

House Bill 2043

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Department of Public Safety Standards and Training)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Continues jurisdiction of Department of Public Safety Standards and Training over cases in which public safety officer or instructor was denied training or certification, notwithstanding subsequent change in employment status of officer or instructor.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1 Relating to jurisdiction in cases of denial; amending ORS 181.662; and declaring an emergency.

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

3 **SECTION 1.** ORS 181.662 is amended to read:

4 181.662. (1) The Department of Public Safety Standards and Training may deny the application
5 for training, or deny, suspend or revoke the certification, of any [*instructor or*] public safety officer
6 **or instructor**, except a youth correction officer or fire service professional, after written notice and
7 hearing consistent with the provisions of ORS 181.661, based upon a finding that:

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

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

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

15 (d) The public safety officer failed to comply with ORS 181.789 (3)(b).

16 (2) The department shall deny, suspend or revoke the certification of a fire service professional,
17 after written notice and hearing consistent with the provisions of ORS 181.661, based upon a finding
18 that the fire service professional has been convicted in this state of a crime listed in ORS 137.700
19 or in any other jurisdiction of a crime that, if committed in this state, would constitute a crime
20 listed in ORS 137.700.

21 (3) The department may deny, suspend or revoke the certification of any fire service professional
22 after written notice and hearing consistent with the provisions of ORS 181.661, based upon a finding:

23 (a) That the fire service professional falsified any information submitted on the application for
24 certification or on any documents submitted to the board or the department; or

25 (b) Consistent with ORS 670.280, that the fire service professional is not fit to receive or hold
26 the certification as a result of conviction of a crime in this state, or in any other jurisdiction, other
27 than a crime described in subsection (2) of this section.

28 (4) The department shall deny, suspend or revoke the certification of any public safety officer
29 or instructor, except a youth correction officer, after written notice and hearing consistent with the
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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 provisions of ORS 181.661, based upon a finding that the public safety officer or instructor has been
2 discharged for cause from employment as a public safety officer.

3 (5) The department, in consultation with the board, shall adopt rules specifying those crimes and
4 violations for which a conviction requires the denial, suspension or revocation of the certification
5 of a public safety officer or instructor.

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

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

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

11 (7) The department shall deny, suspend or revoke the accreditation of a training or educational
12 program or any course, subject, facility or instruction thereof if the program, course, subject, facility
13 or instruction is not in compliance with rules adopted or conditions prescribed under ORS 181.640
14 (1)(g) or 181.650 (3).

15 (8) When the department completes an investigation relating to a person's qualifications for
16 employment, training or certification under this section, the department shall issue a report.

17 **(9) In cases involving a proposed denial of training or certification of a public safety of-
18 ficer or instructor by the department, the department has jurisdiction to proceed with any
19 action against the public safety officer or instructor notwithstanding a subsequent change
20 in the employment status of the officer or instructor, if:**

21 **(a) The department has issued a notice of intent to deny training or certification; and**

22 **(b) The officer or instructor has requested a hearing.**

23 **SECTION 2. This 2013 Act being necessary for the immediate preservation of the public
24 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
25 on its passage.**