

Senate Bill 701

Sponsored by Senator MANNING JR (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Oregon Criminal Justice Commission to establish statewide online database of certain information about public safety employees.

Requires law enforcement units, Department of Public Safety Standards and Training, Department of Justice and prosecutors to report to commission information about public safety employees for inclusion in database. Requires phased reporting of historical information.

Modifies crime of tampering with public records.

Eliminates exemption from disclosure of public records for disciplinary records of public safety officers.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to public safety officers; creating new provisions; amending ORS 162.305, 181A.674 and
3 192.345; repealing ORS 181A.684 and 181A.686; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Sections 2 to 5 of this 2023 Act are added to and made a part of ORS 181A.355**
6 **to 181A.689.**

7 **SECTION 2. As used sections 2 to 5 of this 2023 Act:**

8 (1) **“Disciplinary action” means a corrective or punitive action imposed by a law**
9 **enforcement unit following an investigation into a public safety employee’s alleged miscon-**
10 **duct, other than a technical infraction.**

11 (2) **“Disciplinary proceeding” means the commencement of any investigation and any**
12 **subsequent hearing or other proceeding conducted by a state or local law enforcement unit,**
13 **the Department of Public Safety Standards and Training, a citizen review body or any other**
14 **entity tasked with evaluating a complaint, allegation or charge against a public safety em-**
15 **ployee.**

16 (3) **“Disciplinary records” means all records created in furtherance of a disciplinary pro-**
17 **ceeding conducted by a state or local law enforcement unit, the department, a citizen review**
18 **body or any other entity tasked with evaluating a complaint or charge against a public safety**
19 **employee, other than a complaint or charge based on a technical infraction, including, but**
20 **not limited to:**

21 (a) **The complaints, allegations and charges against an employee;**

22 (b) **The name of the employee complained of or charged;**

23 (c) **All records, documents and files, in whatever form, related to the investigation, ad-**
24 **judication and disposition of the complaint or charge, that are not redacted under section 4**
25 **(5) of this 2023 Act;**

26 (d) **The transcript of any disciplinary proceeding, including any exhibits introduced at the**
27 **proceeding;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (e) Any finding by a state or local law enforcement unit, the department, a citizen review
2 body or any other entity tasked with evaluating a complaint or charge against a public safety
3 employee during a disciplinary proceeding; and

4 (f) Any final written opinion or memorandum supporting either the disposition and dis-
5 ciplinary action imposed, or the decision not to impose disciplinary action, including the
6 complete factual findings, analysis of the conduct and appropriate discipline of the employee
7 and data documenting the basis of the disciplinary action or lack of disciplinary action, that
8 is not redacted under section 4 (5) of this 2023 Act.

9 (4) "Public safety employee" means a certified reserve officer, corrections officer, parole
10 and probation officer, police officer or youth correction officer.

11 (5) "Technical infraction" means a minor rule violation by a public safety employee,
12 solely related to the enforcement of administrative departmental rules that:

13 (a) Does not involve interactions with members of the public;

14 (b) Is not otherwise connected to the employee's investigative, enforcement, training,
15 supervision or reporting responsibilities; and

16 (c) Does not involve deception, misrepresentation, dishonesty or intemperate behavior
17 by the employee.

18 **SECTION 3.** (1) The Oregon Criminal Justice Commission shall establish a statewide on-
19 line database that includes but need not be limited to:

20 (a) Information about substantiated complaints, allegations and charges against public
21 safety employees, including complaints, allegations and charges of the use of excessive force,
22 regardless of whether the complaint, allegation or charge resulted in a disciplinary proceed-
23 ing;

24 (b) Information about complaints, allegations or charges that have not been substanti-
25 ated or deemed unsubstantiated when a public safety employee resigns or is terminated from
26 employment;

27 (c) The existence, status and findings of any certification action taken by the Department
28 of Public Safety Standards and Training that relates to disciplinary proceedings against a
29 public safety employee;

30 (d) The existence and status of any state or federal criminal charges against a public
31 safety employee;

32 (e) Commendations and awards granted to a public safety employee;

33 (f) The existence and status of any civil proceedings against a law enforcement unit re-
34 lated to the law enforcement unit's professional duties, a description of the proceedings and
35 the names of public safety employees involved in the proceedings; and

36 (g) The existence of any judicial finding or determination by the Department of Justice
37 or a prosecutor that a public safety employee engaged in an act of deception, dishonesty or
38 misrepresentation or used excessive force.

39 (2) The commission shall publish the information required under subsection (3) of this
40 section by prominently posting the information on the commission's website for ease of
41 public access within 10 days after:

42 (a) The commission receives notice of information required to be published under sub-
43 section (1) of this section or receives information reported under section 4 or 5 of this 2023
44 Act; or

45 (b) In the case of a suspension or revocation of certification under ORS 181A.630,

1 181A.640 and 181A.650:

2 (A) The time for filing an appeal of the decision of the Department of Public Safety
3 Standards and Training under ORS 181A.650 has passed and no appeal has been filed; or

4 (B) The decision of the department is appealed under ORS 181A.650 and the department's
5 decision has been sustained by the Court of Appeals or the appeal has been dropped.

6 (3) When the commission publishes information on the website under subsection (2) of
7 this section, the publication must include:

8 (a) The name of the public safety employee who is the subject of the complaint,
9 allegation, charge, judicial finding, prosecutorial determination, suspension, revocation, res-
10 ignation, termination, commendation or award;

11 (b) A brief summary of the complaint, allegation, charge, judicial finding, prosecutorial
12 determination, suspension, revocation, resignation or termination;

13 (c) The date of the complaint, allegation, charge, judicial finding, prosecutorial determi-
14 nation, suspension, revocation, resignation or termination;

15 (d) The date any investigation into a complaint, allegation or charge was commenced and
16 the findings of the investigation; and

17 (e) A description of any disciplinary action taken in response to a complaint, allegation
18 or charge.

19 (4) No later than September 1 of each year, the commission shall submit a report to an
20 appropriate committee of the Legislative Assembly summarizing and analyzing the data in
21 the database. The report must include, for the previous 12 months:

22 (a) The number of reports of disciplinary action received by the commission under sec-
23 tion 4 of this 2023 Act.

