

SB 1077-1
(LC 855)
3/21/25

Requested by Senator THATCHER

**PROPOSED AMENDMENTS TO
SENATE BILL 1077**

1 In line 2 of the printed bill, after “records” insert “; creating new pro-
2 visions; amending ORS 192.311, 192.324, 192.329, 192.340, 192.407, 192.411,
3 192.415, 192.422, 192.427, 192.431 and 276A.500; and repealing ORS 192.418.”.

4 Delete lines 4 through 8 and insert:

5 “**SECTION 1.** ORS 192.311 is amended to read:

6 “192.311. As used in ORS 192.311 to 192.478:

7 “(1) ‘Business day’ means a day other than Saturday, Sunday or a legal
8 holiday and on which at least one paid employee of the public body that re-
9 ceived the public records request is scheduled to and does report to work.
10 In the case of a community college district, community college service dis-
11 trict, public university, school district or education service district, ‘business
12 day’ does not include any day on which the central administration offices
13 of the district or university are closed.

14 “(2)(a) ‘Commercial requester’ means a requester that collects large
15 quantities of information for its own commercial use, for sale to other
16 entities or for the benefit of paying customers.

17 “(b) ‘Commercial requester’ does not include:

18 “(A) The news media;

19 “(B) An organization defined in section 501(c) of the Internal Reve-
20 nue Code;

21 “(C) An organization seeking records related to government action

1 **that had a direct impact on that organization; or**

2 **“(D) An attorney making a request on behalf of a client, provided**
3 **the client does not otherwise meet the definition of ‘commercial re-**
4 **quester.’**

5 “[2)] (3) ‘Custodian’ means:

6 “(a) The person described in ORS 7.110 for purposes of court records; or

7 “(b) A public body mandated, directly or indirectly, to create, maintain,
8 care for or control a public record. ‘Custodian’ does not include a public
9 body that has custody of a public record as an agent of another public body
10 that is the custodian unless the public record is not otherwise available.

11 “[3)] (4) ‘Person’ includes any natural person, corporation, partnership,
12 firm, association or member or committee of the Legislative Assembly.

13 “[4)] (5) ‘Public body’ includes every state officer, agency, department,
14 division, bureau, board and commission; every county and city governing
15 body, school district, special district, municipal corporation, and any board,
16 department, commission, council, or agency thereof; and any other public
17 agency of this state.

18 “[5)(a)] (6)(a) ‘Public record’ includes any writing that contains infor-
19 mation relating to the conduct of the public’s business, including but not
20 limited to court records, mortgages, and deed records, prepared, owned, used
21 or retained by a public body regardless of physical form or characteristics.

22 “(b) ‘Public record’ does not include any writing that does not relate to
23 the conduct of the public’s business and that is contained on a privately
24 owned computer.

25 “[6)] (7) ‘State agency’ means any state officer, department, board, com-
26 mission or court created by the Constitution or statutes of this state but does
27 not include the Legislative Assembly or its members, committees, officers or
28 employees insofar as they are exempt under section 9, Article IV of the
29 Oregon Constitution.

30 “[7)] (8) ‘Writing’ means handwriting, typewriting, printing, photograph-

ing and every means of recording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, files, facsimiles or electronic recordings.

“SECTION 2. ORS 192.324 is amended to read:

“192.324. (1) A public body that is the custodian of any public record that a person has a right to inspect shall give the person, upon receipt of a written request:

“(a) A copy of the public record if the public record is of a nature permitting copying; or

“(b) A reasonable opportunity to inspect or copy the public record.

“(2) If an individual who is identified in a public body’s procedure described in subsection (7)(a) of this section receives a written request to inspect or receive a copy of a public record, the public body shall within five business days after receiving the request acknowledge receipt of the request or complete the public body’s response to the request. An acknowledgment under this subsection must:

“(a) Confirm that the public body is the custodian of the requested record;

“(b) Inform the requester that the public body is not the custodian of the requested record; or

“(c) Notify the requester that the public body is uncertain whether the public body is the custodian of the requested record.

