

HB 3273 -1, -2 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Michael Lantz, Counsel

Meeting Dates: 3/1, 3/3, 3/10

WHAT THE MEASURE DOES:

Prohibits release of a booking photo to anyone except the person in the booking photo, to another law enforcement agency for a law enforcement purpose, to the public upon determination that there is a law enforcement purpose for the release, or to the public upon conviction resulting from the arrest from which the booking photo was obtained. Requires a publish-for-pay publication to remove and destroy the booking photo image upon request. Specifies fees publication can require and civil damages that can be imposed for failure to remove image. Provides that publisher conditioning removal of image upon payment of fee by person acquitted, not prosecuted, or who has had their conviction set aside, vacated, or pardoned, can be prosecuted for theft by deception under ORS 164.085. Adds definitions.

ISSUES DISCUSSED:

- Efforts of interim workgroup
- Harm caused by publication of booking photos
- Process of taking book photos

EFFECT OF AMENDMENT:

-1 Adds parties and victims to the criminal case for which the booking photos were taken, as well as state mental hospitals, as entities that booking photos can be released to.

-2 Changes reference to definition of "law enforcement agency" to include district attorneys and the Oregon Department of Justice. Adds "victim safety planning" to the list of law enforcement purposes that a booking photo can be released for.

BACKGROUND:

When a person is arrested, photos are usually taken of them as they are booked into jail. Subsequently, these photos are often released to the public and published in the media or online. Some websites specialize in publishing booking photos and charge money to have the images removed, even if the photo was of a person who was not charged or acquitted.

House Bill 3273 prohibits law enforcement agencies from releasing booking photos except under certain circumstances and sets requirements for the destruction of a booking photo image by a publish-for-pay website upon request.