Chapter 181

1993 EDITION

State Police; Crime Reporting and Records; Public Safety Standards and Training

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STATE POLICE

181.010 Definitions for ORS 181.010 to 181.560 and 181.715 to 181.730. As used in ORS 181.010 to 181.560 and 181.715 to 181.730, unless the context requires otherwise:

(1) "Bureau" means the Department of State Police Bureau of Criminal Identification.

(2) "Criminal offender information" includes records and related data as to physical description and vital statistics, fingerprints received and compiled by the bureau for purposes of identifying criminal offenders and alleged offenders, records of arrests and the nature and disposition of criminal charges, including sentencing, confinement, parole and release.

(3) "Department" means the Department of State Police established under ORS 181.020.

(4) "Deputy superintendent" means the Deputy Superintendent of State Police.

(5) "Law enforcement agency" means county sheriffs, municipal police departments, State Police, other police officers of this and other states and law enforcement agencies of the Federal Government.

(6) "State Police" means the members of the state police force appointed under ORS 181.250.

(7) "Superintendent" means the Superintendent of State Police.

(8) "Criminal Justice Agency" means:

(a) The Governor;

(b) Courts of criminal jurisdiction;

(c) The Attorney General;

(d) District attorneys, city attorneys with criminal prosecutive functions and public defender organizations established under ORS chapter 151;

(e) Law enforcement agencies;

(f) The Department of Corrections;

(g) The State Board of Parole and Post-prison Supervision;

(h) The Board on Public Safety Standards and Training; and

(i) Any other state or local agency with law enforcement authority designated by order of the Governor.

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

(10) "Disposition report" means a form or process prescribed or furnished by the bureau, containing a description of the ultimate action taken subsequent to an arrest. [Amended by 1963 c.547 §1; 1971 c.467 §1; 1975 c.548 §1; 1977 c.745 §46; 1981 c.905 §1; 1987 c.320 §136; 1987 c.475 §5; 1989 c.364 §3]

181.020 Department of State Police established. There is established a Department of State Police. The department shall consist of office personnel and the Oregon State Police. The Oregon State Police shall consist of members of the state police force appointed under ORS 181.250, state police cadets and legislative security personnel appointed under ORS 181.265. [Amended by 1963 c.547 §8; 1971 c.467 §2]

181.030 Powers and duties of department and its members. (1) The Department of State Police and each member of the Oregon State Police shall be charged with the enforcement of all criminal laws.

(2) Each member of the state police is authorized and empowered to:

(a) Prevent crime.

(b) Pursue and apprehend offenders and obtain legal evidence necessary to insure the conviction in the courts of such offenders.

(c) Institute criminal proceedings.

(d) Execute any lawful warrant or order of arrest issued against any person or persons for any violation of the law.

(e) Make arrests without warrant for violations of law in the manner provided in ORS 133.310.

(f) Give first aid to the injured.

(g) Succor the helpless.

(3) Each member of the state police shall have in general the same powers and authority as those conferred by law upon sheriffs, police officers, constables, peace officers and may be appointed as deputy medical examiners.

(4) The members of the state police shall be subject to the call of the Governor, and are empowered to cooperate with any other instrumentality or authority of the state, or any political subdivision in detecting crime, apprehending criminals and preserving law and order throughout the state; but the state police shall not be used as a posse except when ordered by the Governor. [Amended by 1961 c.434 §7; 1971 c.467 §3; 1973 c.408 §30; 1977 c.595 §1]

181.040 Department to enforce laws relating to highways and operation of vehicles on highways; power of arrest possessed by persons not members of de-

partment. (1) The Department of State Police shall enforce all laws now or hereafter enacted relating to highways and to the operation of vehicles on state or other highways.

(2) Members of the state police have the power to arrest violators of any provision of the laws applicable to highways or to the movement of vehicles on highways.

(3) The necessary expenses in carrying out this section shall be paid from the State Highway Fund and from the moneys received under ORS 802.110.

(4) ORS 181.010 to 181.560 and 181.715 to 181.730 do not prevent an officer or employee of the Department of Transportation from arresting any person for any crime committed in the officer's or employee's presence and do not affect other powers of arrest granted by the laws of this state to persons other than peace officers. [Amended by 1967 c.175 §5; 1971 c.467 §4; 1983 c.338 §899]

181.050 Duty to enforce laws and regulations of agencies. The state police, with the approval of the Governor, may be called upon by any other branch or department of the state government to enforce criminal laws or any regulation of such branch or department. [Amended by 1971 c.58 §1]

181.060 [Repealed by 1963 c.547 §11]

181.065 [1963 c.547 §6; repealed by 1975 c.548 §2 (181.066 enacted in lieu of 181.065)]

181.066 Bureau of criminal identification. (1) There is established in the department a bureau of criminal identification which shall be operated by the department.

(2) The bureau shall:

(a) Install and maintain systems for filing and retrieving fingerprint data and supplemental information submitted by criminal justice agencies for the identification of criminal offenders as the superintendent deems necessary;

(b) Employ its fingerprint record file as a basis for identifying individuals and provide criminal offender information to criminal justice agencies while acting in the performance of their official duties;

(c) Provide information to persons and agencies as provided in ORS 181.555 and 181.560; and

(d) Undertake such other projects as are necessary or appropriate to the speedy collection and dissemination of information relating to crimes and criminals. [1975 c.548 §3 (enacted in lieu of 181.065); 1975 c.605 §11a; 1981 c.905 §2]

181.070 State detective bureau. (1) The superintendent may, with the approval of the Governor, maintain a state detective bureau under the immediate supervision of the superintendent.

(2) The detective bureau shall:

(a) Maintain facilities for the detection of crime by the state police.

(b) Supply expert information on handwriting and ballistics.

(3) To accomplish the purposes of subsection (2) of this section, the superintendent may, with the approval of the Governor, utilize the services of such members of the state police as assistant state detectives as the superintendent deems expedient. [Amended by 1963 c.547 §9; 1971 c.467 §22]

181.080 Crime detection laboratories. (1) The Department of State Police may establish crime detection laboratories, to be operated by the department in cooperation with the Oregon Health Sciences University.

(2) The Oregon Health Sciences University may furnish adequate quarters, heat and light for the laboratory in the buildings of the school at Portland and may assist the personnel of all laboratories with technical advice and assistance.

(3) The laboratories shall furnish service as available to all district attorneys, sheriffs and other peace officers in the state. The services of the laboratories shall also be available to any defendant in a criminal case on order of the court before which the criminal case is pending. [Amended by 1953 c.5 §3; 1963 c.218 §1; 1971 c.467 §23]

181.085 Authority over blood samples and analyses; disclosure; inspection by subject person; destruction of sample. (1) The Department of State Police is authorized to:

(a) Store blood samples received under authority of this section, ORS 137.076, 161.325 and 419C.473 (1), and autoradiographs and other physical evidence obtained from analysis of such samples;

(b) Analyze such samples for the purpose of establishing the genetic profile of the donor or otherwise determining the identity of persons or contract with other qualified public or private laboratories to conduct that analysis;

(c) Maintain a criminal identification data base containing information derived from blood analysis;

(d) Utilize such samples to create statistical population frequency data bases, provided that genetic profiles or other such information in a population frequency data base shall not be identified with specific individuals; and

(e) Adopt rules establishing procedures for drawing, transmitting and analyzing

blood samples and for storing and destroying blood samples, autoradiographs and other physical evidence and criminal identification information obtained from such analysis. Procedures for blood analysis may include all techniques which the Department of State Police determines are accurate and reliable in establishing identity, including but not limited to, analysis of DNA (deoxyribonucleic acid), antigen antibodies, polymorphic enzymes or polymorphic proteins.

(2) The Department of State Police shall not transfer or disclose any sample, autoradiograph, physical evidence or criminal identification information obtained, stored or maintained under authority of this section, ORS 137.076, 161.325 or 419C.473 (1) except:

(a) To a law enforcement agency as defined in ORS 181.010, a district attorney or the Criminal Justice Division of the Department of Justice for the purpose of establishing the identity of a person in the course of a criminal investigation or proceeding;

(b) To a party in a criminal prosecution or juvenile proceeding if discovery or disclosure is required by a separate statutory or constitutional provision; or

(c) To a court or grand jury in response to a lawful subpoena or court order when the evidence is not otherwise privileged.

(3) Any public agency that receives a sample, autoradiograph, physical evidence or criminal identification information under authority of subsection (2) of this section shall not disclose it except as provided in subsection (2) of this section.

(4) Notwithstanding subsections (2) and (3) of this section, any person who is the subject of a record within a criminal identification data base maintained under the authority of this section may, upon request, inspect that information at a time and location designated by the department. The department may deny inspection if it determines that there is a reasonable likelihood that such inspection would prejudice a pending criminal investigation. In any case, the department is not required to allow the person or anyone acting on the person's behalf to test any blood sample, autoradiograph or other physical evidence. The department shall adopt procedures governing the inspection of records, samples and autoradiographs and challenges to the accuracy of records. The procedures shall accommodate the need to preserve the materials from contamination and destruction.

(5) Whenever a court reverses the conviction, judgment or order that created an obligation to provide a blood sample under ORS 137.076 (2), 161.325 or 419C.473 (1), the person who provided the sample may request destruction of the sample and any criminal identification record created in connection with that sample. Upon receipt of a written request for destruction pursuant to this section and a certified copy of the court order reversing the conviction, judgment or order, the Department of State Police shall destroy any sample received from the person, any physical evidence obtained from that sample and any criminal identification records pertaining to the person, unless the department determines that the person has otherwise become obligated to submit a blood sample as a result of a separate conviction, juvenile adjudication or finding of guilty except for insanity for an offense listed in ORS 137.076 (1). The department is not required to destroy an autoradiograph or other item of physical evidence obtained from a blood sample if evidence relating to another person subject to the provisions of ORS 137.076, 161.325, 181.085, 419.800 and 419C.473 (1) would thereby be destroyed. Notwithstanding this subsection, no sample, autoradiograph, physical evidence or criminal identification record is affected by an order to set aside a conviction under ORS 137.225. [1991 c.669 §4; 1993 c.33 §319; 1993 c.469 §4]

Note: 181.085 was added to and made a part of ORS chapter 181 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

181.090 Headquarters and patrol stations. The superintendent, with the approval of the Governor, may establish headquarters and patrol stations at such places as the superintendent may deem most advisable for the patrol and protection of the state and for the enforcement of the laws. For that purpose, with the approval of the Governor, the superintendent may use lands and buildings for the accommodation of members of the state police and their vehicles and equipment. [Amended by 1971 c.467 §21]

181.100 Organization of work of department. The superintendent shall, so far as in the judgment of the superintendent it is practicable and expedient so to do, organize the work of the department so that:

(1) The various duties required of the department may be assigned to appropriate departments, to be performed by persons experienced and qualified for such respective kinds of work.

(2) The duties of the various officers and police of the superintendent are coordinated so that when not engaged in a particular duty specified or directed to be done or not then requiring attention such officers and police shall perform the other duties required of the department and then required to be done.

(3) The cooperation of other officers and police may be secured for the purposes of avoiding duplication of time and effort.

181.110 Distribution of police throughout state. The superintendent shall distribute the state police throughout the various sections of the state where they will be most efficient in carrying out the purposes of the department to preserve the peace, to enforce the law and to prevent and detect crime.

181.120 Standard uniform for state police. The State of Oregon shall provide the members of the state police with standard uniforms. Subject to detailed regulations and specifications prescribed by the superintendent, the uniform to be worn by members of the state police shall be of standard pattern and distinctive design. [Amended by 1971 c.467 §7; 1979 c.30 §1]

181.130 Service without wearing uniform. The superintendent may direct that members of the state police shall serve without wearing uniform, when, in the judgment of the superintendent, law enforcement will thereby be made more efficient. [Amended by 1971 c.467 §8]

181.140 Wearing uniforms by other persons prohibited. (1) No person other than a member of the Oregon State Police shall wear, use or order to be worn or used, copy or imitate in any respect or manner the standard uniforms specified in ORS 181.120.