24 (b) Analysis of the types of complaints, allegations or charges that were filed against
25 public safety employees.

26 (c) Analysis of the types of misconduct that resulted in disciplinary action.

27 (d) Analysis of the types of discipline that were reversed in arbitration.

28 (5) The commission shall retain all records entered into the database for at least 30 years
29 after the date of entry into the database.

30 (6) A person may not destroy a record subject to this section before the record is in-
31 cluded in the database.

32 (7)(a) If a public safety employee disagrees with the accuracy of the contents of the da-
33 tabase, the public safety employee may request that the commission correct or remove the
34 portion of the record believed to be incorrect. The request must be made in writing using a
35 form developed by the commission and available on the commission's publicly accessible
36 website. The commission shall provide the employee with a written response to the request,
37 including the reasons for correction or removal of a portion of the record or for the refusal
38 to correct or remove a portion of the record.

39 (b) If the commission and the public safety employee cannot reach an agreement on the
40 contents of the record, the employee may submit a written statement explaining the
41 employee's position and the basis for the disagreement, and the commission shall include the
42 statement in the database.

43 **SECTION 4.** (1) A law enforcement unit shall maintain records of complaints, allegations
44 and charges against public safety employees employed by the law enforcement unit, and the
45 investigations and outcomes of the investigations of the complaints, allegations and charges.

1 (2) A law enforcement unit shall report to the Oregon Criminal Justice Commission
2 within 72 hours after:

3 (a) The law enforcement unit substantiates a complaint, allegation or charge against a
4 public safety employee employed by the law enforcement unit.

5 (b) The law enforcement unit makes a decision to impose disciplinary action on a public
6 safety employee or a decision not to impose disciplinary action on a public safety employee
7 based on a substantiated complaint, allegation or charge.

8 (c) If a disciplinary action is subject to arbitration, the date when the arbitration process
9 is complete.

10 (d) A public safety employee resigns or is terminated before a complaint, allegation or
11 charge against the employee is substantiated.

12 (e) The law enforcement unit is notified of the existence of federal or state criminal
13 charges against a public safety employee employed by the law enforcement unit.

14 (f) The law enforcement unit is notified of civil proceedings against the law enforcement
15 unit related to the law enforcement unit's professional duties.

16 (g) The law enforcement unit grants a commendation or award to a public safety em-
17 ployee.

18 (3) A report under subsection (2) of this section must include:

19 (a) The name and rank of any public safety employee named in a complaint, allegation,
20 charge or civil proceeding; and

21 (b) A brief description of the complaint, allegation or charge or the facts underlying the
22 criminal charges or civil proceeding.

23 (4) A law enforcement unit shall report to the commission at least once each calendar
24 quarter the following information:

25 (a) The number of complaints, allegations and charges against public safety employees
26 received by the law enforcement unit.

27 (b) The number and types of investigations of complaints, allegations and charges against
28 public safety employees pending in the law enforcement unit.

29 (c) The number of investigations of complaints, allegations and charges against public
30 safety employees closed by the law enforcement unit in the previous calendar quarter.

31 (5) A law enforcement unit shall redact from disciplinary records the following informa-
32 tion prior to disclosing records to the commission:

33 (a) Items involving the medical history of a public safety employee, not including records
34 obtained during the course of a unit's investigation of the employee's misconduct that are
35 relevant to the disposition of the investigation.

36 (b) The home addresses, personal telephone numbers, personal cellular telephone num-
37 bers and personal electronic mail addresses of a public safety employee and a family member
38 of a public safety employee, a complainant or any other person named in a disciplinary re-
39 cord.

40 (c) Social Security numbers.

41 (d) Records of the use of an employee assistance program, mental health service or
42 substance abuse assistance service by a public safety employee, unless the use is mandated
43 by a disciplinary proceeding that may otherwise be disclosed under this section.

44 (6) The Department of Public Safety Standards and Training shall report to the commis-
45 sion within 72 hours after taking any certification action that relates to disciplinary pro-

ceedings against a public safety employee.

SECTION 5. Within 72 hours after a judicial finding or a determination by the Department of Justice or a prosecutor that a public safety employee engaged in an act of deception, dishonesty or misrepresentation or used excessive force, the Department of Justice or the prosecutor shall send a report of the finding or determination to the Oregon Criminal Justice Commission. The report must include:

(1) The name and rank of the employee; and

(2) A detailed explanation of the finding or determination, including complete factual findings and the basis for making the determination.

SECTION 6. (1) Each law enforcement unit shall begin reporting as required by section 4 of this 2023 Act as follows:

(a) A law enforcement unit that employs 100 or more public safety employees shall begin reporting no later than July 1, 2023.

(b) A law enforcement unit that employs at least 25 and not more than 99 public safety employees shall begin reporting no later than July 1, 2024.

(c) A law enforcement unit that employs at least one and not more than 24 public safety employees shall begin reporting no later than July 1, 2025.

(2) Each law enforcement unit that holds historical information on active public safety employees that would have been required to be reported under section 4 of this 2023 Act shall report the historical information to the Oregon Criminal Justice Commission annually in five-year increments, beginning with most recent historical information, as follows:

(a) A law enforcement unit that employs 100 or more public safety employees shall begin reporting five-year increments of historical information no later than July 1, 2024.

(b) A law enforcement unit that employs at least 25 and not more than 99 public safety employees shall begin reporting five-year increments of historical information no later than July 1, 2025.

(c) A law enforcement unit that employs at least one and not more than 24 public safety employees shall begin reporting five-year increments of historical information no later than July 1, 2026.

SECTION 7. ORS 162.305 is amended to read:

162.305. (1)(a) A person commits the crime of tampering with public records if, without lawful authority, the person knowingly destroys, mutilates, conceals, removes, makes a false entry in or falsely alters any public record, **or knowingly directs another to destroy, mutilate, conceal, remove, make a false entry in or falsely alter any public record,** including records relating to the Oregon State Lottery.

[(2)(a)] (b) Except as provided in paragraph [(b)] (c) of this subsection, tampering with public records is a Class A misdemeanor.

[(b)] (c) Tampering with records relating to the Oregon State Lottery is a Class C felony.

