

D R A F T

SUMMARY

Digest: The Act lets police agencies release booking photos to licensed PIs. The Act takes effect on the 91st day after sine die. (Flesch Readability Score: 72.6).

Authorizes law enforcement agencies to release booking photos to licensed private investigators.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to the release of booking photos; amending ORS 133.870; and pre-
3 scribing an effective date.

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

5 **SECTION 1.** ORS 133.870 is amended to read:

6 133.870. (1) Notwithstanding ORS 192.311 to 192.478, a law enforcement
7 agency may not release a booking photo except as provided in subsection (2)
8 of this section.

9 (2) A law enforcement agency may release a booking photo described in
10 subsection (1) of this section:

11 (a) To the person depicted in the booking photo;

12 (b) To another law enforcement agency, or to a law enforcement officer
13 employed by another law enforcement agency, for a law enforcement purpose;

14 (c) To the public, if the law enforcement agency determines that there is
15 a law enforcement purpose for the release, including but not limited to as-
16 sistance with the apprehension of a fugitive or a suspect in a criminal in-
17 vestigation, or the identification of additional criminal activity;

18 (d) To a state mental hospital upon the admission to the hospital of the

1 person depicted in the booking photo;

2 (e) To a party in a criminal proceeding resulting from the arrest during
3 which the booking photo was obtained;

4 (f) To the victim of the offense for which the person depicted in the
5 booking photo was arrested;

6 (g) To the court, if the booking photo is part of a pretrial release report
7 or is provided to the court as part of the pretrial release process for the
8 purposes of confirming the identity of a defendant; [*or*]

9 **(h) To an investigator licensed under ORS 703.430; or**

10 [*h*] (i) Upon the conviction of the person depicted in the booking photo,
11 if the conviction results from the arrest during which the booking photo was
12 obtained.

13 (3) As used in this section:

14 (a) “Booking photo” means a photograph of a person taken by a law
15 enforcement agency for identification purposes when the person is booked
16 into custody.

17 (b) “Law enforcement agency” has the meaning given that term in ORS
18 131.915.

19 (c) “Law enforcement officer” means an officer, deputy, member or em-
20 ployee of a law enforcement agency.

21 **SECTION 2. This 2025 Act takes effect on the 91st day after the date**
22 **on which the 2025 regular session of the Eighty-third Legislative As-**
23 **sembly adjourns sine die.**

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