“(3) If the public record is maintained in a machine readable or electronic form, the public body shall provide a copy of the public record in the form requested, if available. If the public record is not available in the form requested, the public body shall make the public record available in the form in which the public body maintains the public record.

“(4)(a) The public body may establish fees reasonably calculated to reimburse the public body *[for]* **up to the amount of** the public body’s actual cost of making public records available, including costs for summarizing, compiling or tailoring the public records, either in organization or media, to

1 meet the request. **If the requester is a commercial requester, the public**
2 **body may assess a fee up to 500 percent more than the actual cost**
3 **described in this paragraph.**

4 “(b) The public body may include in a fee established under paragraph (a)
5 of this subsection the cost of time spent by an attorney for the public body
6 in reviewing the public records, redacting material from the public records
7 or segregating the public records into exempt and nonexempt records. The
8 public body may not include in a fee established under paragraph (a) of this
9 subsection the cost of time spent by an attorney for the public body in de-
10 termining the application of the provisions of ORS 192.311 to 192.478.

11 “(c)(A) The public body may not establish a fee greater than \$25 under
12 this section unless the public body first provides the requester with a written
13 notification of the estimated amount of the fee and the requester confirms
14 that the requester wants the public body to proceed with making the public
15 record available.

16 “(B) **A requester who received a notification of the estimated fee**
17 **amount as described in this paragraph may request an explanation**
18 **from the public body for the basis for the fee. If an explanation is re-**
19 **quested, the public body shall provide a response to the requester that**
20 **has sufficient detail to permit a reasonable person to understand the**
21 **amount and purpose of each component of the estimated fee as soon**
22 **as practicable, but no more than five business days after the request**
23 **for explanation is received by the public body.**

24 “(C) **The public body shall work in good faith with the requester**
25 **who seeks to narrow a request in order to reduce a fee.**

26 “(D) **The period of time between when a requester seeks an expla-**
27 **nation for the basis of the fee and the response by the public body is**
28 **not included in the 60-day period described in ORS 192.329 (3) and (4).**

29 “(d) Notwithstanding paragraphs (a) to (c) of this subsection, when the
30 public records are those filed with the Secretary of State under ORS chapter

1 79 or ORS 80.100 to 80.130, the fees for furnishing copies, summaries or
2 compilations of the public records are the fees established by the Secretary
3 of State by rule under ORS chapter 79 or ORS 80.100 to 80.130.

4 **“(e) The public body shall retain 33 percent of the fees collected**
5 **from a commercial requester in excess of the actual cost of processing**
6 **the request as described in paragraph (a) of this subsection. The public**
7 **body may use these funds only to process public records requests and**
8 **grant fee waivers or substantial fee reductions for public records re-**
9 **quests.**

10 **“(f) The public body shall deposit 67 percent of the fees collected**
11 **from a commercial requester in excess of the actual cost of processing**
12 **the request as described in paragraph (a) of this subsection into the**
13 **Public Record Fund established in section 13 of this 2025 Act.**

14 **“(5)(a) The custodian of a public record may furnish copies without**
15 **charge or at a substantially reduced fee** *[if the custodian determines that the*
16 *waiver or reduction of fees is in the public interest because making the record*
17 *available primarily benefits the general public]* **for any reason the custo-**
18 **dian deems appropriate.**

19 **“(b) A requester, other than a commercial requester, may request**
20 **a waiver or substantial reduction of the fee associated with the public**
21 **records request on the basis that a fee waiver or substantial fee re-**
22 **duction is in the public interest.**

23 **“(c) In determining whether a fee waiver or substantial fee re-**
24 **duction is in the public interest, the custodian shall consider the to-**
25 **talities of the circumstances, including but not limited to:**

26 **“(A) The degree to which the public interest is served by disclosure**
27 **of the records. Whether an exemption under ORS 192.345 or 192.355**
28 **applies to the request is not a factor in determining whether the dis-**
29 **closure is in the public interest.**

30 **“(B) Whether a requester has a history of directly and meaningfully**

1 **disseminating information that is in the public record.**

2 **“(C) Whether the requester presently has the ability to meaning-**
3 **fully disseminate the requested information.**