(2)(a) A person commits the crime of recklessly tampering with public records if, without lawful authority, the person recklessly destroys, mutilates, conceals, removes, makes a false entry in or falsely alters any public record, or recklessly directs another to destroy, mutilate, conceal, remove, make a false entry in or falsely alter any public record, including records relating to the Oregon State Lottery.

(b) Except as provided in paragraph (c) of this subsection, recklessly tampering with public records is a Class C misdemeanor.

1 **(c) Recklessly tampering with public records relating to the Oregon State Lottery is a**
 2 **Class A misdemeanor.**

3 **SECTION 8.** ORS 181A.674 is amended to read:

4 181A.674. (1) As used in this section:

5 (a) “Public body” has the meaning given that term in ORS 192.311.

6 (b) “Public safety employee” means a certified reserve officer, corrections officer, parole and
 7 probation officer, police officer or youth correction officer as those terms are defined in ORS
 8 181A.355.

9 (2) A public body may not disclose a photograph of a public safety employee of the public body
 10 without the written consent of the employee. This subsection does not apply to the use by the public
 11 body of a photograph of a public safety employee.

12 *[(3) A public body may not disclose information about a personnel investigation of a public safety*
 13 *employee of the public body if the investigation does not result in discipline of the employee.]*

14 *[(4) Subsection (3) of this section does not apply:]*

15 *[(a) When the public interest requires disclosure of the information.]*

16 *[(b) When the employee consents to disclosure in writing.]*

17 *[(c) When disclosure is necessary for an investigation by the public body, the Department of Public*
 18 *Safety Standards and Training or a citizen review body designated by the public body.]*

19 *[(d) To disclosures required under ORS 181A.667.]*

20 *[(e) When the public body determines that nondisclosure of the information would adversely affect*
 21 *the confidence of the public in the public body.]*

22 *[(5) If an investigation of a public safety employee of a public body results from a complaint, the*
 23 *public body may disclose to the complainant the disposition of the complaint and, to the extent the*
 24 *public body considers necessary to explain the action of the public body on the complaint, a written*
 25 *summary of information obtained in the investigation.]*

26 **[(6)] (3)** A public body must notify a public safety employee of the public body if the public body
 27 receives a request for:

28 (a) A photograph of the employee.

29 (b) Information about the employee that is exempt from disclosure under ORS 192.345 or 192.355
 30 (2) or (3).

31 *[(c) Information about the employee that is prohibited from disclosure by subsection (3) of this*
 32 *section.]*

33 **SECTION 9.** ORS 192.345 is amended to read:

34 192.345. The following public records are exempt from disclosure under ORS 192.311 to 192.478
 35 unless the public interest requires disclosure in the particular instance:

36 (1) Records of a public body pertaining to litigation to which the public body is a party if the
 37 complaint has been filed, or if the complaint has not been filed, if the public body shows that such
 38 litigation is reasonably likely to occur. This exemption does not apply to litigation which has been
 39 concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery
 40 or deposition statutes to a party to litigation or potential litigation.

41 (2) Trade secrets. “Trade secrets,” as used in this section, may include, but are not limited to,
 42 any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or
 43 compilation of information which is not patented, which is known only to certain individuals within
 44 an organization and which is used in a business it conducts, having actual or potential commercial
 45 value, and which gives its user an opportunity to obtain a business advantage over competitors who

1 do not know or use it.

2 (3) Investigatory information compiled for criminal law purposes. The record of an arrest or the
3 report of a crime shall be disclosed unless and only for so long as there is a clear need to delay
4 disclosure in the course of a specific investigation, including the need to protect the complaining
5 party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or
6 granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the
7 record of an arrest or the report of a crime includes, but is not limited to:

8 (a) The arrested person's name, age, residence, employment, marital status and similar bi-
9 ographical information;

10 (b) The offense with which the arrested person is charged;

11 (c) The conditions of release pursuant to ORS 135.230 to 135.290;

12 (d) The identity of and biographical information concerning both complaining party and victim;

13 (e) The identity of the investigating and arresting agency and the length of the investigation;

14 (f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and

15 (g) Such information as may be necessary to enlist public assistance in apprehending fugitives
16 from justice.

17 (4) Test questions, scoring keys, and other data used to administer a licensing examination,
18 employment, academic or other examination or testing procedure before the examination is given
19 and if the examination is to be used again. Records establishing procedures for and instructing
20 persons administering, grading or evaluating an examination or testing procedure are included in
21 this exemption, to the extent that disclosure would create a risk that the result might be affected.

22 (5) Information consisting of production records, sale or purchase records or catch records, or
23 similar business records of a private concern or enterprise, required by law to be submitted to or
24 inspected by a governmental body to allow it to determine fees or assessments payable or to estab-
25 lish production quotas, and the amounts of such fees or assessments payable or paid, to the extent
26 that such information is in a form that would permit identification of the individual concern or en-
27 terprise. This exemption does not include records submitted by long term care facilities as defined
28 in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for pa-
29 tient care. Nothing in this subsection shall limit the use that can be made of such information for
30 regulatory purposes or its admissibility in any enforcement proceeding.

31 (6) Information relating to the appraisal of real estate prior to its acquisition.

32 (7) The names and signatures of employees who sign authorization cards or petitions for the
33 purpose of requesting representation or decertification elections.

34 (8) Investigatory information relating to any complaint filed under ORS 659A.820 or 659A.825,
35 until such time as the complaint is resolved under ORS 659A.835, or a final order is issued under
36 ORS 659A.850.

37 (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and
38 663.180.

39 (10) Records, reports and other information received or compiled by the Director of the De-
40 partment of Consumer and Business Services under ORS 697.732.

41 (11) Information concerning the location of archaeological sites or objects as those terms are
42 defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and
43 the need for the information is related to that Indian tribe's cultural or religious activities. This
44 exemption does not include information relating to a site that is all or part of an existing, commonly
45 known and publicized tourist facility or attraction.

1 (12) A personnel discipline action, or materials or documents supporting that action, **except for**
2 **disciplinary records as defined in section 2 of this 2023 Act.**

3 (13) Fish and wildlife information:

4 (a) Developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and 564.100, re-
5 garding the habitat, location or population of any threatened species or endangered species; or

6 (b) Described in section 2, chapter 532, Oregon Laws 2019.

