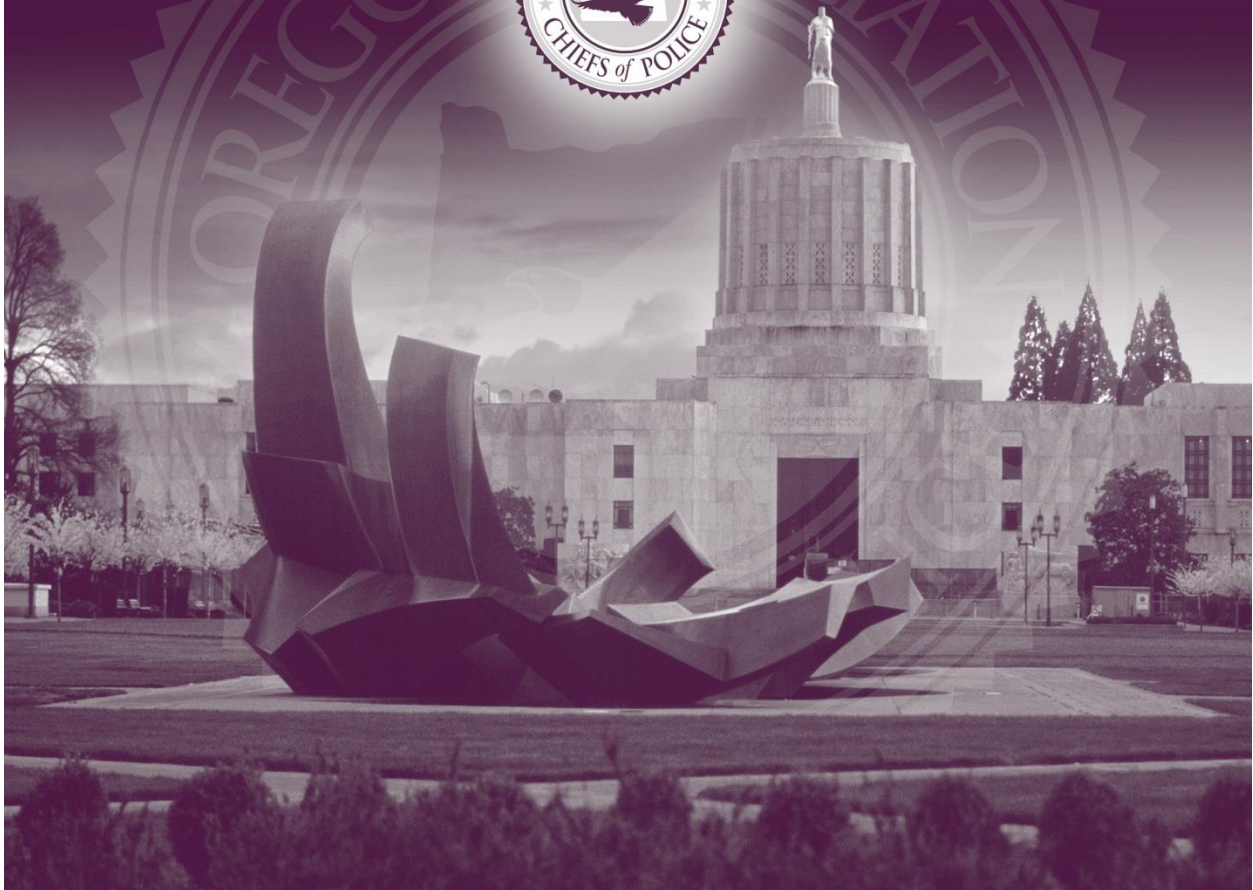


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OREGON ASSOCIATION CHIEFS OF POLICE

LEGISLATIVE REPORT



OACP Members,

The 2017 Legislative Session adjourned sine die (end of days) at 3:26 PM on Friday, July 7th after six months of intense and politically divisive work. The Senate adjourned a few hours before the House of Representatives. It is the first time the two chambers haven't adjourned in unison since 2003. This is a metaphor for the session overall where tension existed between the two chambers and between the two parties. In the final days of session, a number of significant public safety measures were considered. PLEASE NOTE: I will send out a more comprehensive report soon that will include details regarding effective dates for legislation and ORS chapter numbers. Despite the difficult budget environment and negative perceptions of law enforcement, we accomplished some important public safety objectives, improved some bad bills and stopped a significant number of damaging bills. Perhaps most importantly, we strengthened our reputation for engaging the legislative process as problem solvers and with integrity. Here is a summary of the public safety bills that were passed during the last few days of session. Thank you for your assistance this session and for the confidence you place in me. It is a privilege to serve you in this role!

