

HB 2353 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 3/13

WHAT THE MEASURE DOES:

Authorizes the Attorney General, district attorney, or court to require a public body to pay a penalty, including reasonable attorney fees, to a requester upon determining that the public body failed to respond to the request or responded to the request with undue delay. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

ORS 192.314 establishes the right of every person to inspect any public record of a public body in this state, subject to exemptions. Unless otherwise expressly provided by statute, the custodian of any public record shall furnish proper and reasonable opportunities for inspection and examination of the records. ORS 192.329 requires a public body to respond to a written public records request as soon as practicable and without unreasonable delay. A response to a public records request is complete when the public body provides access to the requested public record information, asserts an exemption, or provides a combination of the two when some information is exempt and some is not exempt. The failure of a public body to provide a proper and timely response is treated as a denial of the request. ORS 192.407 provides that a person may seek review when inspection of a public record is denied or when the person believes the estimated time for production is unreasonably long.

House Bill 2353 allows the Attorney General, the district attorney, or a court to require the public body pay a penalty to the requester, plus reasonable attorney fees, if the Attorney General, district attorney, or court determine that the public body responded to the request with undue delay or failed to respond to the request.