7 (14) Writings prepared by or under the direction of faculty of public educational institutions, in
8 connection with research, until publicly released, copyrighted or patented.

9 (15) Computer programs developed or purchased by or for any public body for its own use. As
10 used in this subsection, “computer program” means a series of instructions or statements which
11 permit the functioning of a computer system in a manner designed to provide storage, retrieval and
12 manipulation of data from such computer system, and any associated documentation and source
13 material that explain how to operate the computer program. “Computer program” does not include:

14 (a) The original data, including but not limited to numbers, text, voice, graphics and images;

15 (b) Analyses, compilations and other manipulated forms of the original data produced by use of
16 the program; or

17 (c) The mathematical and statistical formulas which would be used if the manipulated forms of
18 the original data were to be produced manually.

19 (16) Data and information provided by participants to mediation under ORS 36.256.

20 (17) Investigatory information relating to any complaint or charge filed under ORS chapter 654,
21 until a final administrative determination is made or, if a citation is issued, until an employer re-
22 ceives notice of any citation.

23 (18) Specific operational plans in connection with an anticipated threat to individual or public
24 safety for deployment and use of personnel and equipment, prepared or used by a public body, if
25 public disclosure of the plans would endanger an individual’s life or physical safety or jeopardize a
26 law enforcement activity.

27 (19)(a) Audits or audit reports required of a telecommunications carrier. As used in this para-
28 graph, “audit or audit report” means any external or internal audit or audit report pertaining to a
29 telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an af-
30 filiated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to
31 make the operations of the entity more efficient, accurate or compliant with applicable rules, pro-
32 cedures or standards, that may include self-criticism and that has been filed by the telecommuni-
33 cations carrier or affiliate under compulsion of state law. “Audit or audit report” does not mean an
34 audit of a cost study that would be discoverable in a contested case proceeding and that is not
35 subject to a protective order; and

36 (b) Financial statements. As used in this paragraph, “financial statement” means a financial
37 statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390,
38 with a telecommunications carrier, as defined in ORS 133.721.

39 (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS
40 247.967.

41 (21) The following records, communications and information submitted to a housing authority
42 as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants
43 for and recipients of loans, grants and tax credits:

44 (a) Personal and corporate financial statements and information, including tax returns;

45 (b) Credit reports;

- 1 (c) Project appraisals, excluding appraisals obtained in the course of transactions involving an
 2 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed
 3 of as part of the project, but only after the transactions have closed and are concluded;
- 4 (d) Market studies and analyses;
- 5 (e) Articles of incorporation, partnership agreements and operating agreements;
- 6 (f) Commitment letters;
- 7 (g) Project pro forma statements;
- 8 (h) Project cost certifications and cost data;
- 9 (i) Audits;
- 10 (j) Project tenant correspondence requested to be confidential;
- 11 (k) Tenant files relating to certification; and
- 12 (L) Housing assistance payment requests.
- 13 (22) Records or information that, if disclosed, would allow a person to:
- 14 (a) Gain unauthorized access to buildings or other property;
- 15 (b) Identify those areas of structural or operational vulnerability that would permit unlawful
 16 disruption to, or interference with, services; or
- 17 (c) Disrupt, interfere with or gain unauthorized access to public funds or to information pro-
 18 cessing, communication or telecommunication systems, including the information contained in the
 19 systems, that are used or operated by a public body.
- 20 (23) Records or information that would reveal or otherwise identify security measures, or
 21 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to
 22 protect:
- 23 (a) An individual;
- 24 (b) Buildings or other property;
- 25 (c) Information processing, communication or telecommunication systems, including the infor-
 26 mation contained in the systems; or
- 27 (d) Those operations of the Oregon State Lottery the security of which are subject to study and
 28 evaluation under ORS 461.180 (6).
- 29 (24) Personal information held by or under the direction of officials of the Oregon Health and
 30 Science University or a public university listed in ORS 352.002 about a person who has or who is
 31 interested in donating money or property to the Oregon Health and Science University or a public
 32 university, if the information is related to the family of the person, personal assets of the person or
 33 is incidental information not related to the donation.
- 34 (25) The home address, professional address and telephone number of a person who has or who
 35 is interested in donating money or property to a public university listed in ORS 352.002.
- 36 (26) Records of the name and address of a person who files a report with or pays an assessment
 37 to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council
 38 created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.
- 39 (27) Information provided to, obtained by or used by a public body to authorize, originate, re-
 40 ceive or authenticate a transfer of funds, including but not limited to a credit card number, payment
 41 card expiration date, password, financial institution account number and financial institution routing
 42 number.
- 43 (28) Social Security numbers as provided in ORS 107.840.
- 44 (29) The electronic mail address of a student who attends a public university listed in ORS
 45 352.002 or Oregon Health and Science University.

1 (30) The name, home address, professional address or location of a person that is engaged in,
2 or that provides goods or services for, medical research at Oregon Health and Science University
3 that is conducted using animals other than rodents. This subsection does not apply to Oregon Health
4 and Science University press releases, websites or other publications circulated to the general pub-
5 lic.

6 (31) If requested by a public safety officer, as defined in ORS 181A.355, or a county juvenile
7 department employee who is charged with and primarily performs duties related to the custody,
8 control or supervision of adjudicated youths confined in a detention facility, as defined in ORS
9 419A.004:

10 (a) The home address and home telephone number of the public safety officer or county juvenile
11 department employee contained in the voter registration records for the officer or employee.

12 (b) The home address and home telephone number of the public safety officer or county juvenile
13 department employee contained in records of the Department of Public Safety Standards and Train-
14 ing.

15 (c) The name of the public safety officer or county juvenile department employee contained in
16 county real property assessment or taxation records. This exemption:

17 (A) Applies only to the name of the officer or employee and any other owner of the property in
18 connection with a specific property identified by the officer or employee in a request for exemption
19 from disclosure;

20 (B) Applies only to records that may be made immediately available to the public upon request
21 in person, by telephone or using the Internet;

22 (C) Applies until the officer or employee requests termination of the exemption;

23 (D) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for
24 governmental purposes; and

25 (E) May not result in liability for the county if the name of the officer or employee is disclosed
26 after a request for exemption from disclosure is made under this subsection.