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BY THE NUMBERS

- Bills introduced during the 2017 Session: 2825
- Bills Tracked by OACP-OSSA for 2017 Session: 495

PUBLIC SAFETY BUDGET HIGHLIGHTS/LOW LIGHTS:

Introduction: The Co-chairs of the Ways and Means Committee (Senator Richard Devlin and Representative Nancy Nathanson) had an immensely difficult challenge to craft budgets for Oregon State Government during the 2017 Legislative Session. They had to finalize and pass budgets prior to knowing the amount of money they had available to appropriate. When it became apparent at the end of session that a corporate tax increase or other revenue raising measure wasn't materializing, the Co-chairs had to go back in the final days of session to reduce the already adopted agency budgets by 2% "across the board" in specific budget areas (ie. Travel, AG fees, services & supplies and salary). These reductions occurred without much notice in SB 5006, an omnibus session-end measure called the "Christmas Tree" bill; so named because it usually includes funding for special projects and programs (but it could hardly be called Christmas this year for most agencies). While we achieved some positive initial results for public safety budgets, the 2% "across the board" reduction was disappointing. In light of the potential cuts we expected this session, the results could have been significantly worse. For each of the below budgets, I will note the dollar reduction and estimated impact.

Department of Public Safety Standards and Training Budget (HB 5034):

The DPSST budget, as approved during the 2017 Legislative Session includes \$61.6 million in total funds. The overall budget is .08% above the 2017-19 current service level. Here are the key elements of the budget:

- Reduced two sixteen-week Basic Police training classes from the 2017-19 training calendar, saving \$1,387,192 and eliminating four positions (4.00 FTE). DPSST can seek the restoration of this funding from the Legislative Emergency Board during the interim if the need for the classes is justified.
- Added two telecommunicator training classes to the 2017-19 training calendar, funded from the 911 Emergency Communications Account through the Military Department
- Continued the partnership with the Criminal Justice Commission on the Center for Policing Excellence with \$730,000 in federal Edward J. Byrne grant funds.
- Appropriated \$431,330 in HB 2355 to add two permanent full-time positions to develop and provide training procedures and to begin preliminary work on an education program to reduce profiling.

SB 5006 Impacts to DPSST Budget

- Reduced DPSST Budget by an additional \$1,188,429

Oregon State Police Budget (HB 5031):

The approved Oregon State Police Budget includes an all-funds budget of \$427.9 million, with 1,315 positions and \$1,293.62 FTE. The budget both maintains current service levels and reduces the need for General Fund due to a \$26.1 million shift of expenses onto marijuana tax revenues in the Criminal Investigations Division. The budget is further adjusted based on other legislative action in SB 5006 and HB 2355:

- Reduced \$28 million General Fund and replacing it with marijuana tax revenues in the Criminal Investigations, Forensics, and Patrol Divisions
- Increased Other Funds and Federal Funds expenditure limitation by a total of \$5.1 million to continue with the LEDS 20/20 project (formerly referred to as the CrimeVue replacement project)
- Used available marijuana revenues to move the Pendleton Forensics Lab and to purchase 33 patrol vehicles.
- Appropriated \$1,530,418 in HB 2355 to develop and implement a statewide data collection system for law enforcement agencies.

SB 5006 Impacts to OSP Budget:

- Added 20 Trooper positions (6,230,000 additional appropriation)
- Added 7 Capitol Mall Troopers for state capitol security (2,521,711 additional appropriation)
- Reduced OSP Budget by 2% from designated areas within the agency (an \$11,828,429 reduction).
- The net reduction in SB 5006 to OSP (additions minus reductions) is \$6,153,436. In essence, this means the 20 additional troopers are not real and additional savings within the agency will need to be identified.

