



Open Government Impact Statement

81st Oregon Legislative Assembly
2021 Regular Session

Measure: HB 3145

Only impacts on Original or Engrossed
Versions are Considered Official

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SUMMARY

Directs Department of Public Safety Standards and Training to establish publicly available database of certain information about misconduct and discipline of public safety employees established by department.

Requires reporting of complaints, allegations, charges, disciplinary proceedings, certain judicial findings and prosecutorial determinations, suspensions and revocations of certification and certain resignations and terminations of public safety employees to department for inclusion in database.

Modifies crime of tampering with public records. Creates crime of recklessly tampering with public records, punishable by maximum of 364 days' imprisonment, \$6,250 fine, or both.

Allows production of disciplinary records of public safety employees under public records law.

Declares emergency, effective on passage.

OPEN GOVERNMENT IMPACT

Legislative Counsel has not adopted standards for drafting measures that establish exemptions from disclosure of public records.

This measure exempts from public disclosure reports regarding complaints, allegations and charges against public safety employees, if the department receives notice that a disciplinary action is subject to arbitration, until after the arbitration process is complete and the disciplinary action becomes final, unless disclosure is in the public interest or the employee is a witness in a court proceeding related to the disciplinary action. This measure also removes public records exemptions for information about personnel investigations of public safety employees.

If those public records subject to the new public records exemption were instead subject to mandatory disclosure under public records law, the public could receive information relating to disciplinary action of public safety employees that has not yet completed the arbitration process.