27 (32) Unless the public records request is made by a financial institution, as defined in ORS
28 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage
29 broker licensed under ORS 86A.095 to 86A.198, or title company for business purposes, records de-
30 scribed in paragraph (a) of this subsection, if the exemption from disclosure of the records is sought
31 by an individual described in paragraph (b) of this subsection using the procedure described in par-
32 agraph (c) of this subsection:

33 (a) The home address, home or cellular telephone number or personal electronic mail address
34 contained in the records of any public body that has received the request that is set forth in:

35 (A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance, release, satisfaction,
36 substitution of trustee, easement, dog license, marriage license or military discharge record that is
37 in the possession of the county clerk; or

38 (B) Any public record of a public body other than the county clerk.

39 (b) The individual claiming the exemption from disclosure must be a district attorney, a deputy
40 district attorney, the Attorney General or an assistant attorney general, the United States Attorney
41 for the District of Oregon or an assistant United States attorney for the District of Oregon, a city
42 attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages
43 in the prosecution of criminal matters.

44 (c) The individual claiming the exemption from disclosure must do so by filing the claim in
45 writing with the public body for which the exemption from disclosure is being claimed on a form

1 prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall
2 list the public records in the possession of the public body to which the exemption applies. The ex-
3 emption applies until the individual claiming the exemption requests termination of the exemption
4 or ceases to qualify for the exemption.

5 (33) The following voluntary conservation agreements and reports:

6 (a) Land management plans required for voluntary stewardship agreements entered into under
7 ORS 541.973; and

8 (b) Written agreements relating to the conservation of greater sage grouse entered into volun-
9 tarily by owners or occupiers of land with a soil and water conservation district under ORS 568.550.

10 (34) Sensitive business records or financial or commercial information of the State Accident In-
11 surance Fund Corporation that is not customarily provided to business competitors. This exemption
12 does not:

13 (a) Apply to the formulas for determining dividends to be paid to employers insured by the State
14 Accident Insurance Fund Corporation;

15 (b) Apply to contracts for advertising, public relations or lobbying services or to documents re-
16 lated to the formation of such contracts;

17 (c) Apply to group insurance contracts or to documents relating to the formation of such con-
18 tracts, except that employer account records shall remain exempt from disclosure as provided in
19 ORS 192.355 (35); or

20 (d) Provide the basis for opposing the discovery of documents in litigation pursuant to the ap-
21 plicable rules of civil procedure.

22 (35) Records of the Department of Public Safety Standards and Training relating to investi-
23 gations conducted under ORS 181A.640 or 181A.870 (6), until the department issues the report de-
24 scribed in ORS 181A.640 or 181A.870.

25 (36) A medical examiner's report, autopsy report or laboratory test report ordered by a medical
26 examiner under ORS 146.117.

27 (37) Any document or other information related to an audit of a public body, as defined in ORS
28 174.109, that is in the custody of an auditor or audit organization operating under nationally re-
29 cognized government auditing standards, until the auditor or audit organization issues a final audit
30 report in accordance with those standards or the audit is abandoned. This exemption does not pro-
31 hibit disclosure of a draft audit report that is provided to the audited entity for the entity's response
32 to the audit findings.

33 (38)(a) Personally identifiable information collected as part of an electronic fare collection sys-
34 tem of a mass transit system.

35 (b) The exemption from disclosure in paragraph (a) of this subsection does not apply to public
36 records that have attributes of anonymity that are sufficient, or that are aggregated into groupings
37 that are broad enough, to ensure that persons cannot be identified by disclosure of the public re-
38 cords.

39 (c) As used in this subsection:

40 (A) "Electronic fare collection system" means the software and hardware used for, associated
41 with or relating to the collection of transit fares for a mass transit system, including but not limited
42 to computers, radio communication systems, personal mobile devices, wearable technology, fare in-
43 struments, information technology, data storage or collection equipment, or other equipment or im-
44 provements.

45 (B) "Mass transit system" has the meaning given that term in ORS 267.010.

1 (C) "Personally identifiable information" means all information relating to a person that ac-
2 quires or uses a transit pass or other fare payment medium in connection with an electronic fare
3 collection system, including but not limited to:

4 (i) Customer account information, date of birth, telephone number, physical address, electronic
5 mail address, credit or debit card information, bank account information, Social Security or taxpayer
6 identification number or other identification number, transit pass or fare payment medium balances
7 or history, or similar personal information; or

8 (ii) Travel dates, travel times, frequency of use, travel locations, service types or vehicle use,
9 or similar travel information.

10 (39)(a) If requested by a civil code enforcement officer:

11 (A) The home address and home telephone number of the civil code enforcement officer con-
12 tained in the voter registration records for the officer.

13 (B) The name of the civil code enforcement officer contained in county real property assessment
14 or taxation records. This exemption:

15 (i) Applies only to the name of the civil code enforcement officer and any other owner of the
16 property in connection with a specific property identified by the officer in a request for exemption
17 from disclosure;

18 (ii) Applies only to records that may be made immediately available to the public upon request
19 in person, by telephone or using the Internet;

20 (iii) Applies until the civil code enforcement officer requests termination of the exemption;

21 (iv) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for
22 governmental purposes; and

23 (v) May not result in liability for the county if the name of the civil code enforcement officer
24 is disclosed after a request for exemption from disclosure is made under this subsection.

25 (b) As used in this subsection, "civil code enforcement officer" means an employee of a public
26 body, as defined in ORS 174.109, who is charged with enforcing laws or ordinances relating to land
27 use, zoning, use of rights-of-way, solid waste, hazardous waste, sewage treatment and disposal or the
28 state building code.

29 (40) Audio or video recordings, whether digital or analog, resulting from a law enforcement
30 officer's operation of a video camera worn upon the officer's person that records the officer's inter-
31 actions with members of the public while the officer is on duty. When a recording described in this
32 subsection is subject to disclosure, the following apply:

33 (a) Recordings that have been sealed in a court's record of a court proceeding or otherwise or-
34 dered by a court not to be disclosed may not be disclosed.

