

Senate Bill 774

Sponsored by Senator NASH, Representative LEVY B (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 adds to the times when law enforcement can release a person's booking photo. (Flesch Readability Score: 67.5).

Authorizes a law enforcement agency to release a booking photo upon the second or subsequent arrest of the person depicted in the photo within a 12-month period, or when the person depicted in the photo is a missing person.

A BILL FOR AN ACT

1
2 Relating to the release of booking photos; amending ORS 133.870.

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

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

5 133.870. (1) Notwithstanding ORS 192.311 to 192.478, a law enforcement agency may not release
6 a booking photo except as provided in subsection (2) of this section.

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

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

10 (b) To another law enforcement agency, or to a law enforcement officer employed by another
11 law enforcement agency, for a law enforcement purpose **or when the person depicted in the**
12 **booking photo is a missing person;**

13 (c) To the public, if the law enforcement agency determines:

14 **(A) That the person depicted in the booking photo is a missing person; or**

15 **(B) That there is 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 investigation, or the iden-**
17 **tification of additional criminal activity;**

18 (d) To a state mental hospital upon the admission to the hospital of the person depicted in the
19 booking photo;

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

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

23 (g) To the court, if the booking photo is part of a pretrial release report or is provided to the
24 court as part of the pretrial release process for the purposes of confirming the identity of a de-
25 fendant; [*or*]

26 **(h) Upon the second or subsequent arrest of the person depicted in the booking photo**
27 **within a 12-month period; or**

28 [*h*] (i) Upon the conviction of the person depicted in the booking photo, if the conviction re-
29 sults from the arrest during which the booking photo was obtained.

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 **(3) A law enforcement agency releasing a booking photo pursuant to subsection (2)(h) of**
2 **this section may release the booking photo associated with each arrest within the 12-month**
3 **period.**

4 ~~[(3)]~~ (4) As used in this section:

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

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

8 (c) “Law enforcement officer” means an officer, deputy, member or employee of a law enforce-
9 ment agency.

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