(2) As used in this section, "person" includes agents, officers and officials elected or appointed by any municipality or county.

181.150 Supplies and equipment of state police as state property; exceptions. (1) The state shall provide the members of the state police with emergency and first aid outfits, weapons, motor vehicles, and all other supplies and equipment necessary to carry out the objects of the department. All such property shall remain the property of the state with the exception of a retiring or deceased officer's department-issued service revolver, which may be sold by the department to the officer or, in the case of a deceased officer, to a member of the officer's family, upon the officer's retirement or death, and the officer's badge, which may be given to the officer or, in the case of a deceased officer, to a member of the deceased officer's family, upon the officer's retirement or death. When a service revolver is sold pursuant to this section, it shall be sold for its fair market value. The badge shall be marked to indicate the officer's retirement status and under no circumstance shall it be used for official police identification other than as a memento of service to the department.

(2) When any of the property, supplies or equipment becomes surplus, obsolete or unused it shall be disposed of by the Oregon Department of Administrative Services as provided in ORS 279.828.

(3) For purposes of ORS 279.011 to 279.061, the sale of a service revolver to a retiring officer by the department is not a public contract and shall not be subject to the competitive bidding requirements of ORS 279.011 to 279.063. The provisions of ORS 166.420 do not apply to transfers of firearms pursuant to this section. [Amended by 1955 c.148 §1; 1971 c.467 §9; 1985 c.281 §1; 1989 c.839 §28]

181.160 [Repealed by 1955 c.260 §3]

181.170 Damage or loss of property by neglect of member; deduction from pay. The superintendent shall make charges against any member of the state police for property of the department damaged, lost or destroyed through carelessness or neglect of such member. If it is determined that such damage, loss or destruction was due to carelessness or neglect, there shall be deducted from the pay of such member the amount of money necessary to repair or replace the article or articles damaged, lost or destroyed.

181.175 State Police Account; subaccount; uses. (1) There is established in the General Fund of the State Treasury an account to be known as the State Police Account. All moneys received by the Department of State Police shall be paid to the credit of the State Police Account, and such moneys are continuously appropriated for the payment of expenses of the Department of State Police.

(2) There is established a subaccount in the State Police Account consisting of all moneys, revenue and income described in ORS 463.220. All moneys in the subaccount are appropriated continuously to the Department of State Police to carry out the provisions of ORS chapter 463. [1971 c.277 §2; 1979 c.541 §4; 1981 c.881 §3; 1993 c.742 §140a; 1993 c.744 §216b]

181.180 Petty cash account. The superintendent shall establish a petty cash account from the appropriation for carrying out the functions of the department in the amount of $25,000 and shall authorize designated commissioned officers to make disbursements from such account in all cases where it may be necessary to make an immediate cash payment for transportation expenses, accessories and repairs to motor vehicles, board and lodging, immediate medical and veterinary supplies, telephone and imperative supplementary supplies. Upon presentation to the Oregon Department of Administrative Services of duly approved vouchers for moneys so expended from the petty cash account or fund, the account or

fund shall be reimbursed to the amount of vouchers submitted. [Amended by 1985 c.478 §5]

181.190 Commanding assistance of citizens. All members of the state police may direct and command the assistance of any able-bodied citizen of the United States to aid, when necessary, to maintain law and order. When so called, any person shall, during the time the assistance of the person is required, be considered a member of the state police and subject to ORS 181.010 to 181.560 and 181.715 to 181.730. [Amended by 1971 c.467 §10]

181.200 Superintendent of State Police; appointment; confirmation; removal. The Superintendent of State Police shall be the executive and administrative head of the Department of State Police. Subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565, the Governor shall appoint the superintendent for a term of four years. The Governor may remove the superintendent for inefficiency or malfeasance in office after charges have been preferred and a hearing granted. [Amended by 1971 c.467 §11; 1973 c.792 §1]

181.210 Oath and bond of superintendent and deputy. The Superintendent of State Police and the Deputy Superintendent of State Police, before assuming their duties, each shall take and subscribe an oath of office as prescribed by ORS 181.390 and shall be covered by a fidelity or blanket bond as provided in ORS 291.011. [Amended by 1971 c.467 §13]

181.220 Deputy Superintendent of State Police; qualifications, appointment and removal. The Superintendent of State Police may, with the approval of the Governor as to person and salary, appoint a Deputy Superintendent of State Police. The deputy superintendent shall have served as a captain or in higher rank in the Oregon State Police not less than one year prior to the appointment of the deputy superintendent. The deputy superintendent shall be removable for the causes and in the manner provided in ORS 181.290 to 181.350 for the removal of members of the state police. [Amended by 1971 c.467 §12]

181.230 [Repealed by 1971 c.467 §26]

181.240 Powers and duties of deputy superintendent. The deputy superintendent, when appointed and qualified, shall possess during the term of office of deputy superintendent all the powers of the superintendent and shall act as the head of the department in the absence or incapacity of the superintendent, and shall perform such duties as the superintendent may prescribe.

181.250 State police force; appointment; examination and enlistment of applicants. The superintendent, with the approval of the Governor, shall appoint a state police force, consisting of the number of commissioned officers, noncommissioned officers and troopers who are, in the judgment of the Governor and the superintendent, necessary in the performance of the duties of the department. The superintendent shall, subject to the laws of the state and with the approval of the Governor, arrange for the examination and enlistment of applicants and establish ranks or grades. [Amended by 1971 c.467 §6]

181.260 Qualifications for appointment and reappointment as member of state police; special officers. (1) No person, other than an expert in crime detection, shall be appointed a member of the state police unless the person is:

(a) A citizen of the United States.

(b) Of good health and of good moral character.

(c) Over the age of 21 years.

(2) No person shall be appointed a member of the state police who has not established satisfactory evidence of qualifications by passing a physical and mental examination based upon the standard provided by the rules and regulations of the United States Army; but the superintendent, with the approval of the Governor, may, for such positions and where, in the judgment of the superintendent, the good of the service requires it, waive the physical standard provided by such rules and regulations.

(3) Any member who voluntarily withdraws from the state police force without the consent of the superintendent, and all persons removed from the state police for cause after hearing, shall be ineligible for reappointment.

(4) The superintendent may appoint special state police officers upon the following conditions:

(a) The officers are appointed for the limited purpose of providing assistance to the state police in law enforcement emergencies and major operations in Oregon in areas near the Oregon border and the neighboring state.

(b) The officers are police officers certified by the state bordering Oregon.

(c) The officers receive no separate compensation from the State of Oregon for their services.

(d) There is a reciprocal agreement wherein the Superintendent of State Police authorizes a member of the Oregon State Police to assist the bordering state's police officers under identically prescribed criteria

in the neighboring state in areas near the Oregon border with the neighboring state.

(5) The Superintendent of State Police is authorized to enter into reciprocal agreements with bordering state law enforcement agencies for the purpose of providing assistance to the Oregon State Police and the bordering state law enforcement agency in carrying out major operations and responding to emergencies in areas near the Oregon border and the border of the adjacent state. [Amended by 1985 c.411 §1; 1993 c.594 §5]

181.265 Qualification for cadets and legislative and executive security personnel. Notwithstanding ORS 181.260 (1)(c), 181.645 and 181.665, the superintendent may appoint, as state police cadets or legislative and executive security personnel, individuals who are 18 years of age or older and satisfy other requirements of ORS 181.260 (1) and (2). [1971 c.467 §25b; 1977 c.258 §1; 1993 c.594 §2]

181.270 [Amended by 1953 c.50 §4; 1955 c.704 §1; 1957 c.674 §1; 1959 c.677 §1; 1961 c.493 §2; 1963 c.572 §54; repealed by 1965 c.14 §2 (181.271 enacted in lieu of 181.270)]

181.271 Salaries of state police. The salaries of members of the Oregon State Police shall be fixed in the same manner as the salaries of other officers and employees in the unclassified service pursuant to ORS 240.240. [1965 c.14 §3 (enacted in lieu of 181.270); 1971 c.467 §14]

181.280 Instruction; rules and regulations for discipline and control. The superintendent shall:

(1) Provide the necessary preliminary and subsequent instruction to recruits and troopers as to their duties as police officers of the state.

(2) Make rules and regulations for the discipline and control of the state police. [Amended by 1971 c.467 §15]

181.290 Grounds for removal of state police. The superintendent may remove members of the Oregon State Police in the manner prescribed in ORS 181.290 to 181.350 for inefficiency, misfeasance, malfeasance, nonfeasance in office, violation of the criminal laws of the state or of the United States, willful violation of any rule or regulation of the department, insubordination, forfeiture of license to operate a motor vehicle, or physical or mental disability not incurred in line of duty. [Amended by 1971 c.467 §16]

181.300 Proceeding for removal. (1) Members of the Oregon State Police may be removed only after written charges have been preferred and a hearing granted as prescribed in ORS 181.290 to 181.350.

(2) This section does not require a hearing for:

(a) Disciplinary measures taken by the superintendent or any commanding officer of a detachment for the punishment of minor infractions of the rules or regulations of the department.

(b) Demotion of members.

(c) Removal of recruits. [Amended by 1971 c.467 §17]

181.310 Superintendent to make rules and regulations governing proceedings for removal. The superintendent shall make rules and regulations providing for:

(1) The filing of written charges against an accused member of the Oregon State Police.

(2) A hearing by the trial board on the charges upon not less than 10 days' notice.

(3) An opportunity to the accused member to produce proof in the defense of the accused member. [Amended by 1971 c.467 §18]

181.320 Trial board; members; presiding officer. A trial board to hear charges against members of the Oregon State Police shall consist of the superintendent and two commissioned officers, senior in service, appointed by the superintendent. The superintendent shall be the presiding officer of the trial board. Upon written order of the superintendent, any commissioned officer appointed or designated by the superintendent may sit as presiding officer of the trial board. [Amended by 1971 c.467 §19]

181.330 Hearing on charges; compelling attendance of witnesses; fees and mileage. The presiding officer of the trial board shall make all necessary rulings during the course of the hearing which may be held at any place designated by the superintendent. The superintendent or the officer acting in the stead of the superintendent as presiding officer of the trial board is empowered to issue subpoenas to compel the attendance of witnesses and the production of evidence and to administer all necessary oaths. Persons summoned as witnesses before the trial board shall be entitled to fees and mileage provided for witnesses in ORS 44.415 (2). Failure or refusal to obey any subpoena shall be brought to the attention of the circuit court for the county in which the hearing is held and shall be punished by that court as a contempt. [Amended by 1989 c.980 §10]

181.340 Finding of trial board; action by superintendent. If the charges are proved the trial board shall make a written finding of guilty and recommend either removal of the member of the Oregon State Police or such disciplinary punishment as, in their opinion, the offense merits. Thereupon the superintendent shall direct the removal or punishment. If any member refuses to at-

tend the hearing or abide by any such disciplinary order, the superintendent may by order remove the member forthwith. [Amended by 1971 c.467 §20]

181.350 Procedure for review of decision of trial board. The decisions of the trial board shall be subject to review by the Court of Appeals. The procedure for review shall be as provided in ORS 183.482. [Amended by 1979 c.772 §14]

181.360 Directors of crime detection laboratories. The superintendent shall appoint:

(1) The director of each crime detection laboratory, who shall have charge and supervision over the laboratory under the general supervision of the superintendent.