Oregon Criminal Justice Commission Budget (HB 5005)

The legislature approved a CJC budget a budget of just over \$65 million, \$57.4 million of which is General Fund, and 11 full-time positions. This is a current service level budget that is 3.4% higher than the 2015-17 legislatively approved budget. Additional funding was approved in HB 2355 and HB 3078. The funding level for the Justice Reinvestment Program is one of the positive outcomes of the 2017 Legislative Session:

- Appropriated \$40,000 in HB 5005 for the purpose of funding the Justice Reinvestment Program.
- Appropriated an additional \$7 million in HB 3078 to the Justice Reinvestment Program for drug treatment and other programs.
- Appropriated \$347,351 in HB 2355 for two permanent full-time positions to work on the data and analysis of traffic stop data submitted by law enforcement agencies.

SB 5006 Impacts to CJC Budget

- Reduced CJC Budget by \$92,434

Oregon Department of Corrections (HB 5004):

The Department of Corrections budget includes an all-funds budget of just over \$1.75 billion, with 4,605 positions and 4,572.07 FTE. A General Fund budget of \$1.7 billion supports 97.3% of the agency's expenditures, with \$42.5 million of Other Funds and \$4.4 million Federal Funds. The key elements of the budget include:

- Removed funding for a second women's prison, and reduced funding for additional prison capacity for men.
- Community Corrections funding was maintained at current service level.
- Made a \$10 million unspecified reduction in prison operating costs
- Biennialized the actions taken by the Emergency Board in May, 2016 to add prison capacity at the Deer Ridge Correctional Institution and to make improvements to the Behavioral Health Unit at the Oregon State Penitentiary

SB 5006 Impacts to CJC Budget

- Further reduced the DOC Budget by \$25,589,036 million.

STATUS OF LEGISLATION WE SUPPORTED:

Bills we supported that passed:

HB 2360 EN – Sex Offender Registration Fix: This bill modifies reporting obligation for sex offenders by requiring report within 10 days following change of residence. DOJ, OSP, OACP & OSSA believe a fix to this loophole in sex offender registration is essential to address.

- **Status:** Signed by Governor on 6/22/2017

HB 2175 EN – Sobering Center Expansion: This measure removes limitation on number of sobering facilities that may be registered with Oregon Health Authority and it extends liability protection that is essential to the existence of these centers.

- **Status:** Signed by Governor on 6-21-2017: Chapter 203, (2017 Laws): Effective date January 1, 2018.

HB 2176 EN – Sobering Center Funding: This measure authorizes moneys in the Mental Health Alcoholism and Drug Services Account to be used by counties to provide funding to sobering facilities.

- **Status:** Signed by Governor on 6-6-2017: Chapter 204, (2017 Laws): Effective date January 1, 2018.

HB 2355-EN - Racial Profiling/Possession of a Controlled Substance: The Racial Profiling Task Force engaged in an 18-month negotiation process that was very challenging. As you know, the OACP and OSSA supported this legislation provided it was adequately funded and avoided local costs to implement the data collection requirements in the measure. The measure addresses two primary subjects:

Possession of a Controlled Substance Provisions: This measure makes possession of a controlled substance a felony if the defendant possesses a usable quantity of a controlled substance and one of four factors is present: 1) The defendant has a prior felony conviction of any kind; 2) The defendant has two or more prior convictions for possessing a usable quantity of a controlled substance; 3) The offense is a commercial drug offense; or 4) The defendant possesses more than a specified amount of certain controlled substances. The bill maintains community corrections supervision, application of earned discharge and exclusive circuit court jurisdiction over misdemeanor offenses.

Racial Profiling Provisions - The measure allocates resources to DPSST to provide training for agencies and officers that is designed to reduce profiling and requires law enforcement agencies to collect pedestrian and vehicle stop data. The stop data would be implemented in large agencies initially and would phase in others over a period of years. The measure also simplifies the racial profiling complaint process by limiting the requirement to submit a report summarizing profiling complaints and their disposition to one time annually and requires all agencies to report even if no racial profiling complaints are received.

- **Status - Passed:** This measure passed the House with a 36 to 23 vote and the Senate with a 20 to 9 vote. The Governor is expected to sign the bill.

