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State Representative
DISTRICT 25

MEASURE: HB 4045 A
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SUBMITTED BY: REP. KIM THATCHER

HOUSE OF REPRESENTATIVES

HB 4045 CHL PRIVACY CHEAT SHEET FEBRUARY 2012
-33 RepThatcher/Sen Prozanski Compromise

- Maintains strong protections for privacy of CHL applicants/holders by placing a **PROHIBITON ON RELEASING INFORMATION** but creates new section in ORS 192 where other public records laws are listed. (not with other exemptions). Contains **emergency clause** and is retroactive to any requests for public information release that has not already been responded to.

- **Allows LIMITED RELEASES of information:**

  1) Public body can give to another public body for **criminal justice purpose**
  2) **Court order**
  3) **CHL holder consents** to release in writing

  4) Public body determines "**COMPELLING PUBLIC INTEREST**"
     *Attorney General establishes rules for this process including how someone would submit a written request, including materials needed to establish they have a compelling public interest and how the agency would process request.
     *If the public body determines there is a compelling public interest, they could ONLY RELEASE NAME, AGE, and COUNTY for holder or applicant in a particular instance.

  5) **VICTIM REQUESTS disclosure.**
     *Has to be a victim of the person crime or protective order and they are asking for information about the specific person convicted of that person crime or restrained by that protective order.
     *Person crime narrowly defined as person felony, Class A misdemeanor type of person crime defined in rule by CJC, or domestic violence person crime defined in statute. Protective order also defined in statute. Victim defined in statute.
     *Victim has to provide public body with written proof that they are the victim of that crime or protective order and give public body name, age of person they are seeking information about.
     *Public body can conduct investigation/criminal records check to see if the person they are seeking information about has been convicted of that person crime or is restrained by that protective order.
     *If public body establishes that the person they are seeking information about has been convicted of that person crime or is restrained by that

protective order, then the public body can ONLY CONFIRM OR DENY that the person is a current holder of a CHL.

6) **MEDIA REQUESTS disclosure.**

   *Has to provide written proof that the requestor is a "bona fide representative of the news media" – there is some mention of the news media in public meetings laws and AG interpretations.

   *Can only request information about a person convicted of a crime involving the use or possess of a firearm.

   *Media has to provide name and age of the person convicted of the crime involving the use or possession of a firearm.

   *Public body can conduct investigation/criminal records check to see if the person they are seeking information about has been convicted of a crime involving the use or possession of a firearm.

   *If public body establishes that the person they are seeking information about has been convicted of a crime involving the use or possession of a firearm then the public body can ONLY CONFIRM OR DENY that the person is a current holder of a CHL.

7) **LEDS/OSP disclosure.**

   Oregon State Police may still allow disclosure to agencies that do not have a criminal justice purpose when those agencies access the Law Enforcement Data System until the end of 2012 while OSP updates its database computers. After Jan 2013, the CHL information will no longer be available to agencies that do not have a criminal justice purpose. Any agency that still has access to LEDS before Jan 2012 that does not have a criminal justice purpose should not be disclosing the information anyway since they would be covered by other parts of this new law.

8) **JUDICIAL DEPT disclosure.**

   Oregon court system is not subject to the prohibition on disclosure because they have thousands of court documents that are too difficult to redact which might contain CHL information.