

# House Bill 3718

Sponsored by Representative ANDERSEN, Senator MANNING JR

## 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 changes some laws about police body camera footage. (Flesch Readability Score: 61.3).

Prohibits a police officer involved in a use of deadly physical force incident from reviewing body camera recordings before participating in an interview about the incident.

Creates an alternative court process for a person denied access to a public record consisting of a body camera recording of a law enforcement use of deadly physical force incident.

Directs the Department of Public Safety Standards and Training to create technical standards for the maintenance and secure storage of body camera recordings.

## A BILL FOR AN ACT

1  
2 Relating to police body camera recordings; creating new provisions; and amending ORS 181A.785,  
3 181A.790 and 181A.800.

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

5 **SECTION 1.** ORS 181A.790 is amended to read:

6 181A.790. (1) As used in this section, "involved officer" means:

7 (a) A police officer whose official conduct, or official order to use deadly physical force, was a  
8 cause in fact of the death of a person. As used in this paragraph, "order to use deadly physical  
9 force" means an order issued to another officer to use deadly physical force in a specific incident  
10 or an order or directive establishing rules of engagement for the use of deadly physical force for a  
11 specific incident.

12 (b) A police officer whose official conduct was not a cause in fact of the death of a person but  
13 whose official involvement in an incident in which the use of deadly physical force by a police offi-  
14 cer resulted in the death of a person:

15 (A) Began before or during the use of the deadly physical force; and

16 (B) Was reasonably likely to have exposed the police officer to greater stresses or trauma than  
17 other police officers experienced as a result of their involvement in the incident before or during  
18 the use of the deadly physical force.

19 (2) A law enforcement agency shall adopt a policy dealing with the use of deadly physical force  
20 by its police officers. At a minimum, the policy must include guidelines for the use of deadly physical  
21 force.

22 (3)(a) For each involved officer employed by a law enforcement agency, the law enforcement  
23 agency shall pay the costs of at least two sessions with a mental health professional that are at-  
24 tended by the officer. The sessions must be held within six months after the incident in which the  
25 officer was involved.

26 (b) An involved officer shall attend at least one of the sessions described in paragraph (a) of this  
27 subsection.

**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 (c) Sessions with a mental health professional under this subsection may not be substituted for  
 2 a fitness for duty examination required or requested as a condition of employment by the law  
 3 enforcement agency that employs the involved officer.

4 (4) For at least 72 hours immediately following an incident in which the use of deadly physical  
 5 force by a police officer resulted in the death of a person, a law enforcement agency may not return  
 6 an involved officer to duties that might place the officer in a situation in which the officer has to  
 7 use deadly physical force. A law enforcement agency may not reduce an involved officer's pay or  
 8 benefits as a result of the law enforcement agency's compliance with this subsection.  
 9 Notwithstanding ORS 181A.805 (1), a personnel cost incurred in complying with this subsection by  
 10 a law enforcement agency employing 40 or fewer police officers is an expense for purposes of ORS  
 11 181A.805.

12 **(5) An involved officer shall be prohibited from viewing or listening to audio and video**  
 13 **recordings of the incident in which deadly physical force was used that were obtained from**  
 14 **cameras worn on the involved officer's or another officer's person until the involved officer**  
 15 **has completed an interview concerning the incident.**

16 [(5)(a)] **(6)(a)** A law enforcement agency employing an involved officer shall include at least one  
 17 police officer from a different law enforcement agency in the investigation of the incident in which  
 18 the involved officer was involved.

19 (b) The failure of a law enforcement agency to comply with paragraph (a) of this subsection is  
 20 not grounds for suppressing evidence obtained in the investigation.

21 [(6)(a)] **(7)(a)** A law enforcement agency shall collect at least the following information relating  
 22 to incidents in which a police officer's use of deadly physical force resulted in the death of a person:

- 23 (A) The name, gender, race, ethnicity and age of the decedent.
- 24 (B) The date, time and location of the incident.
- 25 (C) A brief description of the circumstances surrounding the incident.

26 (b) A law enforcement agency shall promptly submit the information collected under paragraph  
 27 (a) of this subsection to the Department of Justice.