(2) The assistants necessary for the operation of the laboratories. [Amended by 1971 c.467 §24]

181.370 [Repealed by 1971 c.467 §26]

181.380 [Repealed by 1971 c.467 §26]

181.390 Oath of members of state police. Each member of the Oregon State Police shall take and subscribe to an oath of office to support the Constitution and laws of the United States and of the State of Oregon, and to honestly and faithfully perform the duties imposed upon the member under the laws of Oregon. The oath of the superintendent and deputy superintendent shall be filed with the Secretary of State, and the oaths of all other members with the superintendent. [Amended by 1971 c.467 §5]

181.400 Interference with personal and property rights of others. No member of the state police shall in any way interfere with the rights or property of any person, except for the prevention of crime, or the capture or arrest of persons committing crimes. [Amended by 1971 c.467 §25; 1991 c.145 §1]

181.410 Records and reports of time spent in performance of duties; approval of claims. (1) Under rules and regulations to be promulgated by the Superintendent of State Police, with the approval of the Governor, all state police shall be required to keep a record of the time spent in the performance of their various duties and report same to the superintendent at such times as the superintendent shall direct.

(2) The superintendent shall approve all claims. [Amended by 1957 c.521 §4; 1959 c.480 §3]

181.415 [1967 c.194 §1; repealed by 1977 c.249 §1]

181.420 [Amended by 1957 c.7 §1; repealed by 1971 c.743 §432]

181.440 Eligibility of towing business to be placed on department list. The superintendent may make rules governing the eligibility of towing businesses to be placed and remain on any list of such businesses used by the department when it requests towing services on behalf of any person. [1987 c.112 §2]

STATE POLICE AS EXPERT WITNESSES

181.450 Definitions for ORS 181.450 to 181.490. For the purposes of ORS 181.450 to 181.490:

(1) "Member of the Department of State Police" includes those persons designated as sworn officers by the Superintendent of State Police.

(2) "Tribunal" means any person or body before which attendance of witnesses may be required by subpoena, including an arbitrator in arbitration proceedings. [1989 c.725 §2]

181.455 Member of State Police as expert witness; subpoena. (1) Whenever a member of the Department of State Police is called as an expert witness by a party by whom the member is not employed, a subpoena requiring attendance may be served by delivering a copy either to such member personally or to the member's immediate superior.

(2) Any person causing a subpoena to be issued to compel the attendance of a member of the Department of State Police before a tribunal shall indicate on the face of that subpoena whether the person or the person's representative intends to ask the expert opinion of the member as to any aspect of the proceedings. No member of the Department of State Police may be required by a tribunal to give the member's expert opinion on any matter before the tribunal unless the subpoena compelling the member's presence indicates that the member's expert opinion will be asked. [1989 c.725 §4]

181.460 Payment of member called as expert witness; reimbursement of department; deposit. (1) Any member of the Department of State Police who is obliged by a subpoena issued pursuant to ORS 181.455 (2) to attend as an expert witness shall receive the salary or other compensation to which the member is normally entitled from the Department of State Police during the time that the member travels to and from the place where the court or other tribunal is located and while the member is required to remain at such place pursuant to such subpoena. The member shall also receive from the Department of State Police the actual necessary and reasonable traveling expenses incurred in complying with the subpoena.

(2) The party at whose request a subpoena is issued pursuant to ORS 181.455 (2) compelling the attendance of a member of the Department of State Police as an ex-

pert witness shall reimburse the Department of State Police for the full cost to the department incurred in reimbursing the member as provided in subsection (1) of this section for each day that the member is required to remain in attendance pursuant to the subpoena. The amount of $160 shall be deposited with the clerk of the court or with the tribunal prior to the issuance of a subpoena issued pursuant to ORS 181.455 (2) to compel the attendance of a member of the Department of State Police as an expert witness for each day that the member is required to remain in attendance pursuant to the subpoena. If the person causing the issuance of a subpoena requiring the expert opinion of a member of the Department of State Police makes arrangements with the member and with the tribunal prior to the issuance of the subpoena to take the testimony of the member by telephone, and testimony by telephone is otherwise allowed by the Oregon Rules of Civil Procedure, the amount of $80 shall be deposited with the clerk of the court or with the tribunal prior to the issuance of the subpoena for each day that the member is required to testify pursuant to the subpoena.

(3) If the actual expenses should later prove to be less than the amount deposited, the excess of the amount deposited shall be refunded.

(4) If the actual expenses should later prove to be more than the amount deposited, the difference shall be paid to the Department of State Police by the party at whose request the subpoena is issued.

(5) If a court or tribunal continues a proceeding on its own motion, no additional deposit may be required prior to the issuance of a subpoena or the making of an order directing the member to appear on the date to which the proceeding is continued. [1989 c.725 §5]

181.465 Demand for payment of deposit; effect of failure to pay on demand. Members of the Department of State Police who are called as expert witnesses in civil cases may demand the payment of a deposit as specified in ORS 181.460 (2) for one day, in advance, and when so demanded shall not be compelled to attend until the deposit is paid. [1989 c.725 §3]

181.470 Deposit prior to requiring member of department to return beyond day stated in subpoena. No member of the Department of State Police shall be ordered to return by the court or tribunal for subsequent proceedings beyond the day stated in the subpoena requiring the member to give the member's expert opinion referred to in ORS 181.455 (4) or the day upon which the witness appeared pursuant to the provisions of ORS 181.480, unless the party at whose request the subpoena was issued, or the party at whose request the witness is ordered to return, shall first deposit with the clerk of the court or with the tribunal the same sum required to be deposited for the issuance of a subpoena in the first instance. [1989 c.725 §6]

181.475 Application of ORS 181.455, 181.460 and 181.470 to subpoenas for depositions. The provisions of ORS 181.455, 181.460 and 181.470 apply to subpoenas issued for the taking of depositions of members of the Department of State Police. [1989 c.725 §7]

181.480 Agreement to appear at time other than time specified in subpoena. A member of the Department of State Police who has been subpoenaed pursuant to the provisions of ORS 181.455 or 181.475, for the purpose of giving the member's expert opinion, in lieu of attendance at the time specified in the subpoena, may agree with the party at whose request such subpoena was issued to appear at another time or pursuant to such notice as may be agreed upon. [1989 c.725 §8]

181.485 Action by department to recover funds if member appearing as expert witness not reimbursed. Whenever a member of the Department of State Police appears as an expert witness pursuant to ORS 181.450 to 181.490 and reimbursement is not made as provided for in ORS 181.450 to 181.490, the Department of State Police shall have standing to bring an action in order to recover such funds. [1989 c.725 §9]

181.490 Exception to provisions of ORS 181.450 to 181.485. ORS 181.450 to 181.485 shall not apply to any proceeding in which a public body is a party. For the purposes of this section, "public body" has the meaning given in ORS 30.260. [1989 c.725 §10]

MISSING CHILDREN CLEARINGHOUSE

181.505 Establishment and maintenance of missing children clearinghouse. (1) The Oregon State Police shall establish and maintain a missing children clearinghouse that receives from and distributes to local law enforcement agencies, school districts, state and federal agencies and the general public information regarding missing children.

(2) The information shall include technical and logistical assistance, pictures, bulletins, training sessions, reports and biographical materials that assist local efforts to locate missing children.

(3) The Oregon State Police shall maintain a regularly updated computerized link with national and other statewide missing

person reporting systems or clearinghouses. [1989 c.1059 §1]

Note: 181.505 and 181.506 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 181 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

181.506 Duties of administrator of clearinghouse. The administrator of the clearinghouse established pursuant to ORS 181.505 shall:

(1) Provide information and training to local law enforcement and child welfare agencies and to other state agencies having child welfare duties.

(2) Appoint an advisory committee consisting of persons with interest and training related to missing children to advise on operation of the clearinghouse and to serve without compensation or expense reimbursement.

(3) Seek public and private grants and gifts for purposes of the clearinghouse and the duties required by this section.

(4) Maintain a 24-hour hotline to receive and provide information on missing children. [1989 c.1059 §2]

Note: See note under 181.505.

PREDATORY SEX OFFENDER NOTICE PROCEDURE

181.507 "Predatory sex offender" defined; determination. (1) For purposes of ORS 181.507 to 181.509, a person is a predatory sex offender if the person exhibits characteristics showing a tendency to victimize or injure others and has been convicted of a sex crime listed in ORS 181.517 (1) to (4) (1991 Edition) or of attempting to commit one of those crimes.

(2) In determining whether a person is a predatory sex offender, an agency may use a sex offender risk assessment scale approved by the Department of Corrections. [1993 c.807 §1]

Note: 181.507 to 181.509 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 181 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

181.508 Notice to appropriate persons of predatory sex offender; content. (1) If the State Board of Parole and Post-Prison Supervision for a person on parole or post-prison supervision or the Department of Corrections or a community corrections agency for a person on probation makes a determination that the person under its supervision is a predatory sex offender, the agency supervising the person shall notify anyone whom the agency determines is appropriate that the person is a predatory sex offender.

(2) In making a determination under subsection (1) of this section, the agency shall consider notifying:

(a) The person's family;

(b) The person's sponsor;

(c) Residential neighbors and churches, community parks, schools, convenience stores, businesses and other places that children or other potential victims may frequent; and

(d) Any prior victim of the offender.

(3) When an agency determines that notification is necessary, the agency may use any method of communication that the agency determines is appropriate. The notification may include, but is not limited to, distribution of the following information:

(a) The person's name and address;

(b) A physical description of the person including, but not limited to, the person's age, height, weight and eye and hair color;

(c) The type of vehicle that the person is known to drive;

(d) Any conditions or restrictions upon the person's probation, parole, post-prison supervision or conditional release;

(e) A description of the person's primary and secondary targets;

(f) A description of the person's method of offense;

(g) A current photograph of the person; and

(h) The name or telephone number of the person's parole and probation officer. [1993 c.807 §2]

Note: See note under 181.507.

181.509 Availability of information on predatory sex offender. (1) Unless the agency determines that release of the information would substantially interfere with the treatment or rehabilitation of the supervised person, an agency that supervises a predatory sex offender shall make any information regarding the person that the agency determines is appropriate, including, but not limited to, the information listed in ORS 181.508 (3), available to any other person upon request.

(2) Notwithstanding subsection (1) of this section, the agency shall make the information listed in ORS 181.508 (3), or any other information regarding the supervised person that the agency determines is appropriate, available to any other person upon request if the person under supervision:

(a) Is a predatory sex offender; and

(b) Is neglecting to take treatment or participate in rehabilitation. [1993 c.807 §3]

Note: See note under 181.507.

CRIME REPORTING

181.510 [1963 c.547 §3; repealed by 1975 c.548 §4 (181.511 enacted in lieu of 181.510)]

181.511 Fingerprints, identifying data, disposition report required upon arrest. (1) A law enforcement agency immediately upon the arrest of a person for a crime for which criminal offender information must be provided under ORS 181.515 shall:

(a) Place the arrested person's fingerprints and identifying data on forms prescribed or furnished by the bureau, photograph the arrested person, and promptly transmit the form and photograph to the bureau.

(b) If the arrest is disposed of by the arresting agency, cause the disposition report to be completed and promptly transmitted to the bureau.

(c) If the arrest is not disposed of by the agency, cause the disposition report to be forwarded, except as otherwise provided in section 3, chapter 553, Oregon Laws 1987, to the court that will dispose of the charge, for further action in accordance with ORS 181.521.

(2) A law enforcement agency may record, in addition to fingerprints, the palm prints, sole prints, toe prints, or other personal identifiers when, in the discretion of the agency, it is necessary to effect identification of the persons or to the investigation of the crime charged.