35 (b) A request for disclosure under this subsection must identify the approximate date and time
36 of an incident for which the recordings are requested and be reasonably tailored to include only that
37 material for which a public interest requires disclosure.

38 (c) A video recording disclosed under this subsection must, prior to disclosure, be edited in a
39 manner as to render the faces of all persons within the recording unidentifiable.

40 (41) The contents of tips reported to a tip line, as defined in ORS 339.329. However, personally
41 identifiable information, as defined in ORS 339.329, is not subject to public interest balancing under
42 this section and remains exempt from disclosure except as provided in ORS 339.329.

43 (42) Residential addresses of individuals with intellectual or developmental disabilities residing
44 in adult foster homes as defined in ORS 443.705 or residential training facilities or residential
45 training homes as those terms are defined in ORS 443.400.

1 **SECTION 10.** ORS 192.345, as amended by section 4, chapter 532, Oregon Laws 2019, section
2 2, chapter 318, Oregon Laws 2021, and section 23, chapter 489, Oregon Laws 2021, is amended to
3 read:

4 192.345. The following public records are exempt from disclosure under ORS 192.311 to 192.478
5 unless the public interest requires disclosure in the particular instance:

6 (1) Records of a public body pertaining to litigation to which the public body is a party if the
7 complaint has been filed, or if the complaint has not been filed, if the public body shows that such
8 litigation is reasonably likely to occur. This exemption does not apply to litigation which has been
9 concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery
10 or deposition statutes to a party to litigation or potential litigation.

11 (2) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to,
12 any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or
13 compilation of information which is not patented, which is known only to certain individuals within
14 an organization and which is used in a business it conducts, having actual or potential commercial
15 value, and which gives its user an opportunity to obtain a business advantage over competitors who
16 do not know or use it.

17 (3) Investigatory information compiled for criminal law purposes. The record of an arrest or the
18 report of a crime shall be disclosed unless and only for so long as there is a clear need to delay
19 disclosure in the course of a specific investigation, including the need to protect the complaining
20 party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or
21 granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the
22 record of an arrest or the report of a crime includes, but is not limited to:

23 (a) The arrested person's name, age, residence, employment, marital status and similar bi-
24 ographical information;

25 (b) The offense with which the arrested person is charged;

26 (c) The conditions of release pursuant to ORS 135.230 to 135.290;

27 (d) The identity of and biographical information concerning both complaining party and victim;

28 (e) The identity of the investigating and arresting agency and the length of the investigation;

29 (f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and

30 (g) Such information as may be necessary to enlist public assistance in apprehending fugitives
31 from justice.

32 (4) Test questions, scoring keys, and other data used to administer a licensing examination,
33 employment, academic or other examination or testing procedure before the examination is given
34 and if the examination is to be used again. Records establishing procedures for and instructing
35 persons administering, grading or evaluating an examination or testing procedure are included in
36 this exemption, to the extent that disclosure would create a risk that the result might be affected.

37 (5) Information consisting of production records, sale or purchase records or catch records, or
38 similar business records of a private concern or enterprise, required by law to be submitted to or
39 inspected by a governmental body to allow it to determine fees or assessments payable or to estab-
40 lish production quotas, and the amounts of such fees or assessments payable or paid, to the extent
41 that such information is in a form that would permit identification of the individual concern or en-
42 terprise. This exemption does not include records submitted by long term care facilities as defined
43 in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for pa-
44 tient care. Nothing in this subsection shall limit the use that can be made of such information for
45 regulatory purposes or its admissibility in any enforcement proceeding.

- 1 (6) Information relating to the appraisal of real estate prior to its acquisition.
- 2 (7) The names and signatures of employees who sign authorization cards or petitions for the
3 purpose of requesting representation or decertification elections.
- 4 (8) Investigatory information relating to any complaint filed under ORS 659A.820 or 659A.825,
5 until such time as the complaint is resolved under ORS 659A.835, or a final order is issued under
6 ORS 659A.850.
- 7 (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and
8 663.180.
- 9 (10) Records, reports and other information received or compiled by the Director of the De-
10 partment of Consumer and Business Services under ORS 697.732.
- 11 (11) Information concerning the location of archaeological sites or objects as those terms are
12 defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and
13 the need for the information is related to that Indian tribe's cultural or religious activities. This
14 exemption does not include information relating to a site that is all or part of an existing, commonly
15 known and publicized tourist facility or attraction.
- 16 (12) A personnel discipline action, or materials or documents supporting that action, **except for**
17 **disciplinary records as defined in section 2 of this 2023 Act.**
- 18 (13) Fish and wildlife information developed pursuant to ORS 496.004, 496.172 and 498.026 or
19 ORS 496.192 and 564.100, regarding the habitat, location or population of any threatened species or
20 endangered species.
- 21 (14) Writings prepared by or under the direction of faculty of public educational institutions, in
22 connection with research, until publicly released, copyrighted or patented.
- 23 (15) Computer programs developed or purchased by or for any public body for its own use. As
24 used in this subsection, "computer program" means a series of instructions or statements which
25 permit the functioning of a computer system in a manner designed to provide storage, retrieval and
26 manipulation of data from such computer system, and any associated documentation and source
27 material that explain how to operate the computer program. "Computer program" does not include:
28 (a) The original data, including but not limited to numbers, text, voice, graphics and images;
29 (b) Analyses, compilations and other manipulated forms of the original data produced by use of
30 the program; or
31 (c) The mathematical and statistical formulas which would be used if the manipulated forms of
32 the original data were to be produced manually.
- 33 (16) Data and information provided by participants to mediation under ORS 36.256.
- 34 (17) Investigatory information relating to any complaint or charge filed under ORS chapter 654,
35 until a final administrative determination is made or, if a citation is issued, until an employer re-
36 ceives notice of any citation.
- 37 (18) Specific operational plans in connection with an anticipated threat to individual or public
38 safety for deployment and use of personnel and equipment, prepared or used by a public body, if
39 public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a
40 law enforcement activity.
- 41 (19)(a) Audits or audit reports required of a telecommunications carrier. As used in this para-
42 graph, "audit or audit report" means any external or internal audit or audit report pertaining to a
43 telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an af-
44 filiated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to
45 make the operations of the entity more efficient, accurate or compliant with applicable rules, pro-

1 cedures or standards, that may include self-criticism and that has been filed by the telecommuni-
2 cations carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an
3 audit of a cost study that would be discoverable in a contested case proceeding and that is not
4 subject to a protective order; and

5 (b) Financial statements. As used in this paragraph, "financial statement" means a financial
6 statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390,
7 with a telecommunications carrier, as defined in ORS 133.721.

