

**FISCAL IMPACT OF PROPOSED LEGISLATION**

81st Oregon Legislative Assembly – 2021 Regular Session  
Legislative Fiscal Office

**Measure: HB 3273 - MRB**

*Only Impacts on Original or Engrossed  
Versions are Considered Official*

Prepared by: Tim Walker  
Reviewed by: Julie Neburka, Laurie Byerly, John Borden  
Date: 05/26/2021

**Measure Description:**

Prohibits law enforcement agency from releasing booking photo except in specified circumstances.

**Government Unit(s) Affected:**

Oregon Judicial Department (OJD), Counties, Cities, Oregon State Police (OSP)

**Summary of Fiscal Impact:**

Costs related to the measure are indeterminate at this time - See explanatory analysis.

**Summary of Expenditure Impact:**

See analysis.

**Analysis:** This measure allows a person depicted in a booking photo to petition the court for an order prohibiting the release of the photo and requires the petition to be filed in the county in which the law enforcement agency that created the booking photo is located. The petitioner must serve a copy of the petition on the law enforcement agency. The measure requires the law enforcement agency to notify a person who requests the booking photo of the fact that a petition has been filed and of the date and time of the hearing.

The measure requires the court to hold a hearing within 30 days of the filing of the petition. The law enforcement agency, or any other person or entity with a bona fide interest in release of the photo, may appear at the hearing and be heard on the petition. The court shall grant the petition and enter an order prohibiting the law enforcement agency from releasing the booking photo if the court finds that it is in the public interest to prohibit the release.

The Oregon Judicial Department is unable to estimate the increased cost of the measure due to the unknown number of additional hearings that would need to be held. On average, civil cases cost approximately \$500 to resolve. Likewise, counties report that the cost of the measure is indeterminate due to the unknown number of additional cases. A county reported that it would cost an additional \$50/hour of staff time and \$200/hour for legal counsel and would require three hours of legal counsel for each hearing, but the number of additional cases is unknown.

The Oregon State Police and cities anticipate a minimal fiscal impact due to this measure.