(3) A law enforcement agency, for the purpose of identification, may record and submit to the bureau the fingerprints of persons arrested for crimes for which criminal offender information is not required under ORS 181.515. [1975 c.548 §5 (enacted in lieu of 181.510); 1983 c.763 §55; 1987 c.475 §6; 1987 c.553 §1]

181.515 Crimes for which criminal offender information is required. The following crimes are crimes for which criminal offender information must be provided:

(1) Any felony;

(2) Any misdemeanor or other offense which involves criminal sexual conduct; or

(3) Any crime which involves a violation of the Uniform Controlled Substances Act. [1987 c.475 §4]

181.517 Definitions for ORS 181.518 and 181.519. As used in ORS 181.518 and 181.519:

(1) "Correctional facility" means any place used for the confinement of persons charged with or convicted of a crime or otherwise confined under a court order. "Correctional facility" does not include a juvenile facility, and applies to a state hospital only as to persons detained therein charged with or convicted of a crime, or detained therein after being found guilty except for insanity under ORS 161.290 to 161.370.

(2) "Sex crime" means:

(a) Rape in any degree;

(b) Sodomy in any degree;

(c) Unlawful sexual penetration in any degree;

(d) Sexual abuse in any degree;

(e) Incest with a child victim;

(f) Using a child in a display of sexually explicit conduct;

(g) Dealing in depictions of a child's sexual conduct;

(h) Transporting child pornography into the state;

(i) Paying for viewing a child's sexually explicit conduct;

(j) Compelling prostitution;

(k) Promoting prostitution; or

(L) Any attempt to commit any of the crimes set forth in paragraphs (a) to (k) of this subsection. [1989 c.984 §1; 1991 c.386 §10; 1991 c.389 §1; 1993 c.147 §1]

Note: 181.517, 181.518 and 181.519 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 181 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

Note: ORS 181.517, 181.518 and 181.519 are repealed on June 30, 1997. See section 8, chapter 389, Oregon Laws 1991.

181.518 Report of information on sex offender who is discharged, paroled or released on supervised release from correctional facility or another state; change of address procedure. (1)(a) When a person is discharged, paroled or released on any form of supervised or conditional release from a jail, prison or other correctional facility in this state at which the person was confined as a result of conviction of a sex crime or as a result of having been found guilty except for insanity of a sex crime or when a person convicted in another jurisdiction of a crime that would constitute a sex crime if committed in this state is paroled to this state under ORS 144.610, the official in charge of supervising the person shall obtain the address where the person will reside upon release and shall enter into the Law Enforcement Data System the person's name and description, a description of the methodology of the offense, the person's address and the originating code of the parole or probation agency that is located closest to the address of the person.

(b) The person in charge of supervising a person on active parole or other supervised

or conditional release shall enter into the Law Enforcement Data System any change in the address of the parolee or person being supervised.

(2) Following discharge, release from active parole or other supervised or conditional release, the person shall provide, in writing, the address of the person to the Oregon State Police:

(a) Within 30 days of a change of residence; and

(b) Once each year regardless of whether the person changed address. [1989 c.984 §2; 1991 c.389 §2; 1993 c.147 §2]

Note: See notes under 181.517.

181.519 Report of information on sex offender released or discharged; change of address procedure. (1)(a) Except as otherwise provided in paragraph (b) of this subsection, when a person is convicted in this state of a sex crime and is released on probation by the court or when a person convicted in another jurisdiction of a crime that would constitute a sex crime if committed in this state is released on probation to this state under ORS 144.610, the probation agency of the county in which the person intends to reside upon release shall enter into the Law Enforcement Data System the person's name and description, the description of the methodology of the offense, the address where the person expects to reside upon release and the originating code of the probation agency that is located closest to the address of the person.

(b) When the court discharges the person or places the person on bench probation, the district attorney shall cause the information required by paragraph (a) of this subsection to be entered into the Law Enforcement Data System.

(2)(a) Except as otherwise provided in paragraph (b) of this subsection, when a person is found guilty except for insanity of a sex crime and is discharged or released on conditional release by the court or the Psychiatric Security Review Board, the Psychiatric Security Review Board shall cause to be entered into the Law Enforcement Data System the person's name and description, the description of the methodology of the offense and the address where the person expects to reside upon release.

(b) When the person is discharged by the court, the district attorney shall cause the information required by paragraph (a) of this subsection to be entered into the Law Enforcement Data System.

(3) Following discharge, release from active parole or other supervised or conditional release, the person shall provide, in writing, the address of the person to the Oregon State Police:

(a) Within 30 days of a change of residence; and

(b) Once each year regardless of whether the person changed address. [1989 c.984 §3; 1991 c.389 §3; 1993 c.147 §3]

Note: See notes under 181.517.

Note: Sex Offender Registration. Sections 4 to 8, chapter 389, Oregon Laws 1991, are set forth for the user's convenience:

Sec. 4. (1) A person who fails to register following a change of address as required by ORS 181.518 and 181.519 commits a:

(a) Class C felony, if the crime for which the person is required to register is a felony; or

(b) Class A misdemeanor, if the crime for which the person is required to register is a misdemeanor.

(2) A person who fails to file the annual report required by ORS 181.518 and 181.519 commits a violation. [1991 c.389 §4]

Sec. 5. (1) No sooner than 10 years after termination of active supervision on probation, conditional release, parole or post-prison supervision, a person required to register as required by ORS 181.518 and 181.519 may file a petition in the circuit court of the county in which the person resides for an order relieving the person of the duty to register. The district attorney of the county shall be named and served as the respondent in the petition.

(2) The court shall hold a hearing on the petition. In determining whether to grant the relief requested, the court shall consider:

(a) The nature of the offense that required registration;

(b) The age and number of victims;

(c) The degree of violence involved in the offense;

(d) Other criminal and relevant noncriminal behavior of the petitioner both before and after the conviction that required registration;

(e) The period of time during which the petitioner has not reoffended; and

(f) Any other relevant factors.

(3) If the court is satisfied by clear and convincing evidence that the petitioner is rehabilitated and that the petitioner does not pose a threat to the safety of the public, the court shall enter an order relieving the petitioner of the duty to register. [1991 c.389 §5; 1993 c.147 §4]

Sec. 6. (1)(a) When information about a person is first entered into the Law Enforcement Data System under ORS 181.518 or 181.519, the person will be assigned a registry identification number.

(b) A victim shall be issued a victim identification number and shall be given the registry identification number of the person who committed the crime against the victim:

(A) At any time, upon request by the victim; and

(B) Upon verification of the identification of the victim.

(2) The Oregon State Police shall establish a toll-free telephone number to provide victims with updates on the prison status, release information, parole status and the county of residence of the person who committed the crime against the victim. The telephone line shall be operational within the state during normal working hours.

(3) Access of the victim to the telephone line shall be revoked if the victim makes public, or otherwise misuses, information received.

(4) When a victim receives notification under ORS 144.120 (7) of upcoming parole release hearings, or at any other time that the victim is notified concerning the offender, the victim shall be provided a notice of rights under this section and information about the toll-free telephone number. [1991 c.389 §6]

Sec. 7. The purpose of ORS 181.517, 181.518 and 181.519 and sections 4 to 6 of this Act is to assist law enforcement agencies in preventing future sex offenses. [1991 c.389 §7]

Sec. 8. ORS 181.517, 181.518 and 181.519 and sections 4 to 7 of this Act are repealed on June 30, 1997. [1991 c.389 §8]

181.520 [1963 c.547 §4; repealed by 1975 c.548 §6 (181.521 enacted in lieu of 181.520)]

181.521 Transmittal of disposition report. When a court receives a disposition report from a law enforcement agency pursuant to ORS 181.511, the court shall transmit disposition information to the bureau in a manner and format determined by the State Court Administrator after consultation with the bureau. [1975 c.548 §6a (enacted in lieu of 181.520); 1983 c.763 §56; 1987 c.553 §2]

181.525 Copy of certain disposition reports to Teacher Standards and Practices Commission and Department of Education. Whenever any court or district attorney receives a disposition report and the court or district attorney has cause to believe that the arrested person who is the subject of the report is an employee of a school district or is licensed as a school teacher or administrator and that the charge involves a violation of any crime listed in ORS 342.143 (3) or 342.175 (2), the court or district attorney shall cause the Teacher Standards and Practices Commission and the Department of Education to be sent a copy of the completed disposition report. [1987 c.503 §4; 1993 c.674 §2]

181.530 Report of release or escape from state institution of certain inmates. (1) The superintendent of any institution of this state shall notify the bureau prior to the release or immediately after the escape from such institution, of any person committed to such institution, for a crime for which a report is required or under civil commitment as a sexually dangerous person. The notice shall state the name of the person to be released or who has escaped, the county in which the person was convicted or from which the person was committed and, if known, the address or locality at which the person will reside.

(2) Promptly upon receipt of the notice required by subsection (1) of this section, the bureau shall notify all law enforcement agencies in the county in which the person was convicted or from which the person was committed and in the county, if known, in which the person will reside. [1963 c.547 §5]

181.535 Criminal identification information available to Executive Secretary of Oregon Racing Commission. (1) The department may, upon request of the Oregon Racing Commission, furnish to the Executive Secretary of the Oregon Racing Commission such information as the department may have in its possession from its central bureau of criminal identification, including but not limited to manual or computerized information and data.

(2) For the purposes of requesting and receiving the information and data described in subsection (1) of this section, the Oregon Racing Commission is a "state agency" and a "criminal justice agency" and its enforcement agents are "peace officers" within this chapter and rules adopted thereunder. [1975 c.549 §19]

181.537 Criminal identification information available to Department of Human Resources and Employment Department. (1) Subject to subsection (2) of this section, the Department of Human Resources or the Employment Department may request and the Department of State Police shall furnish to the Department of Human Resources or the Employment Department such information as the Department of State Police may have in its possession from its central bureau of criminal identification, including but not limited to manual or computerized information, concerning persons where criminal offender information is required:

(a) To implement a federal or state statute, executive order or rule that expressly refers to criminal conduct and contains requirements or exclusions expressly based on such conduct;

(b) For departmental employment purposes;

(c) For the purposes of Department of Human Resources and Employment Department licensing, certifying or regulating programs or persons that provide care or treatment to children; or

(d) For the purposes of employment decisions by private entities that provide care or treatment to children and that are regulated by the Department of Human Resources or the Employment Department.

(2) Subsequent to furnishing the information obtained under subsection (1) of this section, the Department of State Police shall conduct nationwide criminal record checks through the Federal Bureau of Investigation of persons described in subsection (1) of this section, including their fingerprints, and shall report the results to the Department of

Human Resources or the Employment Department.

(3) The Federal Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records check and shall not keep any record of the fingerprints. However, if the federal bureau policy authorizing return of the fingerprint cards is changed, the Department of Human Resources or the Employment Department shall cease to send the cards to the federal bureau but shall continue to process the information through other available resources.

(4) The Department of State Police shall return the fingerprint cards to the Department of Human Resources or the Employment Department. The Department of Human Resources or the Employment Department shall destroy the fingerprint cards and shall retain no facsimiles or other material from which a fingerprint can be reproduced.

(5) The Department of Human Resources or the Employment Department, in consultation with the Department of State Police, shall adopt by rule definitions or descriptions of employees authorized to make criminal record inquiries and persons subject to criminal record inquiries, including fingerprints, for purposes of this section.

(6) The Department of State Police shall adopt rules to restrict dissemination of information received under this section to persons with a demonstrated and legitimate need to know the information. Any public or private agency receiving information pursuant to this section is bound by the rules of disclosure adopted by the department.

(7) For purposes of receiving the information described in this section, the Department of Human Resources and the Employment Department are each considered to be a "designated agency" under ORS 181.010 to 181.560 and 181.715 to 181.730 and the rules adopted under ORS 181.555. [1979 c.732 §2; 1983 c.714 §1; 1985 c.792 §1; 1989 c.364 §4; 1989 c.439 §1; 1991 c.390 §1; 1993 c.344 §48; 1993 c.674 §10]

181.539 Criminal identification information available to Teacher Standards and Practices Commission and Department of Education. (1) Upon the request of the Teacher Standards and Practices Commission or the Department of Education, the Department of State Police shall furnish to the authorized staff of the Teacher Standards and Practices Commission or the Department of Education such information on a subject individual as the Department of State Police may have in its possession from its central bureau of criminal identification, including but not limited to manual or computerized criminal offender information.