28 [(7)] **(8)** The department shall compile and periodically publish information submitted under  
 29 subsection [(6)] **(7)** of this section. The department, by rule, may specify a form to be used by law  
 30 enforcement agencies in submitting information under subsection [(6)] **(7)** of this section.

31 **SECTION 2.** ORS 181A.785 is amended to read:

32 181A.785. In the plan required by ORS 181A.780 (4), a deadly physical force planning authority  
 33 shall, at a minimum:

34 (1)(a) Address, under ORS 181A.780 (4)(a), the manner in which each law enforcement agency  
 35 within the county will comply with ORS 181A.790 (2); and

36 (b) Attach a copy of each policy adopted under ORS 181A.790 (2) to the plan.

37 (2) Address, under ORS 181A.780 (4)(b), the manner in which each law enforcement agency  
 38 within the county will comply with ORS 181A.790 (3)(a) and (4).

39 (3) Address, under ORS 181A.780 (4)(c), the manner in which each law enforcement agency  
 40 within the county will comply with ORS 181A.790 [(5)(a)] **(5) and (6)(a)**.

41 (4) Address, under ORS 181A.780 (4)(d), the manner in which the district attorney of the county  
 42 will exercise discretion to resolve issues of potential criminal responsibility.

43 (5) Address, under ORS 181A.780 (4)(e), the manner in which each law enforcement agency  
 44 within the county will comply with ORS 181A.790 [(6)] **(7)**.

45 **SECTION 3.** ORS 181A.800 is amended to read:

1 181A.800. Notwithstanding ORS 181A.780, 181A.785 and 181A.790 (3) and [(6)] (7), if sufficient  
 2 moneys are not appropriated to the Department of Justice for purposes of making grants under ORS  
 3 181A.805, a deadly physical force planning authority created by ORS 181A.780 or a law enforcement  
 4 agency is not required to comply with any requirement of ORS 181A.780, 181A.785 or 181A.790 (3)  
 5 or [(6)] (7) for which the law enforcement agency is entitled to reimbursement under ORS 181A.805.

6 **SECTION 4. Section 5 of this 2025 Act is added to and made a part of ORS 192.311 to**  
 7 **192.478.**

8 **SECTION 5. (1) Notwithstanding ORS 192.415, when a person seeking to inspect or receive**  
 9 **a copy of a public record described in ORS 192.345 (40) is denied access to the record, and the**  
 10 **record pertains to the use of deadly physical force by a police officer, in lieu of petitioning**  
 11 **the district attorney under ORS 192.415, the person seeking the record may directly file the**  
 12 **petition in the circuit court for the county in which the public body is located requesting that**  
 13 **the court order the public record to be made available for inspection or to be produced.**

14 **(2) A petition under this section shall be in substantially the same form as the petition**  
 15 **described in ORS 192.422. The petitioner shall ensure that a copy of the petition is served on**  
 16 **the district attorney of the county in which the public body is located, and the district at-**  
 17 **torney shall serve as the opposing party in the proceeding.**

18 **(3) When a petition is filed under this section, the court shall hold a hearing. If the dis-**  
 19 **trict attorney opposes the petition, the district attorney shall appear at the hearing, and the**  
 20 **burden is on the public body to sustain its action. The court has jurisdiction to order the**  
 21 **production of any records improperly withheld from the person seeking disclosure. The**  
 22 **court, on its own motion, may view the records in controversy in camera before reaching a**  
 23 **decision. Any noncompliance with the order of the court may be punished as contempt of**  
 24 **court.**

25 **(4) A filing fee is not required for a proceeding described in this section.**

26 **(5) The decision of the court on a proceeding described in this section may be appealed**  
 27 **in the same manner as a proceeding described in ORS 192.431.**

28 **SECTION 6. Section 7 of this 2025 Act is added to and made a part of ORS 181A.355 to**  
 29 **181A.689.**

30 **SECTION 7. The Department of Public Safety Standards and Training shall develop uni-**  
 31 **form technical standards for law enforcement units for the maintenance, retention and se-**  
 32 **ecure storage of audio and video recordings from cameras worn on a police officer's person.**