

Senate Bill 576

Sponsored by Senators PROZANSKI, KNOPP, Representative BARKER; Senators MANNING JR, THATCHER, WAGNER, Representatives GORSEK, PILUSO, POWER, SPRENGER, STARK, WILLIAMSON (at the request of Crystal and Jamie Sawyer, Oregon Association of Chiefs of Police, Oregon State Sheriff's Association, Oregon Student's Association, Deschutes County District Attorney John Hummel, Attorney General Ellen Rosenblum) (Presession filed.)

SUMMARY

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

Imposes certain requirements related to private security providers who contract with institutions of higher education to provide private security services on campus and special campus security officers commissioned by governing boards of public universities.

Provides that private security professionals who provide private security services on campus and special campus security officers commissioned by governing board of public university do not have stop and frisk authority.

Exempts retired member of Public Employees Retirement System from limitations on reemployment if member is reemployed by public university as special campus security officer.

A BILL FOR AN ACT

1
2 Relating to campus security officers; creating new provisions; and amending ORS 238.082 and
3 352.118.

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

5 **SECTION 1. Section 2 of this 2019 Act shall be known and may be cited as "Kaylee's**
6 **Law."**

7 **SECTION 2. (1) As used in this section:**

8 (a) "Institution of higher education" has the meaning given that term in ORS 163A.005.

9 (b) "Private security professional" and "private security provider" have the meanings
10 given those terms in ORS 181A.840.

11 (2) An institution of higher education that contracts with a private security provider, or
12 the governing board of a public university listed in ORS 352.002 that commissions special
13 campus security officers under ORS 352.118 to provide security services on campus, shall
14 ensure that a nationwide criminal records check is conducted for each private security pro-
15 fessional or special campus security officer providing security services on campus.

16 (3) A law enforcement agency may share information about applicants for employment
17 with the agency with an institution of higher education. An institution of higher education
18 may use information shared under this subsection for purposes of hiring private security
19 professionals or special campus security officers.

20 (4) A private security provider that provides security services on the campus of an in-
21 stitution of higher education or the governing board of a public university listed in ORS
22 352.002 that commissions special campus security officers to provide security services on
23 campus shall ensure that:

24 (a) Vehicles used by private security professionals or special campus security officers in
25 the course of their duties on campus:

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (A) Conform to the standards established by the Board on Public Safety Standards and
 2 Training under subsection (5) of this section; and

3 (B) Are equipped with a global positioning system device, as defined in ORS 163.715, and
 4 a video camera that records the scene within the vehicle.

5 (b) Uniforms worn by private security professionals or special campus police officers in
 6 the course of their duties on campus conform to the standards established by the board by
 7 rule to distinguish private security professionals or special campus security officers from
 8 police officers certified by the Department of Public Safety Standards and Training.

9 (5) The Board on Public Safety Standards and Training shall adopt by rule standards for
 10 vehicles used by private security professionals and special campus security officers in the
 11 course of their duties on campus, including but not limited to standards:

12 (a) Requiring a vehicle to be clearly identified as a campus vehicle on the front of the
 13 vehicle;

14 (b) Prohibiting the use of red and blue light bars;

15 (c) Prohibiting the use of bumpers intended to ram another vehicle in order to cause a
 16 stall; and

17 (d) Prohibiting the use of cages.

18 (6) The institution of higher education or governing board of the public university listed
 19 in ORS 352.002 shall retain, for at least 90 days:

20 (a) The data obtained from the global positioning system device described in subsection
 21 (4)(a)(B) of this section; or

22 (b) The video recordings obtained from the video camera described in subsection (4)(a)(B)
 23 of this section.

24 (7) When a private security professional or special campus security officer makes a
 25 probable cause arrest or an arrest under ORS 133.225 in the course of the individual's duties
 26 on campus, the institution of higher education or governing board of the public university
 27 listed in ORS 352.002 for whom the individual provides security services:

28 (a) Shall promptly notify a law enforcement agency with jurisdiction over the area in
 29 which the arrest took place.

30 (b) May not retain evidence related to the arrest except for the purpose of providing the
 31 evidence to a law enforcement agency with jurisdiction over the area in which the arrest
 32 took place.

33 (8) Private security professionals and special campus security officers who provide secu-
 34 rity services on campus do not have stop and frisk authority as set forth in ORS 131.605 to
 35 131.625.

36 **SECTION 3.** ORS 352.118 is amended to read:

37 352.118. (1) A governing board may, in its sole discretion, do all of the following:

38 (a) Police, control and regulate traffic and parking of vehicles on university property.

39 (b) Establish a police department and commission one or more employees as police officers in
 40 the manner and with all of the privileges and immunities set forth in ORS 352.121. When a governing
 41 board establishes a police department and commissions one or more employees as police officers, the
 42 president of the university, in cooperation with the chief of the police department, shall establish a
 43 process by which the university will receive and respond to complaints involving the policies of the
 44 police department and the conduct of the police officers.