(2)(a) Subsequent to furnishing the information required under subsection (1) of this section, the Department of State Police shall conduct nationwide criminal records checks of the subject individual through the Federal Bureau of Investigation by use of the subject individual's fingerprints and shall report the results to the staff of the Teacher Standards and Practices Commission or the Department of Education, who must be specifically authorized to receive the information.

(b) The Federal Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records check and shall not keep any record of the fingerprints. However, if the federal bureau policy authorizing return of the fingerprint cards is changed, the department shall cease to send the cards to the federal bureau but shall continue to process the information through other available resources.

(c) The Department of State Police shall return the fingerprint cards to the Teacher Standards and Practices Commission or the Department of Education. The Teacher Standards and Practices Commission or the Department of Education shall destroy the fingerprint cards and shall retain no facsimiles or other material from which a fingerprint can be reproduced.

(3) For purposes of requesting and receiving the information and data described in subsections (1) and (2) of this section, the Teacher Standards and Practices Commission and the Department of Education are designated agencies for purposes of ORS 181.010 to 181.560 and 181.715 to 181.730.

(4) As used in this section, "subject individual" means:

(a) An individual who is applying for initial issuance of a license under ORS 342.120 to 342.430 as a teacher, administrator or personnel specialist.

(b) An individual who is applying for reinstatement of a license as a teacher, administrator or personnel specialist whose license has lapsed for at least three years.

(c) An individual who is applying for initial issuance of a certificate under ORS 342.475 as a school nurse.

(d) A school district contractor, whether part-time or full-time, or an employee thereof, whether part-time or full-time, who has direct, unsupervised contact with students as determined by the district.

(e) An individual newly hired, whether part-time or full-time, by a school district in a capacity not described in paragraphs (a) to (c) of this subsection who has direct, unsupervised contact with children as determined by the district.

(5) "Subject individual" does not include an individual described in subsection (4)(d) or (e) of this section if the individual or the individual's employer was checked in one school district and is currently seeking to work in another district unless the individual lived outside this state during the period between the two periods of time of working in the district.

(6) Nothing in this section shall be considered to require a subject individual to submit to fingerprinting until the individual has been offered employment or a contract by a school district. Contractor employees shall not be required to submit to fingerprinting until the contractor has been offered a contract. [1993 c.674 §3]

181.540 Confidentiality of some records. (1) Notwithstanding the provisions of ORS 192.410 to 192.505 relating to public records the fingerprints, photographs, records and reports compiled under ORS 137.225, 181.010, 181.511, 181.521, 181.555, 805.060 and this section are confidential and exempt from public inspection except:

(a) As ordered by a court;

(b) As provided in rules adopted by the department under ORS 183.310 to 183.550 to govern access to and use of computerized criminal offender information including access by an individual for review or challenge of the individual's own records;

(c) As provided in ORS 181.555 and 181.560; or

(d) As provided in ORS 181.525.

(2) The records of the department of crime reports to the department and of arrests made by the department, however, shall not be confidential and shall be available in the same manner as the records of arrest and reports of crimes of other law enforcement agencies under ORS 192.501 (3). [1963 c.547 §7; 1973 c.794 §16; 1975 c.548 §7; 1979 c.518 §1; 1981 c.905 §3; 1983 c.338 §900; 1987 c.503 §5]

181.550 Reporting of crime statistics. (1) All law enforcement agencies shall report to the Department of State Police statistics concerning crimes:

(a) As directed by the department, for purposes of the Uniform Crime Reporting System of the Federal Bureau of Investigation.

(b) As otherwise directed by the Governor concerning general criminal categories of criminal activities but not individual criminal records.

(c) Motivated by prejudice based on the 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 handicap, age, economic or social status or citizenship of the victim.

(d) And other incidents arising out of domestic disturbances under ORS 133.055 (2) and 133.310 (3).

(2) The department shall prepare:

(a) Quarterly and annual reports for the use of agencies reporting under subsection (1) of this section, and others having an interest therein;

(b) An annual public report of the statistics on the incidence of crime motivated by prejudice based on the 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 handicap, age, economic or social status or citizenship of the victim;

(c) Quarterly and annual reports of the statistics on the incidence of crimes and incidents of domestic disturbances; and

(d) Special reports as directed by the Governor. [1973 c.130 §2; 1989 c.1028 §1; 1991 c.552 §1; 1993 c.188 §11]

181.555 Establishment of procedures for access to criminal record information. The department shall adopt rules under ORS 183.310 to 183.550 establishing procedures:

(1) To provide access to criminal offender information by criminal justice agencies and by other state and local agencies.

(2)(a) To permit a person or agency not included in subsection (1) of this section to inquire as to whether the department has compiled criminal offender information on an individual.

(b) To provide that any person making an inquiry under paragraph (a) of this subsection furnish the department with such information known to the inquirer as will assist the department in identifying and notifying the individual about whom the information is sought. If the information is sought by an employer for employment purposes, the employer first shall have advised the employee or prospective employee that such information might be sought and shall state upon making the request that the individual has been so advised and the manner in which the individual was so advised.

(3) To provide each individual about whom criminal offender information has been compiled the right to inspect and challenge that criminal offender information.

(4) Providing for purging or updating of inaccurate or incomplete information. [1975 c.548 §8; 1981 c.905 §6]

181.557 Procedure when information requested by designated agency. When a designated agency requests criminal offender information about an individual from the department under ORS 181.555 (1) for agency employment, licensing or other permissible purposes, the agency shall provide documentation that the individual:

(1) Gave prior written consent for the agency to make a criminal offender record check through the department; or

(2) Has received written notice from the agency that a criminal offender record check may be made through the department. Notice shall be provided prior to the time the request is made and shall include:

(a) Notice of the manner in which the individual may be informed of the procedures adopted under ORS 181.555 (3) for challenging inaccurate criminal offender information; and

(b) Notice of the manner in which the individual may become informed of rights, if any, under Title VII of the Civil Rights Act of 1964, and notice that discrimination by an employer on the basis of arrest records alone may violate federal civil rights law and that the individual may obtain further information by contacting the Bureau of Labor and Industries. [1989 c.364 §2]

181.560 Procedure when information requested by other than criminal justice agency. (1) When a person or agency, other than a criminal justice agency or a law enforcement agency, pursuant to ORS 181.555 (2), requests from the department criminal offender information regarding an individual, if the department's compiled criminal offender information on the individual contains records of any conviction, or of any arrest less than one year old on which there has been no acquittal or dismissal, the department shall respond to the request as follows:

(a) The department shall send prompt written notice of the request to the individual about whom the request has been made. The department shall address the notice to the individual's last address known to the department and to the individual's address, if any, supplied by the person making the request. However, the department has no obligation to insure that the addresses are current. The notice shall state that the department has received a request for information concerning the individual and shall identify the person or agency making the request. Notice to the individual about whom the request is made shall include:

(A) A copy of all information to be supplied to the person or agency making the request;

(B) Notice to the individual of the manner in which the individual may become informed of the procedures adopted under ORS 181.555 (3) for challenging inaccurate criminal offender information; and

(C) Notice to the individual of the manner in which the individual may become informed of rights, if any, under Title VII of the Civil Rights Act of 1964, and notice that discrimination by an employer on the basis of arrest records alone may violate federal civil rights law and that the individual may obtain further information by contacting the Bureau of Labor and Industries.

(b) Fourteen days after sending notice to the individual about whom the request is made, the department shall deliver to the person or agency making the request the following information if held regarding any convictions and any arrests less than one year old on which the records show no acquittal or dismissal:

(A) Date of arrest.

(B) Offense for which arrest was made.

(C) Arresting agency.

(D) Court of origin.

(E) Disposition, including sentence imposed, date of parole if any and parole revocations if any.

(c) The department shall deliver only the data authorized under paragraph (b) of this subsection.

(d) The department shall inform the person or agency requesting the criminal offender information that the department's response is being furnished only on the basis of similarity of names and description and that identification is not confirmed by fingerprints.

(2) If the department holds no criminal offender information on an individual, or the department's compiled criminal offender information on the individual consists only of nonconviction data, the department shall respond to a request under this section that the individual has no criminal record and shall release no further information.

(3) The department shall keep a record of all persons and agencies making inquiries under ORS 181.555 (2) and shall keep a record of the names of the individuals about whom such persons or agencies are inquiring, regardless of whether the department has compiled any criminal offender information on the individuals. These records shall be public records and shall be available for inspection under ORS 192.410 to 192.505.

(4) Nothing in ORS 181.066, 181.540, 181.555 or this section is intended to prevent the department from charging a reasonable

fee, pursuant to ORS 192.440, for responding to a criminal offender information inquiry or for making information available under ORS 181.555 or this section. [1981 c.905 §5]

181.570 [1975 c.375 §1; repealed by 1979 c.485 §1]

181.575 Specific information not to be collected or maintained. No law enforcement agency, as defined in ORS 181.010, may collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct. [1981 c.905 §8]

Note: 181.575 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 181 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

181.580 Report of suspected criminal homicide; form and time of report; compilation; comparison. (1) As used in this section, "criminal homicide" has the meaning provided in ORS 163.005.

(2) Any criminal justice agency within the State of Oregon having primary responsibility for investigation of the case shall provide information relating to any suspected criminal homicide to the Superintendent of State Police within 25 days after its discovery. The criminal justice agency shall submit the information on a form which shall be developed and provided by the Department of State Police. The form shall contain only information necessary to aid law enforcement personnel in comparing homicides and suspected homicides and discovering those exhibiting similar characteristics. The Department of State Police shall enter information submitted by an investigating agency into a file controlled by the Department of State Police and shall compare such information to information on other homicides or suspected homicides, for the purpose of discovering similarities in criminal methods and suspect descriptions. The Department of State Police shall advise the concerned investigating agencies if the Department of State Police finds homicides exhibiting similar criminal methods or suspect descriptions.

(3) When an investigating criminal justice agency terminates active investigation of a suspected criminal homicide due to an arrest having been made in the case, death of the primary suspect, or whatever other reason, the investigating agency shall so notify the Department of State Police within 30 days following such termination. Notification shall include the reason for terminating active investigation. [1985 c.609 §1; 1991 c.885 §5]

Note: 181.580 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 181 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

PUBLIC SAFETY STANDARDS AND TRAINING

181.610 Definitions for ORS 181.610 to 181.690. In ORS 181.610 to 181.690, unless the context requires otherwise:

(1) "Board" means the Board on Public Safety Standards and Training appointed pursuant to ORS 181.620.

(2) "Commissioned" means an authorization granting the power to perform various acts or duties of a police officer and acting under the supervision and responsibility of a county sheriff.

(3) "Corrections officer" means an officer or member of a law enforcement unit who is employed full time thereby and is charged with and primarily performs the duty of custody, control or supervision of individuals convicted of or arrested for a criminal offense and confined in a place of incarceration or detention other than a place used exclusively for incarceration or detention of juveniles.

(4) "Emergency medical dispatcher" means a person who has responsibility to process requests for medical assistance from the public or to dispatch medical care providers.

(5) "Executive director" means the executive director of the board.

(6) "Fire protection equipment" means any apparatus, machinery or appliance intended for use by a fire service unit in fire prevention or suppression activities. "Fire protection equipment" does not include forest fire protection equipment.

(7) "Fire service professional" means an officer or member of a public fire protection agency who is engaged primarily in fire investigation, fire prevention, fire safety, fire control or fire suppression or providing emergency medical services, light and heavy rescue services, search and rescue services or hazardous materials incident response. "Fire service professional" does not include forest fire protection agency personnel.

