

# House Bill 2383

Sponsored by Representative EVANS, Senator GORSEK; Representatives LIVELY, MANNIX, NATHANSON, TRAN, Senator MEEK (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**. The statement includes a measure digest written in compliance with applicable readability standards.

**Digest:** The Act defines "transit security officers." The Act says the officers may give tickets to folks who do not follow mass transit district's rules. The Act says the officers may use body cameras to record when they are on the job. (Flesch Readability Score: 69.1).

Authorizes the general manager of a mass transit district to appoint transit security officers to aid in the enforcement of mass transit ordinances. Defines "transit security officer."

Provides that a transit security officer may wear a video camera on the person's body that records the officer's interactions with members of the public while the officer is on duty. Expands public records exemption for law enforcement officers of video recordings resulting from the operation of a video camera worn upon the officer's person to include transit security officers.

## A BILL FOR AN ACT

1  
2 Relating to mass transit districts; creating new provisions; and amending ORS 41.910, 153.005,  
3 165.540, 192.345, 267.010, 267.150 and 807.115.

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

5 **SECTION 1.** ORS 153.005 is amended to read:

6 153.005. As used in this chapter:

7 (1) "Enforcement officer" means:

8 (a) A member of the Oregon State Police.

9 (b) A sheriff or deputy sheriff.

10 (c) A city marshal or a member of the police of a city, municipal or quasi-municipal corporation.

11 (d) A police officer commissioned by a university under ORS 352.121 or 353.125.

12 (e) An investigator of a district attorney's office if the investigator is or has been certified as  
13 a peace officer in this or any other state.

14 (f) An investigator of the Criminal Justice Division of the Department of Justice of the State  
15 of Oregon.

16 (g) A Port of Portland peace officer.

17 (h) A humane special agent as defined in ORS 181A.345.

18 (i) A regulatory specialist exercising authority described in ORS 471.775 (2).

19 (j) An authorized tribal police officer as defined in ORS 181A.940.

20 **(k) A transit security officer as defined in ORS 267.010.**

21 [*k*] **(L)** Any other person specifically authorized by law to issue citations for the commission  
22 of violations.

23 (2) "Traffic offense" has the meaning given that term in ORS 801.555.

24 (3) "Violation" means an offense described in ORS 153.008.

25 (4) "Violation proceeding" means a judicial proceeding initiated by issuance of a citation that  
26 charges a person with commission of a violation.

**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.

**SECTION 2.** ORS 267.010 is amended to read:

267.010. As used in ORS 267.010 to 267.394, unless the context requires otherwise:

(1) “District” means a mass transit district established under ORS 267.010 to 267.394.

(2) “District board” or “board” means the board of directors of a district.

**(3)(a) “Transit security officer” means an individual who:**

**(A) Is employed by the district and is appointed and duly sworn in by the general manager; and**

**(B) Has completed all necessary technical, administrative and other training to issue citations as provided under ORS 267.150 and ORS chapter 153.**

**(b) “Transit security officers” are not peace officers and may not carry firearms.**

[(3)] (4) “Mass transit system” or “transit system” means the property, equipment and improvements of whatever nature owned, used, constructed, maintained, controlled or operated to provide mass transportation for passengers or to provide for the movement of people, including park-and-ride stations, transfer stations, parking lots, malls and skyways, provided that nothing contained herein shall limit the power of a city to exercise its general powers over or provide such stations, lots, malls or skyways.

[(4)] (5) “Metropolitan statistical area” means an area designated by the United States Office of Management and Budget as a metropolitan statistical area.

**SECTION 3.** ORS 267.150 is amended to read:

267.150. (1) The legislative authority of a district board shall be exercised by ordinance.

(2) The board may enact police ordinances relating to the protection, use and enjoyment of district property and facilities.

(3) A district may appoint peace officers who shall have the same authority as other peace officers, except that such authority shall be limited to the enforcement of police ordinances of the district and the enforcement, for purposes relating to the protection, use and enjoyment of district property and facilities, of state and local laws.

**(4) A district may appoint transit security officers who may issue citations for violations of police ordinances of the district.**

[(3)] (5) The board may, by ordinance, provide a procedure for the conduct of public hearings on proposed changes in transit routes and schedules. The board may delegate to the general manager or other administrative officer the authority to conduct such hearings.