HB 2409 EN – Photo Red Light Speed – This measure authorizes cities to operate photo red light cameras to record and cite drivers who speed in excess of 11 miles per hour over the speed limit. The measure prohibits a city from issuing both a speeding ticket and a ticket for running a red light, unless a driver exceeds speed limit by more than 21 miles per hour.

- **Status:** Signed by Governor on 6/14/2017: Chapter 288, (2017 Laws): Effective Date 90 days after Sine Die.

HB 2597-EN - Cell Phone Fix Legislation -This measure addresses a court case (State v. Rabanalas Ramos) that is resulting in the dismissal of citations for texting or talking on a cell phone while driving a motor vehicle. OACP participated in a workgroup process that developed the language in the measure and we supported the final bill. The measure includes the following key provisions:

- Renames the offense of operating a motor vehicle while using a mobile communication device and expands it to cover operating a motor vehicle while using a mobile electronic device.
- Increases the penalty for a first offense and for subsequent offenses or when a first offense contributes to an accident.
- Beginning January 1, 2018, a court may suspend a fine upon a first offense if the person completes a distracted driving avoidance course.
- Directs the Oregon Department of Transportation to create standards for a distracted driving avoidance course.
- Creates an affirmative defense to the offense for certain purposes.

- **Status: Passed:** HB 2597 was passed in the Senate with a 21 to 8 vote and passed the House with a 46 to 6 vote. The Governor is expected to sign the bill. The provisions of the measure will take effect on October 1, 2017.

HB 2611 EN – Training Reimbursement Fix – This measure was the product of an OACP-OSSA workgroup. The measure creates necessary clarity for agencies that seek reimbursement for certain expenses incurred when a recently trained officer is hired away by another agency.

- **Status:** Signed by Governor on 5/9/2017: Chapter 29, (2017 Laws): Effective date January 1, 2018.

HB 3047-EN: Drone Legislation: This measure includes a number of provisions including: Authorizes use of drones by law enforcement without a warrant for accident scene reconstruction, Creates an offense for operating UAS over privately owned premises in a manner to intentionally, knowingly or recklessly harass or annoy the owner or occupant of a premises and elevates the penalty for use of a weaponized unmanned aircraft system (UAS) to a Class C felony, if a person intentionally, knowingly or recklessly operates a UAS to fire a bullet or projectiles or cause a UAS to function as a dangerous weapon.

- **Status:** Governor’s signature pending.

SB 302 EN - Control and Regulation of Marijuana Act: This measure moves crimes, penalties, defenses to crimes, and procedural provisions that apply to marijuana offenses from the Uniform Controlled Substances Act to the Control and Regulation of Marijuana Act.

- **Status:** Signed by Governor on 4-21-2017: Effective Date: April 21, 2017 (Chapter 021, 2017 Laws)

SB 303 EN - Minor in Possession (MIP): This measure creates consistent prohibitions, procedures and penalties for a minor possessing, purchasing or acquiring either alcoholic beverages or marijuana items.

- **Status:** Signed by Governor on 4-21-2017: Effective Date: April 21, 2017 (Chapter 020, 2017 Laws)

SB 508 EN - Release of “Death Images”: This measure provides that images related to the death of a person are exempt from disclosure as a public record if the disclosure would create an unreasonable invasion of privacy of the family of the deceased person.

- **Status:** Signed by Governor on 6/15/2017: Chapter 340, 2017 Laws: Effective date, January 1, 2018.

SB 1025 EN - Bodily Fluids Testing - Officer Exposure: This measure creates a process by which law enforcement and public safety personnel, who, in the performance of their official duties, are exposed to blood, bodily fluid, or other potentially infectious materials of another person, may petition the court to compel the testing of the other person for a communicable disease. Requires the court to order testing upon a showing that the circumstances create probable cause to conclude that the petitioner's contact with the source person constitutes direct contact with blood, bodily fluids or other potentially infectious materials of the person. Chiefs and Sheriffs associations joined with the Oregon Council of Police Associations to request this measure.

- **Status: Passed** - This measure passed the House with a unanimous 58 to 0 vote and passed the Senate with a unanimous 29 to 0 vote. The Governor is expected to sign the bill into law. Despite the strong vote of support, the bill required significant negotiations and was nearly kept from moving forward by House leadership.