(8)(a) "Law enforcement unit" means a police force or organization of the state, a city, port, school district, mass transit district, county, county service district authorized to provide enhanced law enforcement services under ORS 451.010, Indian reservation, Criminal Justice Division of the Department of Justice, the Department of

Corrections, the Oregon State Lottery Commission or common carrier railroad whose primary duty, as prescribed by law, ordinance or directive, is any one or more of the following:

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

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

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

(b) "Law enforcement unit" also means a police force or organization of a private entity with a population of more than 1,000 residents in an unincorporated area whose employees are commissioned by a county sheriff.

(9) "Parole and probation officer" means any officer employed full time by the Department of Corrections, a county or a court who is charged with and actually performs the duty of community protection by controlling, supervising and providing reformative services for adult parolees and probationers, or who performs the duty of investigation of adult offenders on parole or probation or being considered for parole or probation.

(10) "Police officer" means an officer or member of a law enforcement unit who is employed full time as a peace officer commissioned by a city, port, school district, mass transit district, county, county service district authorized to provide enhanced law enforcement services under ORS 451.010, Indian reservation, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission or the Governor or a member of the Department of State Police and who is responsible for enforcing the criminal laws of this state or laws or ordinances relating to airport security.

(11) "Public or private safety agency" means any unit of state or local government, a special purpose district or a private firm which provides, or has authority to provide, fire fighting, police, ambulance or emergency medical services.

(12) "Public safety personnel" includes corrections officers, emergency medical dispatchers, parole and probation officers, police officers, telecommunicators and fire service professionals.

(13) "Telecommunicator" means any person employed as an emergency telephone worker as defined in ORS 243.736 or a public safety dispatcher whose primary duties are receiving, processing and transmitting public safety information received through a 9-1-1 emergency reporting system as defined in ORS 401.720. [1961 c.721 §1; 1963 c.371 §1; 1967 c.305 §2; 1973 c.420 §1; 1975 c.290 §1; 1975 c.392 §3; 1975 c.666 §4; 1977 c.382 §1; 1977 c.477 §1; 1977 c.737 §1; 1979 c.656 §4; 1981 c.449 §1; 1985 c.302 §9; 1985 c.565 §20; 1987 c.320 §137; 1989 c.1058 §1; 1991 c.742 §1; 1993 c.14 §22; 1993 c.185 §10; 1993 c.594 §1; 1993 c.623 §1]

181.620 Board on Public Safety Standards and Training; term limit; confirmation. (1) The Governor shall appoint a Board on Public Safety Standards and Training consisting of 21 members as follows:

(a) Two members shall be chiefs of police recommended to the Governor by the Oregon Association of Chiefs of Police;

(b) One member shall be a sheriff recommended to the Governor by the Oregon State Sheriffs' Association;

(c) One member shall be a fire chief recommended to the Governor by the Oregon Fire Chiefs' Association;

(d) One member shall be a representative of the fire service recommended to the Governor by the Oregon Fire District Directors' Association;

(e) One member shall be a member of the Oregon State Fire Fighter's Council recommended to the Governor by the executive body of the council;

(f) One member shall be a representative of corrections personnel recommended to the Governor by the Oregon State Sheriffs' Association;

(g) One member shall be a representative of the fire service recommended to the Governor by the Oregon Volunteer Fire Fighters' Association;

(h) One member shall be a representative of public safety telecommunicators;

(i) One member shall be a district attorney recommended to the Governor by the Oregon District Attorneys' Association;

(j) One member shall be the Superintendent of State Police;

(k) One member shall be the Chief of the Portland Police Bureau;

(L) One member shall be the State Fire Marshal;

(m) One member shall be the Chief of the Portland Fire Bureau;

(n) One member shall be the Director of the Department of Corrections;

(o) One member shall be the Special Agent in Charge of the Federal Bureau of Investigation for Oregon;

(p) One member shall represent forest protection agencies recommended to the Governor by the State Forestry Department;

(q) One member shall be an administrator of a municipality recommended to the Governor by the executive body of the League of Oregon Cities;

(r) Two members shall be nonmanagement representatives of law enforcement; and

(s) One member shall be a public member. A person appointed as a public member under this section shall be a person:

(A) Who has no personal interest or occupational responsibilities in the area of responsibility given to the board; and

(B) Who represents the interests of the public in general.

(2) The term of office of a member is three years, and no member may be removed from office except for cause. Before the expiration of the term of a member, the Governor shall appoint the member's successor to assume the member's duties on July 1 next following. In case of a vacancy for any cause, the Governor shall make an appointment, effective immediately, for the unexpired term.

(3) Except for members who serve by virtue of their office, no member shall serve more than two terms. For purposes of this subsection, a person appointed to fill a vacancy consisting of an unexpired term of at least one and one-half years has served a full term.

(4) All appointments of members of the board by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

(5) A member of the board is entitled to compensation and expenses as provided in ORS 292.495. [1961 c.721 §§4,5; 1967 c.305 §3; 1969 c.314 §12; 1973 c.599 §4; 1973 c.792 §2; 1975 c.290 §15; 1977 c.382 §12; 1979 c.410 §2; 1991 c.380 §1; 1993 c.185 §11]

181.630 Organization of board; approval of claims; meetings. (1) The board shall select one of its members as chairman and another as vice chairman. The vice chairman shall act as chairman when the chairman is absent or unable to act.

(2) The chairman shall approve voucher claims for indebtedness or expenses incurred under the provisions of and payable from appropriations made for the purposes of ORS 181.610 to 181.690. Otherwise the board shall prescribe such terms, powers and duties for the chairman and vice chairman as are convenient for the performance of the functions of the board.

(3) The board shall meet at least once every three months at a place and time determined by the board. The board shall also meet at such other times and places as the chairman shall specify. [1961 c.721 §6]

181.635 Appointment of executive director and secretary of board. The board may appoint a person to serve at its pleasure as executive director and secretary of the board. The position is in the unclassified service, as that category is described in ORS 240.205. The executive director shall not be a member of the board. The board shall fix the annual salary of the executive director. [1963 c.371 §3]

181.640 Minimum standards and training for certification; annual report; duties in improving public safety units; grants; rules. (1) In accordance with any applicable provision of ORS 183.310 to 183.550, to promote enforcement of law and fire services by improving the competence of public safety personnel and their support staffs, the board, in consultation with the agencies for which it provides standards, certification, accreditation and training, shall:

(a) Establish for police officers, corrections officers, parole and probation officers and fire service professionals, respectively, reasonable minimum standards of physical, emotional, intellectual and moral fitness.

(b) Establish for public safety personnel reasonable minimum training for all levels of professional development, basic through executive, including but not limited to courses or subjects for instruction, facilities for instruction, qualification of instructors and methods of instruction.

(c) Establish a procedure or procedures to be used by law enforcement units or public or private safety agencies to determine whether a police officer, a fire service professional, a corrections officer, a parole and probation officer, a telecommunicator or an emergency medical dispatcher meets minimum standards or has minimum training.

(d) Subject to such terms and conditions as the board may impose, certify police officers, fire service professionals, corrections officers, parole and probation officers, telecommunicators and emergency medical dispatchers as being qualified, and revoke such certification in the manner provided in ORS 181.661 to 181.664.

(2) The board shall cause inspection of standards and training for police officers, corrections officers, parole and probation officers, fire service professionals, telecommunicators and emergency medical dispatchers to be made.

(3) The board may:

(a) Contract or otherwise cooperate with any person or agency of government for the procurement of services or property;

(b) Accept gifts or grants of services or property; or

(c) Maintain and furnish to law enforcement units and public and private safety agencies information on applicants for appointment as police officers, fire service professionals, corrections officers, parole and probation officers, telecommunicators or emergency medical dispatchers in any part of the state.

(4) The board may:

(a) Upon the request of a law enforcement unit or public safety agency, conduct surveys or aid cities and counties to conduct surveys through qualified public or private agencies and assist in the implementation of any recommendations resulting from such surveys.

(b) Upon the request of law enforcement units or public safety agencies, conduct studies and make recommendations concerning means by which requesting units can coordinate or combine their resources.

(c) Stimulate research by public and private agencies to improve police, fire service, corrections and adult parole and probation administration and law enforcement.

(d) Provide grants from funds appropriated or available therefor, to law enforcement units, public safety agencies, special districts, cities and counties to carry out the provisions of this subsection.

(e) Provide optional training programs for persons who operate lockups. The term "lockup" has the meaning given it in ORS 169.005.

(f) Provide optional training programs for public safety personnel and their support staffs.

(g) Enter into agreements with federal, state or other governmental agencies to provide training or other services in exchange for receiving training, fees or services of generally equivalent value.

(h) Upon the request of a law enforcement unit or public safety agency employing police officers, fire service professionals, corrections officers or parole or probation officers, grant an officer or fire service professional a multidiscipline certification. Multidiscipline certification authorizes an officer or fire service professional to work in any of the disciplines for which the officer or fire service professional is certified. The provisions of ORS 181.652, 181.653 and 181.667 relating to lapse of certification do not apply to an officer or fire service professional certified under this paragraph.

(5) Pursuant to ORS 183.310 to 183.550, the board shall adopt rules necessary to carry out its duties and powers. [1961 c.721 §2; 1967 c.305 §4; 1969 c.609 §7; 1975 c.290 §2; 1975 c.605 §12; 1977 c.382 §2; 1979 c.410 §3; 1981 c.449 §2; 1983 c.606 §1; 1987 c.320 §138; 1987 c.901 §7; 1991 c.380 §2; 1991 c.742 §2; 1993 c.185 §12]

181.642 Training in identification of crimes motivated by prejudice. The Board on Public Safety Standards and Training shall insure that all police officers are trained to investigate, identify and report crimes motivated by prejudice based on the 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 handicap, age, economic or social status or citizenship of the victim. [1989 c.1028 §3]

Note: 181.642 was added to and made a part of ORS chapter 181 by legislative action but was not added to any series therein. See Preface to Oregon Revised Statutes for further explanation.

181.644 Certification of telecommunicator or emergency medical dispatcher required; extension. (1) Except for a person who has requested and obtained from the board an extension pursuant to subsection (2) of this section, no person may be employed as a telecommunicator or emergency medical dispatcher by any public or private public safety agency for more than one year unless the person has been certified as being qualified as a telecommunicator or emergency medical dispatcher under the provisions of ORS 181.610 to 181.690 and the certification has neither lapsed nor been revoked pursuant to ORS 181.661, 181.662 and 181.664 (1) and not been reissued under ORS 181.664.

(2) The board, upon the facts contained in an affidavit accompanying the request for an extension, may find good cause for failure to obtain certification within the time period described in subsection (1) of this section. If the board finds that there is good cause for such failure, the board may extend for up to one year the period that a person may serve as a telecommunicator or an emergency medical dispatcher without certification. The grant or denial of such an extension is with the sole discretion of the board. [1991 c.742 §10]

Note: 181.644 was added to and made a part of 181.610 to 181.690 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

181.645 Police, corrections, parole and probation officers required to be at least 21 years of age. No law enforcement unit in this state shall employ as a police officer, corrections officer or parole and probation

officer, any person who has not yet attained the age of 21 years. [1987 c.901 §2]

181.650 Certification of training programs and instructors. (1) Upon application the board or its authorized representative shall examine and evaluate any instructor or any police, corrections, adult parole and probation, fire service professional, telecommunicator or emergency medical dispatcher training program.

(2) If the examiner finds that an instructor is qualified under the minimum requirements established pursuant to ORS 181.640 (1)(b), the examiner in writing shall certify the instructor as being qualified for such a term and upon such conditions as the board may prescribe.

