# Chapter 148

(1963 reprint)

# Special Law Enforcement Officers


GENERALLY

148.010 Power of Governor to employ special agents

APPOINTMENT WHEN ENFORCEMENT OF CRIMINAL LAW FAILS

148.110 Presentment of facts to circuit court
148.120 Hearing
148.130 Request that judge of another district conduct hearing; traveling expenses
148.140 Findings
148.150 Appointment of special officers on finding that laws are not enforced
148.160 Qualifying of special officers; powers and duties
148.170 Compensation of special officers
148.180 Effect of appointment of special officers on salary of regular officers

APPOINTMENT ON PREMISES OF RAILROAD OR STEAMBOAT COMPANIES

148.210 Appointment; liability for abuse of authority
148.220 Badge


## CROSS REFERENCES

Duties relating to administration of justice, enforcement of performance of, 1.025
Elections, special constable, 250.440
Fire wardens as peace officers, 477.012
Investigators of Welfare Recovery Division as peace officers, 180.350
Martial law, 399.065
Navigation code, officer to prevent violation of certain sections of as peace officer, 783.570
Police standards and training, state advisory board, 181.640
Railroad conductors and engineers as sheriffs, 764.160
Shoplifting, detention and interrogation of suspect, 164.392
State Board of Higher Education, appointing special traffic officers, 352.360
Water supply, appointment of special officers for protection of, 449.315

148.010

Appointment of agent for the return of fugitives, 147.220
Juveniles, return from other states, Ch. 417
Payment of agents' expenses, 147.290, 421.015

## GENERALLY

**148.010 Power of Governor to employ special agents.** The Governor may employ, at such salaries as he deems reasonable for the services rendered, special agents to effect the apprehension and conviction of criminals, the return of fugitives from justice, the investigation of cases in which he believes the laws of the state are being violated, the supervision of men paroled or conditionally pardoned from the Oregon State Penitentiary or the collection of evidence in any case, civil or criminal, in which the state is interested whenever in his judgment it is necessary from the conditions existing in any case, whenever he is convinced that criminals are likely to escape punishment and justice cannot be done by the regularly constituted authorities of any county of the state or of the state or whenever any emergency has arisen which in his judgment would justify him so doing.

**148.020 to 148.100** [Reserved for expansion]

## APPOINTMENT WHEN ENFORCEMENT OF CRIMINAL LAWS FAILS

**148.110 Presentment of facts to circuit court.** Whenever in the opinion of the Governor the criminal laws of the state are not being faithfully executed and enforced and the circumstances justify the appointment of any sheriff, district attorney, constable or justice of the peace pro tem, he shall lay the facts of which he is advised before the circuit court, or any judge thereof, of the district of the office in question. The court or judge shall, without delay, in a summary manner consider the facts so presented and such further facts as can be gathered or may be presented by or on behalf of the Governor, the officer or any party interested.

**148.120 Hearing.** The court, or judge thereof, in conducting such hearing, shall have all the usual powers of the circuit court or judge, including the power to subpena and examine witnesses of its own motion. The Governor, the officer affected or any party interested may subpena witnesses and appear and participate in person or by counsel, and the officer shall be given reasonable opportunity to prepare and present this case. The Attorney General shall appear on behalf of the Governor if by him requested so to do.

**148.130 Request that judge of another district conduct hearing; traveling expenses.** When the Governor has made a request for an investigation before the court or judge of the district of the office affected, the court or judge may request that the hearing be held before the court or judge of any other district and call in such court or judge to conduct the same at the regular place of holding court in the district of the office affected. Such a request shall be made by the court or judge without delay and the court or judge called in shall proceed without delay to conduct the hearing. The actual necessary traveling expenses of any court or judge that is called in shall be paid out of the funds appropriated for the purposes of ORS 148.110 to 148.180 upon properly verified vouchers being presented to the Secretary of State.

**148.140 Findings.** The court or judge shall make such findings as are justified by the facts adduced at the hearing and shall find as to whether or not the criminal laws of the state are being faithfully executed and enforced by the officers under investigation.

**148.150 Appointment of special officers on finding that laws are not enforced.** If it is found that the criminal laws of the state are not being faithfully executed and enforced by the officers under investigation, the Governor may appoint, for a period not longer than 90 days, such special officers as may be necessary to correct the failure to execute or enforce the criminal laws.

**148.160 Qualifying of special officers; powers and duties.** When appointed, special officers shall qualify in the same manner as provided by law for regularly elected officers, shall have all the power and authority of the regularly elected officers necessary to effectuate the purposes of the appointment and shall carry out the directions of the Governor, pursuant to the appointment, in the same manner and to the same extent as the duly elected officers could do or perform; and no greater power shall be conferred upon any special officer than is by law lodged with the regularly elected officers.

**148.170 Compensation of special officers.** The special officers provided for in ORS 148.150 shall receive a compensation for the time they are appointed equal to that provided for the regularly elected officers, the compensation to be paid in the same manner as the regular officers are paid.

**148.180 Effect of appointment of special officers on salary of regular officers.** The regularly elected, qualified and acting officers shall, during any appointment of a special officer, receive the salary provided by law, to the same extent as though no special officer had been appointed.

**148.190 to 148.200** [Reserved for expansion]

## APPOINTMENT ON PREMISES OF RAILROAD OR STEAMBOAT COMPANIES

**148.210 Appointment; liability for abuse of authority.** The Governor, upon the application of any railroad or steamboat company, may appoint and commission, during his pleasure, persons designated by the company and to serve at the expense of the company, as policemen, with the powers of peace officers and who, after being duly sworn, may act as policemen upon the premises, cars or boats of the company. The company designating such persons is civilly responsible for any abuse of their authority.

**148.220 Badge.** Every policeman appointed pursuant to ORS 148.210 shall, when on duty, wear in plain view a shield bearing the words "Railroad Police" or "Steamboat Police," as the case may be, and the name of the company for which he is commissioned.