4 **“(D) Whether waiving or substantially reducing fees would create**
5 **an articulate and substantial burden on the custodian.**

6 **“(E) Whether fulfillment of the request would create an articulable**
7 **and substantial burden on the custodian.**

8 **“(F) Whether the requester and custodian have worked together in**
9 **good faith to attempt to reduce the burden on the custodian.**

10 **“(d) If the custodian denies the request for a fee waiver or sub-**
11 **stantial fee reduction, the custodian shall provide a written explana-**
12 **tion for the denial. If the custodian fails to provide a written**
13 **explanation for the denial and the requester appeals the denial of the**
14 **waiver under ORS 192.407, the custodian’s failure to provide a written**
15 **explanation may be considered by the appropriate reviewing body.**

16 **“(e) If a substantial fee reduction is in the public interest as de-**
17 **scribed in paragraph (c) of this subsection, the custodian shall waive**
18 **the portion of the fee as is warranted by the public interest determi-**
19 **nation. The amount of the fee reduction shall be at least the equiv-**
20 **alent of two hours of employee time spent processing the public**
21 **records request.**

22 **“(f) If a fee waiver is in the public interest as described in para-**
23 **graph (c) of this subsection, the custodian shall prioritize the pro-**
24 **cessing of that request over the processing of other requests that are**
25 **not in the public interest to the extent practicable while meeting the**
26 **requirements of ORS 192.311 to 192.478.**

27 **“(6) A requester [*who believes that there has been an unreasonable denial***
28 ***of a fee waiver or fee reduction*] may petition the Attorney General or the**
29 **district attorney of a county with a population exceeding 700,000 resi-**
30 **dents to review a denial of a fee waiver or substantial fee reduction**

1 **as described in subsection (5) of this section** in the same manner as a
2 requester who petitions when inspection of a public record is denied under
3 ORS 192.311 to 192.478. The Attorney General, the district attorney and the
4 court have the same authority in instances when a fee waiver or reduction
5 is denied as when inspection of a public record is denied **under ORS 192.311**
6 **to 192.478 except that the review shall be conducted de novo and based**
7 **on the totality of the circumstances as described in subsection (5)(c)**
8 **of this section.**

9 “(7)(a) A public body shall make available to the public a written proce-
10 dure for making public records requests that includes:

11 “[a)] (A) The name of one or more individuals within the public body to
12 whom public records requests may be sent, with addresses; and

13 “[b)] (B) The amounts of and the manner of calculating fees that the
14 public body charges for responding to requests for public records.

15 “(b) **The written procedure described in this section shall be made**
16 **available:**

17 “(A) **On the public body’s website; or**

18 “(B) **If the public body does not have a website, at a publicly ac-**
19 **cessible physical space, if available, and provided upon request to a**
20 **requester.**

21 “(c) **A public body may not charge a fee for completing public re-**
22 **cords requests until the public body complies with this subsection.**

23 “(8) This section does not apply to signatures of individuals submitted
24 under ORS chapter 247 for purposes of registering to vote as provided in ORS
25 247.973.

26 “**SECTION 3.** ORS 192.329 is amended to read:

27 “192.329. (1) A public body shall complete its response to a written public
28 records request that is received by an individual identified in the public
29 body’s procedure described in ORS 192.324 as soon as practicable and without
30 unreasonable delay.

1 “(2) A public body’s response to a public records request is complete when
2 the public body:

3 “(a) Provides access to or copies of all requested records within the pos-
4 session or custody of the public body that the public body does not assert
5 are exempt from public disclosure, or explains where the records are already
6 publicly available;

7 “(b) Asserts any exemptions from disclosure that the public body believes
8 apply to any requested records and, if the public body cites ORS 192.355 (8)
9 or (9), identifies the state or federal law that the public body relied on in
10 asserting the exemptions;

11 “(c) Complies with ORS 192.338;

12 “(d) To the extent that the public body is not the custodian of records
13 that have been requested, provides a written statement to that effect;

14 “(e) To the extent that state or federal law prohibits the public body from
15 acknowledging whether any requested record exists or that acknowledging
16 whether a requested record exists would result in the loss of federal benefits
17 or imposition of another sanction, provides a written statement to that ef-
18 fect, citing the state or federal law that the public body relies on, unless the
19 written statement itself would violate state or federal law; and

20 “(f) If the public body asserts that one or more requested records are ex-
21 empt from public disclosure, includes a statement that the requester may
22 seek review of the public body’s determination pursuant to ORS 192.401,
23 **192.407**, 192.411, 192.415, [192.418,] 192.422, 192.427 and 192.431.