(3) If the examiner finds that a police, corrections, adult parole and probation, fire service professional, telecommunicator or emergency medical dispatcher training program or any course, subject, facility, instructor or instruction thereof is qualified to satisfy any minimum requirement established pursuant to ORS 181.640 (1)(b), the examiner shall certify the extent of that qualification to the executive authority of that police, corrections, adult parole and probation, fire service professional, telecommunicator or emergency medical dispatcher training program for such a term and upon such conditions as the board may prescribe. An individual complies with any minimum requirement of ORS 181.640 (1)(b) when the individual receives training that is certified under this subsection as qualified to satisfy that requirement. [1961 c.721 §8; 1967 c.305 §6; 1975 c.290 §3; 1977 c.382 §3; 1991 c.742 §3; 1993 c.185 §13]

181.651 Certification of full-time board employees. Notwithstanding any other provision of law, any full-time employee of the Board on Public Safety Standards and Training who possesses the requisite qualifications may be certified or recertified as a police officer, corrections officer, parole and probation officer, telecommunicator or emergency medical dispatcher. A board employee who is so certified as a police, corrections or parole and probation officer may exercise the authority granted by law to such officers. This includes, but is not limited to, the authority to possess material that is otherwise contraband under the laws of this state in the performance of official duties and the authority to carry a firearm or other weapon concealed. [1987 c.901 §3; 1991 c.742 §4]

181.652 Certification of corrections officers required; extension; when training to commence. (1) Except for a person who has requested and obtained from the board an extension pursuant to subsection (2) of this section, no person may be employed as a corrections officer by any law enforcement unit for more than one year unless the person is a citizen of the United States, and:

(a) The person has been certified as being qualified as a corrections officer under the provisions of ORS 181.610 to 181.690 and the certification has neither lapsed nor been revoked pursuant to ORS 181.661, 181.662 and 181.664 (1) and not been reissued under ORS 181.664 (2); or

(b) The person is exempted from the certification requirement under ORS 181.660.

(2) The board, upon the facts contained in an affidavit accompanying the request for an extension, may find good cause for failure to obtain certification within the time period described in subsection (1) of this section. If the board finds that there is good cause for such failure, the board may extend for up to one year the period that a person may serve as a corrections officer without certification. The grant or denial of such an extension is within the sole discretion of the board.

(3) The certification of a corrections officer shall lapse upon the passage of more than three consecutive months during which period the officer is not employed as a corrections officer, unless the corrections officer is on leave from a law enforcement unit. Upon reemployment as a corrections officer, the person whose certification has lapsed may apply for certification in the manner provided in ORS 181.610 to 181.690.

(4) Except as provided in subsection (5) of this section, a person employed as a corrections officer by any law enforcement unit shall commence the training necessary for certification under ORS 181.610 to 181.690 at an academy operated by the board not later than the 90th day after the date of the officer's employment by the law enforcement unit.

(5) A law enforcement unit may delay the commencement of training of a corrections officer for up to 120 days from the date of the officer's employment when it considers the delay necessary. When a law enforcement unit delays commencement of a corrections officer's training under this subsection, it shall file a written statement of its reasons with the board.

(6) When a delay in the commencement of training necessary for certification under ORS 181.610 to 181.690 at an academy operated by the board is caused by the inability of the board, for any reason, to provide that training, the period of such delay shall not be counted as part of the periods set forth in subsections (4) and (5) of this section within which the training must be commenced. [1975 c.290 §§11,12; 1987 c.901 §4]

181.653 Certification of Department of Corrections parole and probation officers required; extension. (1) Except for a person who has requested and obtained from the board an extension pursuant to subsection (2) of this section, no person may be employed as a parole and probation officer for more than one year unless the person is a citizen of the United States, and:

(a) The person has been certified as being qualified as a parole and probation officer under provisions of ORS 181.610 to 181.690 and the certification has neither lapsed nor been revoked pursuant to ORS 181.661, 181.662 and 181.664 (1) and not reissued under ORS 181.664 (2); or

(b) The person is exempted from the certification requirement under ORS 181.660.

(2) The board, upon the facts contained in an affidavit accompanying the request for an extension, may find good cause for failure to obtain certification within the time period described in subsection (1) of this section. If the board finds that there is good cause for such failure, the board may extend for up to one year the period that a person may serve as a parole and probation officer without certification. The grant or denial of such an extension is within the sole discretion of the board.

(3) The certification of a parole and probation officer shall lapse upon the passage of more than three consecutive months during which period the officer is not employed as a parole and probation officer, unless the officer is on leave from a law enforcement unit. Upon reemployment as a parole and probation officer, the person whose certification has lapsed may apply for certification in the manner provided in ORS 181.610 to 181.690.

(4) The requirement of citizenship imposed under subsection (1) of this section does not apply to a person employed as a parole and probation officer on September 27, 1987, who continues to serve as a parole and probation officer. [1977 c.382 §§9,10; 1981 c.449 §3; 1987 c.320 §139; 1987 c.901 §5]

181.654 Certification of certain Law Enforcement Data System employees. (1) A certified police officer who leaves police service to become a full-time employee of the Law Enforcement Data System under ORS 181.730 may retain certification, subject to satisfactory completion of any continuing training required by the board to maintain certification.

(2) A full-time employee of the Law Enforcement Data System whose certification has lapsed, or who previously has had equivalent certification with another state or the Federal Government may, within 30 months following the lapse of certification or end of prior equivalent certification, apply to the board for certification as provided in ORS 181.660 (2). [1987 c.901 §11; 1993 c.188 §12]

181.655 Reimbursement for training to local law enforcement units. (1) The Board on Public Safety Standards and Training shall provide a reimbursement program to local law enforcement units which send police officers or corrections officers to the training academy operated by the board. Such reimbursement shall be to defray the cost of salaries and other expenses incurred during the training of the officers.

(2) Such reimbursement program shall be supported entirely out of funds maintained in the Police Standards and Training Account after administrative and operational expenses of the board can be met from existing revenues.

(3) Reimbursement programs shall not apply to nongovernmental organizations.

(4) Pursuant to ORS 183.310 to 183.550, the board shall adopt rules necessary to carry out the provisions of this section.

(5) Notwithstanding the provisions of subsection (1) of this section, a common carrier railroad law enforcement unit shall not be entitled to receive reimbursement of any kind from the board. [1971 c.328 §2; 1975 c.290 §4; 1977 c.382 §14; 1977 c.737 §2; 1979 c.410 §4]

Note: 181.655 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 181 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

181.660 Application of minimum standards and training to certain persons; certification based on experience. (1) The minimum standards and minimum training requirements established pursuant to ORS 181.640 (1) do not apply to:

(a) The Superintendent of State Police.

(b) Any individual who is a constable of the district or justice court.

(c) Any sheriff's deputy appointed with authority only to receive and serve summons and civil process.

(d) Any municipal parole officer.

(e) Any dog control officer commissioned by a city or county.

(f) Any individual appointed by the Superintendent of State Police under ORS 181.265.

(2) The board may, upon application of an individual police officer, fire service professional, corrections officer, parole and probation officer, telecommunicator or emergency medical dispatcher, at its discretion, certify an officer, telecommunicator or emergency medical dispatcher as provided

in ORS 181.640 (1)(d) upon a finding that the officer's, fire service professional's, telecommunicator's or emergency medical dispatcher's professional experience is equal in professional value to the training required for certification. [1961 c.721 §§9, 10; 1967 c.305 §5; 1969 c.609 §8; 1975 c.290 §5; 1975 c.356 §1; 1977 c.382 §4; 1981 c.449 §4; 1987 c.901 §9; 1991 c.742 §5; 1993 c.185 §14; 1993 c.594 §3]

181.661 Procedure prior to revocation of certification. When the board believes there is a reasonable basis for revoking the certification of a police officer, corrections officer, parole and probation officer, telecommunicator or emergency medical dispatcher, notice and opportunity for a hearing shall be provided in accordance with ORS 183.415 prior to such revocation. [1973 c.612 §11 (enacted in lieu of 181.663); 1975 c.290 §6; 1977 c.382 §5; 1991 c.742 §6]

181.662 Grounds for denying or revoking certification of person. (1) The board may deny or revoke the certification of any police officer, corrections officer, parole and probation officer, telecommunicator or emergency medical dispatcher after written notice and hearing, based upon a finding that:

(a) The officer, telecommunicator or emergency medical dispatcher falsified any information submitted on the application for certification or on any documents submitted to the board.

(b) The officer, telecommunicator or emergency medical dispatcher has been convicted of a crime in this state or any other jurisdiction.

(2) The board may deny or revoke the accreditation of any fire service professional after written notice and hearing, based upon a finding that:

(a) The fire service professional falsified any information submitted on the application for accreditation or on any documents submitted to the board; or

(b) The fire service professional has been discharged for cause from employment in the fire service.

(3) The board shall deny or revoke the certification of any police officer, corrections officer, parole and probation officer, telecommunicator or emergency medical dispatcher after written notice and hearing, based upon a finding that:

(a) The officer, telecommunicator or emergency medical dispatcher has been discharged for cause from employment as a police officer, corrections officer, parole and probation officer, telecommunicator or emergency medical dispatcher.

(b) The officer, telecommunicator or emergency medical dispatcher has been convicted while employed by a law enforcement unit or public or private safety agency in this state or any other jurisdiction of a crime designated under the law where the conviction occurred as being punishable as a felony or as a crime for which a maximum term of imprisonment of more than one year may be imposed.

(c) The officer, telecommunicator or emergency medical dispatcher has been convicted of violating any law of this state or any other jurisdiction involving the unlawful use, possession, delivery or manufacture of a controlled substance, narcotic or dangerous drug.

(d) The officer, telecommunicator or emergency medical dispatcher has been convicted in this state of violating ORS 162.065, 162.075, 162.085, 163.355, 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.427, 163.435, 163.445, 163.465, 163.515, 163.525, 163.575, 163.670, 163.675 (1985 Replacement Part), 163.680, 167.007, 167.012, 167.017, 167.065, 167.070, 167.075 or 167.080 or has been convicted of violating the statutory counterpart of any of those offenses in any other jurisdiction. [1969 c.609 §2; 1975 c.290 §7; 1977 c.382 §6; 1979 c.410 §5; 1981 c.449 §5; 1987 c.901 §8; 1991 c.742 §7; 1993 c.185 §15; 1993 c.301 §5]

181.663 [1969 c.609 §3; repealed by 1973 c.612 §10 (181.661 enacted in lieu of 181.663)]

181.664 Judicial review of board's final order; reapplication for certification. (1) A police officer, fire service professional, corrections officer, parole and probation officer, telecommunicator or emergency medical dispatcher aggrieved by the findings and order of the board may, as provided in ORS 183.480, file an appeal with the Court of Appeals from the final order of the board.

(2) Any police officer, fire service professional, corrections officer, parole and probation officer, telecommunicator or emergency medical dispatcher who has had certification or accreditation revoked pursuant to ORS 181.661, 181.662 and subsection (1) of this section may reapply for certification or accreditation but not sooner than four years after the date on which the order of the board revoking certification or accreditation became final. [1969 c.609 §§4, 5; 1973 c.612 §12; 1975 c.290 §8; 1977 c.382 §7; 1981 c.449 §6; 1991 c.742 §8; 1993 c.185 §16]

181.665 Uncertified person not to be employed as police officer for period exceeding one year without extension; training requirements. (1) Except for a person who has requested and obtained from the board an extension pursuant to subsection (2) of this section, no person may be employed as a police officer by any law enforcement unit for more than one year unless:

(a) The person is a citizen of the United States; and

(b) The person has been certified as being qualified as a police officer under the provisions of ORS 181.610 to 181.690 and the certification has neither lapsed nor been revoked pursuant to ORS 181.661, 181.662 and 181.664 (1) and not been reissued under ORS 181.664 (2).

(2) The board, upon the facts contained in an affidavit accompanying the request for an extension, may find good cause for failure to obtain certification within the time period described in subsection (1) of this section. If the board finds that there is good cause for such failure, the board may extend for up to one year the period that a person may serve as a police officer without certification. The grant or denial of such an extension is within the sole discretion of the board.