8 (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS
9 247.967.

10 (21) The following records, communications and information submitted to a housing authority
11 as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants
12 for and recipients of loans, grants and tax credits:

13 (a) Personal and corporate financial statements and information, including tax returns;

14 (b) Credit reports;

15 (c) Project appraisals, excluding appraisals obtained in the course of transactions involving an
16 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed
17 of as part of the project, but only after the transactions have closed and are concluded;

18 (d) Market studies and analyses;

19 (e) Articles of incorporation, partnership agreements and operating agreements;

20 (f) Commitment letters;

21 (g) Project pro forma statements;

22 (h) Project cost certifications and cost data;

23 (i) Audits;

24 (j) Project tenant correspondence requested to be confidential;

25 (k) Tenant files relating to certification; and

26 (L) Housing assistance payment requests.

27 (22) Records or information that, if disclosed, would allow a person to:

28 (a) Gain unauthorized access to buildings or other property;

29 (b) Identify those areas of structural or operational vulnerability that would permit unlawful
30 disruption to, or interference with, services; or

31 (c) Disrupt, interfere with or gain unauthorized access to public funds or to information pro-
32 cessing, communication or telecommunication systems, including the information contained in the
33 systems, that are used or operated by a public body.

34 (23) Records or information that would reveal or otherwise identify security measures, or
35 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to
36 protect:

37 (a) An individual;

38 (b) Buildings or other property;

39 (c) Information processing, communication or telecommunication systems, including the infor-
40 mation contained in the systems; or

41 (d) Those operations of the Oregon State Lottery the security of which are subject to study and
42 evaluation under ORS 461.180 (6).

43 (24) Personal information held by or under the direction of officials of the Oregon Health and
44 Science University or a public university listed in ORS 352.002 about a person who has or who is
45 interested in donating money or property to the Oregon Health and Science University or a public

1 university, if the information is related to the family of the person, personal assets of the person or
2 is incidental information not related to the donation.

3 (25) The home address, professional address and telephone number of a person who has or who
4 is interested in donating money or property to a public university listed in ORS 352.002.

5 (26) Records of the name and address of a person who files a report with or pays an assessment
6 to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council
7 created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.

8 (27) Information provided to, obtained by or used by a public body to authorize, originate, re-
9 ceive or authenticate a transfer of funds, including but not limited to a credit card number, payment
10 card expiration date, password, financial institution account number and financial institution routing
11 number.

12 (28) Social Security numbers as provided in ORS 107.840.

13 (29) The electronic mail address of a student who attends a public university listed in ORS
14 352.002 or Oregon Health and Science University.

15 (30) The name, home address, professional address or location of a person that is engaged in,
16 or that provides goods or services for, medical research at Oregon Health and Science University
17 that is conducted using animals other than rodents. This subsection does not apply to Oregon Health
18 and Science University press releases, websites or other publications circulated to the general pub-
19 lic.

20 (31) If requested by a public safety officer, as defined in ORS 181A.355, or a county juvenile
21 department employee who is charged with and primarily performs duties related to the custody,
22 control or supervision of adjudicated youths confined in a detention facility, as defined in ORS
23 419A.004:

24 (a) The home address and home telephone number of the public safety officer or county juvenile
25 department employee contained in the voter registration records for the officer or employee.

26 (b) The home address and home telephone number of the public safety officer or county juvenile
27 department employee contained in records of the Department of Public Safety Standards and Train-
28 ing.

29 (c) The name of the public safety officer or county juvenile department employee contained in
30 county real property assessment or taxation records. This exemption:

31 (A) Applies only to the name of the officer or employee and any other owner of the property in
32 connection with a specific property identified by the officer or employee in a request for exemption
33 from disclosure;

34 (B) Applies only to records that may be made immediately available to the public upon request
35 in person, by telephone or using the Internet;

36 (C) Applies until the officer or employee requests termination of the exemption;

37 (D) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for
38 governmental purposes; and

39 (E) May not result in liability for the county if the name of the officer or employee is disclosed
40 after a request for exemption from disclosure is made under this subsection.

41 (32) Unless the public records request is made by a financial institution, as defined in ORS
42 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage
43 broker licensed under ORS 86A.095 to 86A.198, or title company for business purposes, records de-
44 scribed in paragraph (a) of this subsection, if the exemption from disclosure of the records is sought
45 by an individual described in paragraph (b) of this subsection using the procedure described in par-

1 agraph (c) of this subsection:

2 (a) The home address, home or cellular telephone number or personal electronic mail address
3 contained in the records of any public body that has received the request that is set forth in:

4 (A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance, release, satisfaction,
5 substitution of trustee, easement, dog license, marriage license or military discharge record that is
6 in the possession of the county clerk; or

7 (B) Any public record of a public body other than the county clerk.

8 (b) The individual claiming the exemption from disclosure must be a district attorney, a deputy
9 district attorney, the Attorney General or an assistant attorney general, the United States Attorney
10 for the District of Oregon or an assistant United States attorney for the District of Oregon, a city
11 attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages
12 in the prosecution of criminal matters.

13 (c) The individual claiming the exemption from disclosure must do so by filing the claim in
14 writing with the public body for which the exemption from disclosure is being claimed on a form
15 prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall
16 list the public records in the possession of the public body to which the exemption applies. The ex-
17 emption applies until the individual claiming the exemption requests termination of the exemption
18 or ceases to qualify for the exemption.

19 (33) The following voluntary conservation agreements and reports:

20 (a) Land management plans required for voluntary stewardship agreements entered into under
21 ORS 541.973; and

22 (b) Written agreements relating to the conservation of greater sage grouse entered into volun-
23 tarily by owners or occupiers of land with a soil and water conservation district under ORS 568.550.

