

HB 2459 -1 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/17, 3/10, 3/25, 3/30

WHAT THE MEASURE DOES:

Includes communication through a video conferencing program within definition of "conversation" for purposes of prohibitions on recording conversations without specifically informing participants. Extends exemption allowing recording of communications when oral communications are part of a public or semi public meeting, regularly scheduled class or educational activity, or private meeting or conference if all others involved knew or reasonably should have known that the recording was being made, to include those occurrences happening through a video conferencing program. Defines video conferencing program as software or application for computer or cellular phone that allows two or more persons to communicate via simultaneous video transmission.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Specifies that bar on recording conversations without informing all participants of conversation of recording does not apply when a person intends to capture alleged unlawful activating through use of video conference recording.

BACKGROUND:

Oregon law generally prohibits a person from secretly recording the conversations of others, with numerous exceptions to the prohibition. The prohibition covers recording of conversation, radio communication, and telecommunication. Conversation is oral communication between two or more persons that is not telecommunication (writing, signs, signals, pictures and sounds sent with aid of wire or cable) or radio communication (writing, signs, signals, pictures, and sounds sent via radio or other wireless methods). ORS 165.540(1)(c) prohibits obtaining or attempting to obtain whole or part of a conversation unless all of the participants in the conversation are specifically informed that the conversation is being recorded, but oral communications may be recorded with an unconcealed recording device in public meetings, classes, or private meetings or conferences that all participants knew or reasonably should have known was being recorded.

House Bill 2459 includes video conferences within the definition of "conversation" and extends the exception for the prohibition on recording oral communications that are part of public meetings, classes, or private meetings or conferences that the participants knew were being recorded to include communication occurring through a video conferencing program.