(3) Except as provided in subsection (4) of this section, a person employed as a police officer by any law enforcement unit shall commence the training necessary for certification under ORS 181.610 to 181.690 at an academy operated by the board not later than the 90th day after the date of the officer's employment by the law enforcement unit.

(4) A law enforcement unit may delay the commencement of training of a police officer for up to 120 days from the date of the officer's employment when it considers the delay necessary. When a law enforcement unit delays commencement of a police officer's training under this subsection, it shall file a written statement of its reasons with the board.

(5) When a delay in the commencement of training necessary for certification under ORS 181.610 to 181.690 at an academy operated by the board is caused by the inability of the board, for any reason, to provide that training, the period of such delay shall not be counted as part of the periods set forth in subsections (3) and (4) of this section within which the training must be commenced. [1967 c.305 §1; 1969 c.609 §9; 1975 c.290 §9; 1975 c.356 §2; 1979 c.410 §6; 1987 c.901 §6]

181.667 Lapse of certification; reapplication for certification. The certification of any police officer who does not serve as a police officer for any period of time in excess of three consecutive months, unless the police officer is on leave from a law enforcement unit, shall be considered lapsed. Upon reemployment as a police officer, the person whose certification has lapsed may apply for certification in the manner provided in ORS 181.610 to 181.690. [1969 c.609 §6]

Note: 181.667 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 181 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

181.670 Effect of minimum requirements under authority other than ORS 181.640. Compliance with minimum standards or minimum training recommended pursuant to ORS 181.640 for a police officer, fire service professional, corrections officer, parole and probation officer, telecommunicator or emergency medical dispatcher does not except any individual from any minimum requirement for selection or promotion as a police officer under ORS 181.260 or under any civil service law, charter or ordinance for a county or city. [1961 c.721 §11; 1975 c.290 §13; 1977 c.382 §13; 1991 c.742 §11; 1993 c.185 §17]

181.680 [1961 c.721 §3; repealed by 1975 c.605 §33]

181.690 Police Standards and Training Account. (1) There is established in the General Fund of the State Treasury the Police Standards and Training Account. All contributions or other moneys received by the board shall be paid into the State Treasury and credited to the Police Standards and Training Account. Except as provided in subsection (2) of this section, all moneys in the Police Standards and Training Account are appropriated continuously for and shall be used by the board to carry out its functions.

(2) Moneys in the Police Standards and Training Account may be transferred to the Department of State Police and the Department of Corrections to defray the training costs of police officers and parole and probation officers and to defray the cost of the Law Enforcement Data System. The amounts transferred under this subsection shall be deposited in the cash accounts of such agencies in accordance with an allotment plan approved by the Oregon Department of Administrative Services. [1961 c.721 §7; 1979 c.410 §7; 1987 c.320 §140; 1993 c.188 §13]

181.700 Legislative intent; use of funds. It is the intent of the legislature in creating this agency to provide for the coordination of training programs for police officers, to provide for the coordination of training programs for corrections officers, to provide for the coordination of training programs for parole and probation officers and to set standards. The moneys provided in chapter 721, Oregon Laws 1961, are to be used for this purpose primarily and are not intended to replace other existing contributions to the functions outlined in ORS 181.610 to 181.700. [1961 c.721 §14; 1975 c.290 §14; 1977 c.382 §11]

181.705 Minimum standards and training requirements not applicable to certain police officers. The minimum standards and training requirements established pursuant to ORS 181.640 (1) do not

apply to police officers commissioned by the Governor under ORS 131.880 who have served in that capacity for at least two years immediately preceding October 4, 1977. [1977 c.737 §4]

181.710 [1969 c.488 §§5, 6; 1973 c.130 §3; 1979 c.92 §5; 1981 c.59 §1; repealed by 1993 c.188 §15]

CRIMINAL JUSTICE INFORMATION SYSTEM

181.715 Criminal Justice Information System established; duties; application. (1) The Department of State Police shall establish a Criminal Justice Information System that coordinates information among state criminal justice agencies. The system shall:

(a) Insure that in developing new information systems data can be retrieved to support evaluation of criminal justice programs and planning;

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

(c) Establish methods and standards for data interchange and information access between criminal justice information systems, in compliance with the technology standards and policies of the Oregon Department of Administrative Services.

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

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

(2) As used in this section and ORS 181.720, "criminal justice agencies" includes, but is not limited to:

(a) The Judicial Department;

(b) The Department of Corrections;

(c) The Department of State Police;

(d) The Department of Transportation;

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

(f) The Board on Public Safety Standards and Training;

(g) The State Department of Fish and Wildlife; and

(h) The Oregon Liquor Control Commission. [1993 c.188 §5]

181.720 Duties of state criminal justice agencies. State criminal justice agencies, as part of their biennial information resource management plan, shall address the goals of the Criminal Justice Information System with particular attention to data access, availability and information sharing among criminal justice agencies. The plans must be based on industry standards for open systems to the greatest extent possible. A state criminal justice agency shall submit a copy of its information resource management plan to the Criminal Justice Information Systems Advisory Board. [1993 c.188 §7]

181.725 Criminal Justice Information System Advisory Board; members; expenses. (1) There is established a Criminal Justice Information Systems Advisory Board to advise the Department of State Police in the department's duties under ORS 181.715. The board consists of the following members:

(a) The State Court Administrator or the administrator's designee;

(b) The Director of the Department of Corrections or the director's designee;

(c) The Superintendent of State Police or the superintendent's designee;

(d) The Executive Director of the Oregon Criminal Justice Council or the executive director's designee;

(e) The Director of Transportation or the director's designee;

(f) The chairperson of the State Board of Parole and Post-Prison Supervision or the chairperson's designee;

(g) The executive director of the Board on Public Safety Standards and Training or the executive director's designee;

(h) A chief of police designated by the Oregon Association of Chiefs of Police;

(i) A sheriff designated by the Oregon Sheriffs' Association;

(j) A jail manager designated by the Oregon Jail Managers' Association; and

(k) The administrator of the information resource management division of the Oregon Department of Administrative Services or the administrator's designee.

(2) The board shall meet at such times and places as the board deems necessary.

(3) The members of the board are not entitled to compensation but are entitled to expenses as provided in ORS 292.495. [1993 c.188 §6]

181.730 Law Enforcement Data System established; duties; rules. (1) There is established in the Department of State Police a Law Enforcement Data System.

(2) The Law Enforcement Data System shall:

(a) Install and maintain a criminal justice telecommunication and information system for storage and retrieval of criminal justice information submitted by criminal justice agencies for the State of Oregon;

(b) Function as the control point for access to similar programs operated by other states and the Federal Government;

(c) Undertake other projects as are necessary or appropriate for the speedy collection and dissemination of information relating to crime and criminals; and

(d) Provide service as available to all qualified criminal justice agencies and designated agencies.

(3) The department may adopt rules establishing procedures for the submission, access and dissemination of information by the Law Enforcement Data System. [1993 c.188 §8]

OREGON COMMUNITY CRIME PREVENTION INFORMATION CENTER

181.750 Definitions for ORS 181.750 to 181.765. As used in ORS 181.755 to 181.765, unless the context requires otherwise:

(1) "Board" means the Board on Public Safety Standards and Training.

(2) "Center" means the Oregon Community Crime Prevention Information Center.

(3) "Coordinator" means the Coordinator of the Oregon Community Crime Prevention Information Center.

(4) "Director" means the Director of the Board on Public Safety Standards and Training. [Formerly 184.405]

Note: 181.750 to 181.765 [formerly 184.405 to 184.411] were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 181 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

181.755 Oregon Community Crime Prevention Information Center; duties. The Oregon Community Crime Prevention Information Center is created within the Board on Public Safety Standards and Training. The center within the limits of available funds shall:

(1) Develop, plan and carry out a comprehensive, long-range, integrated program, implemented by local crime prevention councils, that will mobilize all Oregon residents, including the youth of this state, in a year-round preventive effort to reduce both crime and delinquency;

(2) Provide a mechanism to support, unify, promote, implement and evaluate crime prevention efforts;

(3) Act as a clearinghouse for crime prevention efforts;

(4) Provide a means by which law enforcement and prevention related agencies, civilian personnel and the education community may acquire the resource materials, technical assistance, knowledge and skills necessary to develop, implement and evaluate crime prevention and intervention programs;

(5) Provide ongoing, programmatic support to crime prevention efforts of law enforcement and crime prevention councils, enabling them to develop programs within their jurisdiction or community;

(6) Assist law enforcement agencies and crime prevention councils to increase the awareness of communities, businesses and governments regarding the need for crime prevention while offering information on current and future programming in their communities and in this state;

(7) Increase the availability of resource materials that may be utilized by local crime prevention programs, analyze data, evaluate needs and develop specific crime prevention strategies;

(8) Coordinate the efforts of law enforcement agencies and local crime prevention councils and programs to prevent the victimization of children by criminal acts and to prevent the occurrence of criminal behavior by children and young persons through educational programs; and

(9) Operate as a resource for local governments and upon the request of any local agency shall:

(a) Provide technical assistance and crime prevention programs in the form of onsite visits, resource development and distribution, consultation, community resource identification, utilization, training and promotion of crime prevention programs or activities;

(b) Review master copies of materials and resources, with the concurrence of any Oregon crime prevention association, for the purpose of increasing program efficiency, effectiveness and consistency;

(c) Provide assistance in increasing the knowledge of community, business and governmental leaders concerning the theory and operation of crime prevention and how their involvement will assist in efforts to prevent crime;

(d) Provide resource materials to and assistance in developing the skills of law enforcement personnel, which materials and skills are necessary to create successful crime prevention strategies that meet the needs of specific regions and communities throughout the state;

(e) Act as a liaison between local, state and national agencies concerning crime prevention issues; and

(f) Coordinate efforts with any statewide crime prevention association and receive from the association advice and direction for the operation of the center and related activities. [Formerly 184.407]

Note: See note under 181.750.

181.760 Coordinator; appointment; duties. (1) The center is under the supervision and control of the coordinator who is responsible for the performance of the duties, functions and powers of the center.

(2) The director shall appoint the coordinator who shall have experience and knowledge in the area of crime prevention.

(3) The coordinator shall receive a salary as provided by law or, if not so provided, as prescribed by the director.

(4) The coordinator is authorized to solicit, receive and expend grants, including matching grants, from private sources to aid in carrying out the provisions of ORS 181.750 to 181.765. [Formerly 184.409]

Note: See note under 181.750.

181.765 Advisory committee; meetings; expenses. (1) To aid and advise the coordinator in the performance of the functions of the center, an advisory committee may be established.

(2) The committee shall meet at such times and places as shall be determined by the coordinator.

(3) Legislative members shall receive no compensation or per diem for services as members but may receive actual and necessary travel and other expenses under ORS 171.072 from funds appropriated to the Legislative Assembly. Other members of the committee shall be entitled to expenses as provided in ORS 292.495. [Formerly 184.411]

Note: See note under 181.750.

POLICE GENERALLY

181.850 Enforcement of federal immigration laws. (1) No law enforcement agency of the State of Oregon or of any political subdivision of the state shall use agency moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship residing in the United States in violation of federal immigration laws.

(2) Notwithstanding subsection (1) of this section, a law enforcement agency may exchange information with the United States Immigration and Naturalization Service in order to:

(a) Verify the immigration status of a person if the person is arrested for any criminal offense; or

(b) Request criminal investigation information with reference to persons named in service records.

(3) For purposes of subsection (1) of this section, the Bureau of Labor and Industries is not a law enforcement agency. [1987 c.467 §1]

Note: 181.850 was enacted into law by the Legislative Assembly but was not added to and made a part of ORS chapter 181 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

PENALTIES

181.990 Penalties. Violation of ORS 181.140 is a Class A misdemeanor. [Amended by 1971 c.743 §343]