24 (34) Sensitive business records or financial or commercial information of the State Accident In-
25 surance Fund Corporation that is not customarily provided to business competitors. This exemption
26 does not:

27 (a) Apply to the formulas for determining dividends to be paid to employers insured by the State
28 Accident Insurance Fund Corporation;

29 (b) Apply to contracts for advertising, public relations or lobbying services or to documents re-
30 lated to the formation of such contracts;

31 (c) Apply to group insurance contracts or to documents relating to the formation of such con-
32 tracts, except that employer account records shall remain exempt from disclosure as provided in
33 ORS 192.355 (35); or

34 (d) Provide the basis for opposing the discovery of documents in litigation pursuant to the ap-
35 plicable rules of civil procedure.

36 (35) Records of the Department of Public Safety Standards and Training relating to investi-
37 gations conducted under ORS 181A.640 or 181A.870 (6), until the department issues the report de-
38 scribed in ORS 181A.640 or 181A.870.

39 (36) A medical examiner's report, autopsy report or laboratory test report ordered by a medical
40 examiner under ORS 146.117.

41 (37) Any document or other information related to an audit of a public body, as defined in ORS
42 174.109, that is in the custody of an auditor or audit organization operating under nationally re-
43 cognized government auditing standards, until the auditor or audit organization issues a final audit
44 report in accordance with those standards or the audit is abandoned. This exemption does not pro-
45 hibit disclosure of a draft audit report that is provided to the audited entity for the entity's response

1 to the audit findings.

2 (38)(a) Personally identifiable information collected as part of an electronic fare collection sys-
3 tem of a mass transit system.

4 (b) The exemption from disclosure in paragraph (a) of this subsection does not apply to public
5 records that have attributes of anonymity that are sufficient, or that are aggregated into groupings
6 that are broad enough, to ensure that persons cannot be identified by disclosure of the public re-
7 cords.

8 (c) As used in this subsection:

9 (A) "Electronic fare collection system" means the software and hardware used for, associated
10 with or relating to the collection of transit fares for a mass transit system, including but not limited
11 to computers, radio communication systems, personal mobile devices, wearable technology, fare in-
12 struments, information technology, data storage or collection equipment, or other equipment or im-
13 provements.

14 (B) "Mass transit system" has the meaning given that term in ORS 267.010.

15 (C) "Personally identifiable information" means all information relating to a person that ac-
16 quires or uses a transit pass or other fare payment medium in connection with an electronic fare
17 collection system, including but not limited to:

18 (i) Customer account information, date of birth, telephone number, physical address, electronic
19 mail address, credit or debit card information, bank account information, Social Security or taxpayer
20 identification number or other identification number, transit pass or fare payment medium balances
21 or history, or similar personal information; or

22 (ii) Travel dates, travel times, frequency of use, travel locations, service types or vehicle use,
23 or similar travel information.

24 (39)(a) If requested by a civil code enforcement officer:

25 (A) The home address and home telephone number of the civil code enforcement officer con-
26 tained in the voter registration records for the officer.

27 (B) The name of the civil code enforcement officer contained in county real property assessment
28 or taxation records. This exemption:

29 (i) Applies only to the name of the civil code enforcement officer and any other owner of the
30 property in connection with a specific property identified by the officer in a request for exemption
31 from disclosure;

32 (ii) Applies only to records that may be made immediately available to the public upon request
33 in person, by telephone or using the Internet;

34 (iii) Applies until the civil code enforcement officer requests termination of the exemption;

35 (iv) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for
36 governmental purposes; and

37 (v) May not result in liability for the county if the name of the civil code enforcement officer
38 is disclosed after a request for exemption from disclosure is made under this subsection.

39 (b) As used in this subsection, "civil code enforcement officer" means an employee of a public
40 body, as defined in ORS 174.109, who is charged with enforcing laws or ordinances relating to land
41 use, zoning, use of rights-of-way, solid waste, hazardous waste, sewage treatment and disposal or the
42 state building code.

43 (40) Audio or video recordings, whether digital or analog, resulting from a law enforcement
44 officer's operation of a video camera worn upon the officer's person that records the officer's inter-
45 actions with members of the public while the officer is on duty. When a recording described in this

1 subsection is subject to disclosure, the following apply:

2 (a) Recordings that have been sealed in a court's record of a court proceeding or otherwise or-
3 dered by a court not to be disclosed may not be disclosed.

4 (b) A request for disclosure under this subsection must identify the approximate date and time
5 of an incident for which the recordings are requested and be reasonably tailored to include only that
6 material for which a public interest requires disclosure.

7 (c) A video recording disclosed under this subsection must, prior to disclosure, be edited in a
8 manner as to render the faces of all persons within the recording unidentifiable.

9 (41) The contents of tips reported to a tip line, as defined in ORS 339.329. However, personally
10 identifiable information, as defined in ORS 339.329, is not subject to public interest balancing under
11 this section and remains exempt from disclosure except as provided in ORS 339.329.

12 (42) Residential addresses of individuals with intellectual or developmental disabilities residing
13 in adult foster homes as defined in ORS 443.705 or residential training facilities or residential
14 training homes as those terms are defined in ORS 443.400.

15 **SECTION 11. ORS 181A.684 and 181A.686 are repealed.**

16 **SECTION 12. Sections 1 to 6 of this 2023 Act and the amendments to ORS 181A.674 and
17 192.345 by sections 8 to 10 of this 2023 Act do not affect a collective bargaining agreement
18 entered into before the effective date of this 2023 Act, to the extent compliance with the
19 provisions of section 3 of this 2023 Act would conflict with or impair the execution of the
20 terms of the collective bargaining agreement.**

21 **SECTION 13. (1) Section 3 of this 2023 Act becomes operative on January 1, 2024.**

22 **(2) The Oregon Criminal Justice Commission may take any action before the operative
23 date specified in subsection (1) of this section to enable the commission, on and after the
24 operative date specified in subsection (1) of this section, to exercise all the duties, functions
25 and powers conferred on the commission by section 3 of this 2023 Act.**

26 **SECTION 14. This 2023 Act being necessary for the immediate preservation of the public
27 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect
28 on its passage.**