SB 1050 - Sex Offender Sentencing Legislation: This measure provides a presumptive sentence of life imprisonment without the possibility of release or parole for a defendant sentenced for rape in the first degree, sodomy in the first degree or unlawful sexual penetration in the first degree if, at time crime is committed, the defendant has a prior conviction for the same crime or an equivalent crime in another jurisdiction.

- **Status: Passed** - SB 1050 passed the Senate with a unanimous 30 to 0 vote and passed the House with a 58 to 0 vote. The Governor is expected to sign the bill.

SB 1057 – Medical Marijuana Tracking: While this measure has a number of provisions, SB 1057 requires marijuana produced and transferred within the OMMP system to be tracked by the OLCC tracking system. This is a major accomplishment in light of the significant amount of medical marijuana that is being sold into other states through the black market.

- **Status:** Signed by Governor on 5-30-2017: Effective Date: May 30th, 2017 (Chapter 183, 2017 Laws)

Bills we supported that failed:

HB 2380 – Mass Casualty Threat Legislation: This bill would create a crime for threatening a mass casualty event and would provide a proactive investigative tool in cases where a person issues a threat to kill 2 or more people. Despite significant efforts to identify an amendment that would address concerns with the bill, the House leadership refused to allow the bill to move forward.

- **Status:** Dead

HB 2613 & 2614 – DUII Implied Consent and Impairing Substances – HB 2613 expands the offense of driving while under influence of intoxicants to include any drug that adversely affects person's physical or mental faculties to noticeable or perceptible degree. HB 2614 provides that a person who operates motor vehicle upon premises open to public or highways of this state is deemed to have given consent to submit to drug recognition evaluation under certain circumstances.

- **Status:** Dead

HB 2812-A: School Safety Multidisciplinary Assessment Team Legislation: This language was originally submitted in SB 414. It ran into difficulty in the Senate committee and we decided to identify a measure in the House that we could use as a vehicle for the language (gut and stuff).

- **Status:** Dead – The funding required to implement the measure wasn't appropriated.

SB 515 – Privacy Protection and Community Safety Act – This measure was designed to modernize Oregon Revised Statute related to law enforcement use of technologies to access personal information. The bill would require increasing court involvement and scrutiny as the privacy interest of the individual increases.

- **Status:** Dead – A small workgroup will meet during the interim negotiate a legislative solution for the 2018 Legislative Session.

SB 519 – Pre-employment Polygraph for Law Enforcement – This measure would have allowed law enforcement agencies to utilize a polygraph test as a condition of employment for pre-employment screening of law enforcement officers, subject to applicable collective bargaining agreement.

- **Status:** Dead

STATUS OF LEGISLATION WE OPPOSED:

Bills we opposed that passed:

HB 3078 EN - "Safety and Savings" Legislation: This measure was introduced for the purpose of avoiding construction of a new women's prison following a 45 day workgroup process created by House Speaker Tina Kotek. The measure includes a number of provisions including:

- Increases the maximum amount of short term transitional leave to 120-days (from 90 days)
- Modifies two Measure 57 crimes (theft in the first degree and identity theft) to permit shorter presumptive sentences (from 18 to 13 months) with stricter supervision and increases number of prior convictions needed to trigger presumptive sentence from two to four.
- Expands the number of offenders that may be eligible to participate in the Family Sentencing Alternative Pilot Program (Program) by including offenders who are pregnant at the time of sentencing and requires courts to impose participation in the Family Sentencing Alternative Program as a condition of probation when the offender's eligibility is taken into account as a mitigating factor.
- Directs Oregon Criminal Justice Commission (CJC) to study the impacts and report to the Legislative Assembly as specified by February 1 of each year through 2027.
- Includes \$7 million dollars in additional resources for the Justice Reinvestment Program that can be used for drug treatment (Required as a part of our support for HB 2355).

OACP & OSSA opposed changes to Ballot Measure 57 sentences in HB 3078 but were unable to remove them from the measure despite vigorous efforts.

- **Status: Passed** - HB 3078 was passed in the Senate and passed the House with a 33 to 26 vote and passed the Senate with an 18 to 11 vote. The Governor is expected to sign the bill. The changes to sentencing and transitional leave will be effective in January of 2018.