45 (c) Commission special campus security officers who, when acting in the scope of their employ-

1 ment, shall have *[stop and frisk authority as set forth in ORS 131.605 to 131.625 and]* probable cause
2 arrest authority and the accompanying immunities as set forth in ORS 133.310 and 133.315. Special
3 campus security officers may not be authorized to carry firearms as police officers and, except as
4 provided in subsection (2) of this section, may not be considered police officers for purposes of ORS
5 181A.355, 238.005, 243.005 or 243.736.

6 (2) A public university listed in ORS 352.002, acting by and through its special campus security
7 officers, is a criminal justice agency for purposes of rules adopted pursuant to ORS 181A.280 (3).

8 **SECTION 4.** ORS 238.082 is amended to read:

9 238.082. (1) Subject to the limitations in this section, any public employer may employ any
10 member who is retired for service if the administrative head of the public employer is satisfied that
11 such employment is in the public interest.

12 (2) Except as provided in this section, the period or periods of employment by one or more
13 public employers of a retired member who is reemployed under this section may not total 1,040
14 hours or more in any calendar year.

15 (3) A retired member who is receiving old-age, survivors or disability insurance benefits under
16 the federal Social Security Act may be employed under this section for the number of hours per-
17 mitted by subsection (2) of this section, or for the number of hours for which the salary equals the
18 maximum allowed for receipt of the full amount of those benefits to which the person is entitled,
19 whichever is greater.

20 (4) Except as provided in subsection (9) of this section, the limitations on employment imposed
21 by subsections (2) and (3) of this section do not apply to a retired member who is employed as a
22 teacher or as an administrator, as those terms are defined in ORS 342.120, if the retired member is
23 employed by a school district or community college district located within a county with a popu-
24 lation of not more than 35,000 inhabitants according to the latest federal decennial census, or is
25 employed by an education service district and the retired member's primary work duties are per-
26 formed in a county with a population of not more than 35,000 inhabitants according to the latest
27 federal decennial census. A retired member who is employed under this subsection as a teacher, as
28 defined in ORS 342.120, by the same public employer that employed the member at the time of re-
29 tirement remains in the same collective bargaining unit that included the member before retirement.

30 (5) Except as provided in subsection (9) of this section, the limitations on employment imposed
31 by subsections (2) and (3) of this section do not apply to a retired member who is employed:

32 (a) By the sheriff of a county with a population of fewer than 75,000 inhabitants, according to
33 the latest federal decennial census;

34 (b) By the municipal police department of a city with a population of fewer than 15,000 inhab-
35 itants, according to the latest federal decennial census;

36 (c) By the state or a county for work in a correctional institution located in a county with a
37 population of fewer than 75,000 inhabitants, according to the latest federal decennial census;

38 (d) By the Black Butte Ranch Rural Fire Protection District, the Black Butte Ranch Service
39 District or the Sunriver Service District;

40 (e) By the Oregon State Police for work in a county with a population of fewer than 75,000 in-
41 habitants, according to the latest federal decennial census;

42 (f) As a deputy director or assistant director of the Department of Human Services, if the Gov-
43 ernor approves the exemption for the person from the limitations on employment imposed in sub-
44 sections (2) and (3) of this section; *[or]*

45 (g) As a deputy director or assistant director of the Oregon Health Authority, if the Governor

1 approves the exemption for the person from the limitations on employment imposed in subsections
2 (2) and (3) of this section[.]; **or**

3 **(h) As a special campus security officer by the governing board of a public university**
4 **listed in ORS 352.002.**

5 (6) Except as provided in subsection (9) of this section, the limitations on employment imposed
6 by subsections (2) and (3) of this section do not apply to a retired member who is employed to tem-
7 porarily replace an employee who serves in the National Guard or in a reserve component of the
8 Armed Forces of the United States and who is called to federal active duty.

9 (7) Except as provided in subsection (9) of this section, the limitations on employment imposed
10 by subsections (2) and (3) of this section do not apply to a retired member who is employed by a road
11 assessment district organized under ORS 371.405 to 371.535.

12 (8) Except as provided in subsection (9) of this section, the limitations on employment imposed
13 by subsections (2) and (3) of this section do not apply to a retired member who is a nurse and is
14 employed by a public employer as a nurse or for the purpose of teaching nursing during the period
15 in which a nursing workforce shortage declared by the Legislative Assembly or the Governor is in
16 effect.

17 (9)(a) Except as provided in paragraph (b) of this subsection, subsections (4) to (8) of this section
18 do not apply to any member who retires under the provisions of ORS 238.280 (1), (2) or (3).

19 (b) Subsection (4) of this section applies to a person who retires under the provisions of ORS
20 238.280 (1), (2) or (3) as long as the person's date of retirement is more than six months before the
21 date the person is employed under subsection (4) of this section.

22 (10) Employment under this section does not affect the status of a person as a retired member
23 of the system and a recipient of retirement benefits under this chapter.

24 (11) Hours worked by a person employed under subsections (4) to (8) of this section shall not
25 be counted for the purpose of the limitations on employment imposed by subsections (2) and (3) of
26 this section.

27 **SECTION 5. The amendments to ORS 238.082 by section 4 of this 2019 Act apply only to**
28 **retired members who are employed as special campus security officers by the governing**
29 **board of a public university listed in ORS 352.002 on or after the effective date of this 2019**
30 **Act.**

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