[(4)] (6) An ordinance [*shall not be*] **is not** required for a mass transit district to adopt temporary or experimental changes in routes and schedules.

**SECTION 4.** ORS 807.115, as amended by section 4, chapter 63, Oregon Laws 2024, is amended to read:

807.115. (1) The Department of Transportation shall retain a digital image of each photograph and signature shown on a driver license under the provisions of ORS 807.110 or an identification card under ORS 807.400.

(2) The digital images of photographs may not be made available to anyone other than law enforcement officials, [*and*] employees of the department acting in an official capacity **and employees of a mass transit district designated by the general manager.**

(3) As used in this section[,]:

**(a) “Law enforcement official”** includes a humane special agent as defined in ORS 181A.345.

**(b) “Mass transit district” means a mass transit district established under ORS 267.010 to 267.394.**

**SECTION 5.** ORS 165.540 is amended to read:

165.540. (1) Except as otherwise provided in ORS 133.724 or 133.726 or subsections (2) to (8) of this section, a person may not:

(a) Obtain or attempt to obtain the whole or any part of a telecommunication or a radio communication to which the person is not a participant, by means of any device, contrivance, machine or apparatus, whether electrical, mechanical, manual or otherwise, unless consent is given by at least one participant.

(b) Tamper with the wires, connections, boxes, fuses, circuits, lines or any other equipment or facilities of a telecommunication or radio communication company over which messages are transmitted, with the intent to obtain unlawfully the contents of a telecommunication or radio communication to which the person is not a participant.

(c) Obtain or attempt to obtain the whole or any part of a conversation by means of any device, contrivance, machine or apparatus, whether electrical, mechanical, manual or otherwise, if not all participants in the conversation are specifically informed that their conversation is being obtained.

(d) Obtain the whole or any part of a conversation, telecommunication or radio communication from any person, while knowing or having good reason to believe that the conversation, telecommunication or radio communication was initially obtained in a manner prohibited by this section.

(e) Use or attempt to use, or divulge to others, any conversation, telecommunication or radio communication obtained by any means prohibited by this section.

(2)(a) The prohibitions in subsection (1)(a), (b) and (c) of this section do not apply to:

(A) Officers, employees or agents of a telecommunication or radio communication company who perform the acts prohibited by subsection (1)(a), (b) and (c) of this section for the purpose of construction, maintenance or conducting of their telecommunication or radio communication service, facilities or equipment.

(B) Public officials in charge of and at jails, police premises, sheriffs' offices, Department of Corrections institutions and other penal or correctional institutions, except as to communications or conversations between an attorney and the client of the attorney.

(b) Officers, employees or agents of a telecommunication or radio communication company who obtain information under paragraph (a) of this subsection may not use or attempt to use, or divulge to others, the information except for the purpose of construction, maintenance, or conducting of their telecommunication or radio communication service, facilities or equipment.

(3) The prohibitions in subsection (1)(a), (b) or (c) of this section do not apply to subscribers or members of their family who perform the acts prohibited in subsection (1) of this section in their homes.

(4) The prohibitions in subsection (1)(a) of this section do not apply to the receiving or obtaining of the contents of any radio or television broadcast transmitted for the use of the general public.

(5) The prohibitions in subsection (1)(c) of this section do not apply to:

(a) A person who records a conversation during a felony that endangers human life;

(b) A person who records a conversation in which a law enforcement officer is a participant, if:

(A) The recording is made while the officer is performing official duties;

(B) The recording is made openly and in plain view of the participants in the conversation;

(C) The conversation being recorded is audible to the person by normal unaided hearing; and

(D) The person is in a place where the person lawfully may be;

(c)(A) A person who, pursuant to ORS 133.400, records an interview conducted by a peace officer in a law enforcement facility; or

1 (B) A person who, pursuant to ORS 133.402, records a custodial interview, as defined ORS  
 2 133.402;

3 (d) A law enforcement officer who is in uniform and displaying a badge and who is operating:

4 (A) A vehicle-mounted video camera that records the scene in front of, within or surrounding  
 5 a police vehicle, unless the officer has reasonable opportunity to inform participants in the conver-  
 6 sation that the conversation is being obtained; or

7 (B) A video camera worn upon the officer's person that records the officer's interactions with  
 8 members of the public while the officer is on duty, unless:

9 (i) The officer has an opportunity to announce at the beginning of the interaction that the con-  
 10 versation is being obtained; and

11 (ii) The announcement can be accomplished without causing jeopardy to the officer or any other  
 12 person and without unreasonably impairing a criminal investigation; [*or*]

13 (e) A law enforcement officer who, acting in the officer's official capacity, deploys an Electro-  
 14 Muscular Disruption Technology device that contains a built-in monitoring system capable of re-  
 15 cording audio or video, for the duration of that deployment[.]; **or**

16 **(f) A transit security officer, as defined in ORS 267.010, who is in uniform and wearing**  
 17 **a video camera upon the officer's person that records the officer's interactions with mem-**  
 18 **bers of the public while the officer is on duty.**

19 (6)(a) The prohibitions in subsection (1)(c) of this section do not apply to persons who intercept  
 20 or attempt to intercept oral communications that are part of any of the following proceedings, if the  
 21 person uses an unconcealed recording device or if the communications occur through a video con-  
 22 ferencing program:

23 (A) Public or semipublic meetings such as hearings before governmental or quasi-governmental  
 24 bodies, trials, press conferences, public speeches, rallies and sporting or other events;

25 (B) Regularly scheduled classes or similar educational activities in public or private institutions;  
 26 or

27 (C) Private meetings or conferences if all others involved knew or reasonably should have  
 28 known that the recording was being made.

29 (b) The prohibitions in subsection (1)(c) of this section do not apply to a person who, with the  
 30 intent to capture alleged unlawful activity, obtains or attempts to obtain a conversation occurring  
 31 through a video conferencing program if the person is a participant in the conversation, or at least  
 32 one participant in the conversation consents to the recording, and:

33 (A) The person is a law enforcement officer or is acting in coordination with a law enforcement  
 34 officer;

35 (B) The person is acting in coordination with an attorney or an enforcement or regulatory en-  
 36 tity; or

37 (C) The person reasonably believes that the recording may be used as evidence in a judicial or  
 38 administrative proceeding.

39 (7) The prohibitions in subsection (1)(a), (c), (d) and (e) of this section do not apply to any:

40 (a) Radio communication that is transmitted by a station operating on an authorized frequency  
 41 within the amateur or citizens bands; or

42 (b) Person who intercepts a radio communication that is transmitted by any governmental, law  
 43 enforcement, civil defense or public safety communications system, including police and fire, readily  
 44 accessible to the general public provided that the interception is not for purposes of illegal activity.

45 (8) The prohibitions in subsection (1)(d) and (e) of this section do not apply to a person who did

1 not participate in initially obtaining the conversation, telecommunication or radio communication  
 2 if the conversation, telecommunication or radio communication is regarding a matter of public con-  
 3 cern.

4 (9) Violation of subsection (1) or (2)(b) of this section is a Class A misdemeanor.

5 (10) The exception described in subsection (5)(b) of this section does not authorize the person  
 6 recording the law enforcement officer to engage in criminal trespass as described in ORS 164.243,  
 7 164.245, 164.255, 164.265 or 164.278 or to interfere with a peace officer as described in ORS 162.247.

8 (11) As used in this section:

9 (a) “Electro-Muscular Disruption Technology device” means a device that uses a high-voltage,  
 10 low power charge of electricity to induce involuntary muscle contractions intended to cause tem-  
 11 porary incapacitation. “Electro-Muscular Disruption Technology device” includes devices commonly  
 12 known as tasers.

13 (b) “Law enforcement officer” has the meaning given that term in ORS 133.726.

14 **SECTION 6.** ORS 41.910 is amended to read:

15 41.910. Evidence of the contents of any wire or oral communication intercepted:

16 (1) In violation of ORS 165.540 [*shall not be*] **is not** admissible in any court of this state, except  
 17 as evidence of unlawful interception or when the evidence was created by the use of a video camera  
 18 worn upon a law enforcement officer’s person and the officer either substantially complied with or  
 19 attempted in good faith to comply with ORS 165.540 (5)(d)(B).