SB 505-B: Grand Jury Recordation: SB 505 directs the district attorney to ensure proceedings before grand jury are recorded and authorizes the district attorney to delegate recording requirement to grand juror, shorthand reporter or other person designated by the district attorney. Initial implementation is likely to occur in three counties (Multnomah, Jackson and Deschutes). \$10 million was appropriated for the initial implementation of the measure with most of the resources going to recordation equipment. An additional \$8 million was set-aside in the Ways and Means Emergency Board in case the cost of implementation exceeds projections. The fiscal impact to local governments is uncertain because of the potential that District Attorney's will opt to move to preliminary hearings as an alternative to Grand Jury proceedings. We will seek changes to the bill in 2018 to address problematic provisions including the release of transcripts for "not true bills".

- **Status: Passed** - This measure passed the Senate with 21 to 7 vote and passed in the House with a 34 to 28 vote. The Governor is expected to sign the measure.

Bills we opposed that were amended to address our concerns:

HB 2238-A: PCS Reduction from Felony to Misdemeanor. This measure, introduced by the Governor, would have reduced the penalty for drug possession from a felony to a misdemeanor across the board and would have redirected the estimated \$20 million in "savings" to help address the budget shortfall. The bill also directs the CJC and DHS to prepare racial and ethnic impact statements on proposed legislation and ballot measures related to crime and human services, respectively. On 4-13, the bill was amended to remove the PCS penalty reduction language.

- **Status:** A Senate vote on HB 2238 is expected this week followed by a concurrence vote in the House.

HB 2930-EN– Child Abuse Military Determination Requirement: This measure required the Department of Human Services and law enforcement agencies to make efforts to determine the military status of parents or guardians of child who is subject of report of child abuse. On 3-13, the bill was amended to replace the "shall" language that was problematic for law enforcement with "may" language. As amended, DHS and/or law enforcement "may collect information concerning the military affiliation of the person having custody or control of the child subject to an investigation and may share this information with the appropriate military authorities."

- **Status:** Signed by Governor on 6/6/2017: Chapter 210, (2017 Laws): Effective date Jan. 1, 2018.

HB 3242-EN – Juvenile Recordation – As originally drafted, this measure would require peace officers to electronically record an interview with a youth when investigating a crime of any kind and was not limited to custodial interviews. Further, the original bill included language making testimony inadmissible if there was a failure to record. We successfully amended the measure to limit the requirements of the measure to recordings in law enforcement facilities and to felonies. We eliminated the inadmissibility language, exempted agencies with under 5 sworn officers from the requirements of the bill and defeated an effort to require an adult to be present in a school setting whenever a youth is interviewed by a police officer.

- **Status:** Signed by Governor on 6/22/2017

HB 3438-EN – Waiver of Residency Requirement upon Prison Release – this measure, as amended by a dash-1 amendment, would have required the State Board of Parole and Post-Prison Supervision to include a waiver of residency as a part of their release plan when a transitional housing or residential treatment program was available to the parolee. We successfully amended the bill to replace language that would require the board to waive residency upon release from prison with language that only requires them to consider if housing or residential treatment programs would constitute good cause to consider waiver of residency.

- **Status:** Signed by Governor on 6/22/2017

SB 846-EN – Prohibits use of physical restraints in juvenile court proceedings on youth, youth offender or young person with exceptions. The measure was amended to allow restraints when the court finds them necessary due to an immediate and serious risk of dangerous or disruptive behavior and there are no less restrictive alternatives. It also provides a procedure for a law enforcement agency, juvenile department or other party to the proceeding to request the use of restraints.

- **Status:** Signed by Governor on 6/6/2017: Chapter 257, 2017 Laws: Effective date, January 1, 2018

Bills we opposed that we killed:

HB 2104: Requires the employer of security personnel in a corrections institution to pay an employee three times the regular rate of employee's pay if the employer requires an employee to work in excess of 40 hours in any one week.

- **Status:** Dead

HB 2128: Pseudoephedrine Bill: This bill would have deletes the requirement that pseudoephedrine be classified as a Schedule III substance (prescription only) and would have instituted a pharmacy tracking system.

- **Status:** Dead

HB 2215: Right to Rest Act: This measure would have extended new rights to the homeless and would limit the ability of law enforcement to manage this difficult population and to maintain community livability.

- **Status:** Dead

HB 2455: Requires public bodies to establish public records retention schedules that require minimum three-year retention of public records.

- **Status:** Dead

HB 2712: Requires law enforcement agencies to adopt policies on responding to officer-involved domestic violence incidents and proscribes specific policy requirements.

- **Status:** Dead

HB 2713: Provides that evidence obtained during or as a result of a defendant's unlawful detention by a peace officer is inadmissible in a criminal proceeding against a defendant.

- **Status:** Dead

HB 2718: Requires youth to consult with legal counsel in person, by telephone or by video conference prior to custodial interview with a peace officer, and before waiver of constitutional rights.

- **Status:** Dead

HB 3018: Eliminates the Sunset on the Law Enforcement Profiling Work Group.

- **Status:** Dead

HB 3217: Requires labor negotiation with public body to take place in an open meeting.

- **Status:** Dead

HB 3243: Prohibits law enforcement agencies from receiving certain equipment from a military surplus equipment program operated by the federal government.

- **Status:** Dead

HB 3244: Prohibits peace officer from using deceit, trickery or artifice during interview of youth concerning act that, if committed by adult, would constitute crime.

- **Status:** Dead

HB 3266: Student Restraint Legislation: As currently drafted, this measure provides that no person may use mechanical restraint, chemical restraint, prone restraint, physical restraint or seclusion on student in public education program. As you know, police use discretion and use restraints to insure the safety of the involved student, other students, teachers and staff and involved officers.

- **Status:** Dead

HB 3278: Allows persons convicted of unlawful delivery of controlled substance constituting Class A felony to file motion for order setting aside conviction, unless delivery occurred within 1,000 feet of school or was to minor.

- **Status:** Dead

HB 3365: Prohibits an official action relating to employment or certification of a police officer solely because a police officer is on an impeachment list or because of an unproven allegation that a police officer committed an act of omission of a kind for which the name of the police officer may be placed on an impeachment list.

- **Status:** Dead

HB 3368: Prohibits law enforcement agency from having or establishing arrest or citation quota policy.

- **Status:** Dead

HB 3441: Public Beach Unlawful Possession: This measure would have created the crime of unlawful possession of a prohibited container on a public beach for possessing or discarding an alcohol container or any glass beverage bottle or to possess or consume an alcoholic beverage.

- **Status:** Dead

SB 301: Marijuana in the Workplace: This measure would have provided that conditioning employment on refraining from using any substance that is lawful to use in this state is unlawful employment practice.

- **Status:** Dead

SB 345: Jail Debit Cards: This measure would have required that the value of returned funds taken as cash from a person in custody be equal to value of cash taken. The measure would have eliminated the ability of jails to issue debit cards to inmates upon release.

- **Status:** Dead

SB 346: Requires the Attorney General to appoint an attorney from outside a county in which a peace officer uses deadly physical force to lead an investigation into the use of deadly physical force.

- **Status:** Dead

SB 347: Expands the definition of “involved officer” to include an officer involved in an incident in which use of deadly physical force caused serious physical injury.

- **Status:** Dead

SB 348: Requires a police officer involved in an incident that resulted in the death or serious physical injury of a person to attend at least six sessions with a mental health professional.

- **Status:** Dead

SB 352: Requires police officers to inform a person stopped for a traffic violation or upon suspicion of criminal activity that the person has a right to refuse a request to search.

- **Status:** Dead

SB 355: Requires a law enforcement agency to notify the Attorney General prior to beginning an investigation where a police officer uses deadly physical force.

- **Status:** Dead

SB 356: Renames crime of intimidation as bias crime. Includes commission of assault in fourth degree as bias crime in first degree when committed by one person and motivated by perception of victim's race, color, religion, ethnicity, gender, sexual orientation, disability or national origin. We successfully removed a provision in the measure that directed law enforcement agencies to report statistics regarding bias crimes to Department of Justice.

- **Status:** Dead

SB 361: Changes the standard in some circumstances for use of deadly physical force to belief by a reasonable person in the officer's or person's circumstances that other person is undertaking a particular conduct.

- **Status:** Dead

SB 553: Removes the Department of State Police as the designated state point of contact for purposes of the National Instant Criminal Background Check System.