20 **(2) In violation of ORS 165.540 is not admissible in any court of this state, except as evi-**  
 21 **dence of unlawful interception or when the evidence was created by the use of a video cam-**  
 22 **era worn upon a transit security officer’s person and the officer either substantially complied**  
 23 **with or attempted in good faith to comply with ORS 165.540 (5)(f).**

24 [(2)] (3) Under ORS 165.540 (2)(a) [*shall not be*] **is not** admissible in any court of this state un-  
 25 less:

26 (a) The communication was intercepted by a public official in charge of and at a jail, police  
 27 premises, sheriff’s office, Department of Corrections institution or other penal or correctional insti-  
 28 tution; and

29 (b) The participant in the communication, against whom the evidence is being offered, had actual  
 30 notice that the communication was being monitored or recorded.

31 **(4) As used in this section, “transit security officer” has the meaning given that term in**  
 32 **ORS 267.010.**

33 **SECTION 7.** (1)(a) **A mass transit district shall establish policies and procedures for the**  
 34 **use, storage and retention of video and audio recordings resulting from the operation of**  
 35 **video cameras worn upon a transit security officer’s person that record the officer’s inter-**  
 36 **actions with members of the public while the officer is on duty.**

37 **(b) The policies and procedures described in paragraph (a) of this subsection must in-**  
 38 **clude:**

39 **(A) A requirement that a recording be retained for at least 180 days but no more than**  
 40 **30 months for a recording not related to a court proceeding or ongoing criminal investi-**  
 41 **gation, or for the same period of time that evidence is retained in the normal course of the**  
 42 **court’s business for a recording related to a court proceeding.**

43 **(B) A requirement that a camera worn upon a transit security officer’s person be set to**  
 44 **record continuously, beginning when the officer develops reasonable suspicion or probable**  
 45 **cause to believe that a crime or violation has occurred, is occurring or will occur and the**

1 transit security officer begins to make contact with the person suspected of committing the  
 2 offense. The policies and procedures must also require that the camera may subsequently  
 3 cease recording no sooner than the termination of the officer's participation in the contact.

4 (C) A requirement that in any contract with a third party vendor for data storage, re-  
 5 cordings from the camera are the property of the mass transit district, are not owned by the  
 6 vendor and cannot be used by the vendor for any purpose inconsistent with the policies and  
 7 procedures of the mass transit district.

8 (D) A prohibition on the use of facial recognition or other biometric matching technology  
 9 to analyze recordings obtained through the use of the camera.

10 (E) A prohibition on the use of any recordings obtained from the camera for any purpose  
 11 other than a legitimate law enforcement purpose.

12 (c) Notwithstanding paragraph (b)(B) of this subsection, a mass transit district may in  
 13 its policies and procedures provide for exceptions to the recording requirements of paragraph  
 14 (b)(B) of this subsection, provided that the exceptions are based on reasonable privacy con-  
 15 cerns, exigent circumstances or the safety of transit security officers or other persons.

16 (2) As used in this section:

17 (a) "Mass transit district" means a mass transit district established under ORS 267.010  
 18 to 267.394.

19 (b) "Transit security officer" has the meaning given that term in ORS 267.010.

20 **SECTION 8.** ORS 192.345 is amended to read:

21 192.345. The following public records are exempt from disclosure under ORS 192.311 to 192.478  
 22 unless the public interest requires disclosure in the particular instance:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and  
25 663.180.

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

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

33 (12) A personnel discipline action, or materials or documents supporting that action.

34 (13) Fish and wildlife information developed pursuant to ORS 496.004, 496.172 and 498.026 or  
35 ORS 496.192 and 564.100, regarding the habitat, location or population of any threatened species or  
36 endangered species.

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

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

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

45 (b) Analyses, compilations and other manipulated forms of the original data produced by use of

1 the program; or

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

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

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

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

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

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

24 (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS  
25 247.967.