- **Status:** Dead

SB 642: Prohibits an employer of a public safety officer from comparing the number of citations issued by a public safety officer with the number of citations issued by another public safety officer for purpose of discipline, investigation or job performance.

- **Status:** Dead

SB 648: Requires that labor negotiations be conducted in open meetings subject to notification requirements.

- **Status:** Dead

SB 750: Requires the Department of Corrections to adopt rules that prohibit correctional facilities, and requires cities and counties to adopt ordinances that prohibit local correctional facilities, from having a contract with a provider of telephone services under which a department, city, county or facility receives payments for telephone services provided to inmates in a facility.

- **Status:** Dead

SB 894: Modifies eligibility for Family Sentencing Alternative Pilot Program. Increases reduction in term of imprisonment if inmate meets certain criteria related to participation in family program. Increases maximum period of short-term transitional leave for certain DOC inmates. Reduces presumptive sentences and eliminates mandatory sentences for certain property crimes when defendant has prior property crime convictions. Increases number of prior property crime convictions required for presumptive sentence to apply. Eliminates certain crimes that can be used as prior convictions.

- **Status:** Dead

SB 935: Increases maximum transitional leave from 90 days to 180 days for the Department of Corrections inmates not subject to certain specified sentences.

- **Status:** Dead

SB 1006: U-Visa Reform - Directs certifying agencies to certify to United States Citizenship and Immigration Services, within specified time, victim helpfulness in detecting, investigating or prosecuting certain criminal activity.

- **Result:** Dead

SB 1068 - PERS Reform Legislation: Redirects a portion of the six percent employee contribution that currently goes into their Individual Account Program (IAP) to a risk sharing account for the purpose of paying costs of the employee's pension or other retirement benefits payable for amounts earned on or after July 1, 2018. The rate is set at one percent beginning in 2018 and two percent beginning in 2019. The board can review and adjust the risk sharing contribution rate ever two years. The discussion around changes to PERS, as part of the effort to identify cost containment strategies, was limited because constitutional roadblocks made most proposed changes to PERS implausible and risky. While anything can happen in the final days of session, only SB 1068 remains as a serious option and it doesn't impact Tier 1 or Tier 2 final average salary calculations:

- **Status:** DEAD: No measure on PERS, including this bill, was successfully passed during the 2017 Legislative Session.

Other bills impacting public safety that passed:

HB 3464 - Immigration Policy Legislation: This measure prohibits public bodies from asking about citizenship or immigration status or from disclosing specific information about persons for purpose of enforcing federal immigration laws unless required by state or federal law. The measure authorizes public bodies to refuse to disclose this information unless required by federal or state law, or pursuant to a court order or warrant. The measure directs the Attorney General (AG) to publish model policies for public bodies, consistent with state and federal law that protect persons from enhanced federal immigration enforcement practices at public bodies and facilities, such as public school grounds, public health facilities, courthouses, and public shelters. Finally, the bill encourages public bodies or entities that contract with public bodies for health care, education, or access to justice, to implement policies based on AG's model policies. This measure is a largely symbolic statement by the Democrat majority in response to the immigration policies of the Trump Administration. Efforts to remove an annoying

provision that requires public bodies to annually review their policies to insure compliance failed when passage was tied to a "deal" between House and Senate leadership. We will work to remove this provision during the 2018 legislative session.

- **Status: Passed** - This measure was passed by the House with a 35 to 23 vote and passed in the Senate with a 16 to 13 vote. The Governor plans to sign the measure.

SB 719-A: Extreme Risk Protection Order (Firearms): Despite expectations that a suite of firearms measures would be passed in 2017, this was the only bill that will make it to the Governor's desk. This measure allows a peace officer or family or household member to petition the court for an extreme risk protection order. An extreme risk prevention order prohibits the respondent from possessing a firearm or ammunition. The measure provides for a law enforcement officer serving an order to request the immediate surrender of deadly weapons and any concealed handgun license and authorizes a law enforcement officer to take possession of surrendered items. The bill also allows a respondent to surrender their deadly weapons to a gun dealer or a third party in lieu of a law enforcement officer.

- **Status: Passed** - This measure passed the Senate with a 17 to 11 vote and passed in the House with a 32 to 28 vote. The Governor is expected to sign the measure.