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

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

30 (b) Credit reports;

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

34 (d) Market studies and analyses;

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

36 (f) Commitment letters;

37 (g) Project pro forma statements;

38 (h) Project cost certifications and cost data;

39 (i) Audits;

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

41 (k) Tenant files relating to certification; and

42 (L) Housing assistance payment requests.

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

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

45 (b) Identify those areas of structural or operational vulnerability that would permit unlawful



1 disruption to, or interference with, services; or

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

5 (23) Records or information that would reveal or otherwise identify security measures, or  
 6 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to  
 7 protect:

8 (a) An individual;

9 (b) Buildings or other property;

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

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

14 (24) Personal information held by or under the direction of officials of the Oregon Health and  
 15 Science University or a public university listed in ORS 352.002 about a person who has or who is  
 16 interested in donating money or property to the Oregon Health and Science University or a public  
 17 university, if the information is related to the family of the person, personal assets of the person or  
 18 is incidental information not related to the donation.

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

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

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

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

29 (29) The electronic mail address of a student who attends a public university listed in ORS  
 30 352.002 or Oregon Health and Science University.

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

36 (31) If requested by a public safety officer, as defined in ORS 181A.355, or a county juvenile  
 37 department employee who is charged with and primarily performs duties related to the custody,  
 38 control or supervision of adjudicated youths confined in a detention facility, as defined in ORS  
 39 419A.004:

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

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

45 (c) The name of the public safety officer or county juvenile department employee contained in

1 county real property assessment or taxation records. This exemption:

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

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

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

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

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

12 (32) Unless the public records request is made by a financial institution, as defined in ORS  
 13 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage  
 14 broker licensed under ORS 86A.095 to 86A.198, or title company for business purposes, records de-  
 15 scribed in paragraph (a) of this subsection, if the exemption from disclosure of the records is sought  
 16 by an individual described in paragraph (b) of this subsection using the procedure described in par-  
 17 agraph (c) of this subsection:

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

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

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

24 (b) The individual claiming the exemption from disclosure must be a district attorney, a deputy  
 25 district attorney, the Attorney General or an assistant attorney general, the United States Attorney  
 26 for the District of Oregon or an assistant United States attorney for the District of Oregon, a city  
 27 attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages  
 28 in the prosecution of criminal matters.

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

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

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

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

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

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

45 (b) Apply to contracts for advertising, public relations or lobbying services or to documents re-

1 lated to the formation of such contracts;

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

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

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

10 (36) A medical examiner’s report, autopsy report or laboratory test report ordered by a medical  
 11 examiner under ORS 146.117.

12 (37) Any document or other information related to an audit of a public body, as defined in ORS  
 13 174.109, that is in the custody of an auditor or audit organization operating under nationally re-  
 14 cognized government auditing standards, until the auditor or audit organization issues a final audit  
 15 report in accordance with those standards or the audit is abandoned. This exemption does not pro-  
 16 hibit disclosure of a draft audit report that is provided to the audited entity for the entity’s response  
 17 to the audit findings.

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

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

24 (c) As used in this subsection:

25 (A) “Electronic fare collection system” means the software and hardware used for, associated  
 26 with or relating to the collection of transit fares for a mass transit system, including but not limited  
 27 to computers, radio communication systems, personal mobile devices, wearable technology, fare in-  
 28 struments, information technology, data storage or collection equipment, or other equipment or im-  
 29 provements.

30 (B) “Mass transit system” has the meaning given that term in ORS 267.010.

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

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

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

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

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

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

45 (i) Applies only to the name of the civil code enforcement officer and any other owner of the

1 property in connection with a specific property identified by the officer in a request for exemption  
 2 from disclosure;

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

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

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

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

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

14 (40) Audio or video recordings, whether digital or analog, resulting from a law enforcement  
 15 officer’s **or transit security officer’s, as defined in ORS 267.010**, operation of a video camera  
 16 worn upon the officer’s person that records the officer’s interactions with members of the public  
 17 while the officer is on duty. When a recording described in this subsection is subject to disclosure,  
 18 the following apply:

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

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

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

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

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

32 (43) The name, home address, professional address or location of an individual who is authorized  
 33 to provide physical and behavioral health care services in this state and who provides reproductive  
 34 and gender-affirming health care services.

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