24 “(3)(a) If a public body has informed a requester of a fee permitted under
25 ORS 192.324 (4), the obligation of the public body to complete its response
26 to the request is suspended until:

27 “(A) The requester has paid the fee[,]; **or**

28 “(B) The fee has been waived by the public body pursuant to ORS 192.324
29 (5) or the fee otherwise has been ordered waived.

30 “(b) **The public body shall close the request** if the requester fails to

1 pay the fee within 60 days of **the later of:**

2 “(A) The date on which the public body informed the requester of the
3 fee[, *or fails to pay the fee within 60 days of*]; **or**

4 “(B) The date on which the public body informed the requester of the
5 denial of the fee waiver[, *the public body shall close the request*] **in writing**
6 **as described in ORS 192.324 (6).**

7 “(4)(a) A public body may request additional information or clarification
8 from a requester of public records for the purpose of expediting the public
9 body’s response to the request. If the public body has requested additional
10 information or clarification in good faith, the public body’s obligation to
11 further complete its response to the request is suspended until the requester
12 provides the requested information or clarification or affirmatively declines
13 to provide that information or clarification.

14 “(b) If the requester fails to respond within 60 days to a good faith re-
15 quest from the public body for information or clarification, the public body
16 shall close the request.

17 “(5) As soon as reasonably possible but not later than 10 business days
18 after the date by which a public body is required to acknowledge receipt of
19 the request under ORS 192.324, a public body shall:

20 “(a) Complete its response to the public records request; or

21 “(b) Provide a written statement that the public body is still processing
22 the request and a reasonable estimated date by which the public body expects
23 to complete its response based on the information currently available.

24 “(6) The time periods established by ORS 192.324 **and 192.422 (2)** and
25 subsection (5) of this section do not apply to a public body if compliance
26 would be impracticable because:

27 “(a) The staff or volunteers necessary to complete a response to the public
28 records request are unavailable;

29 “(b) Compliance would demonstrably impede the public body’s ability to
30 perform other necessary services; or

1 “(c) Of the volume of public records requests being simultaneously pro-
2 cessed by the public body.

3 “(7) For purposes of this section, staff members or volunteers who are on
4 leave or are not scheduled to work are considered to be unavailable.

5 “(8) A public body that cannot comply with the time periods established
6 by ORS 192.324 **and 192.422 (2)** and subsection (5) of this section for a reason
7 listed in subsection (6) of this section shall, as soon as practicable and
8 without unreasonable delay, acknowledge a public records request and com-
9 plete the response to the request.

10 **“(9) Except as provided in Article IV, section 9, of the Oregon Con-**
11 **stitution, an elected official is subject to the same requirements under**
12 **this section as a public body for processing public records requests.**

13 **“SECTION 4.** ORS 192.340 is amended to read:

14 “192.340. (1) The Attorney General shall maintain and regularly update a
15 catalog of exemptions created by Oregon statute from the disclosure re-
16 quirements of ORS 192.311 to 192.478. The catalog must be as comprehensive
17 as reasonably possible and must be freely available to the public in an elec-
18 tronic format that facilitates sorting and searching of the catalog.

19 “(2) The catalog required by subsection (1) of this section must include
20 the following information for each exemption:

21 “(a) A citation to the Oregon statute or statutes creating the exemption
22 from the disclosure requirements of ORS 192.311 to 192.478;

23 “(b) The relevant text of each statute creating the exemption;

24 “(c) If the exemption has been construed by a decision of the Oregon Su-
25 preme Court or Court of Appeals, a citation to that decision;

26 “(d) To the extent that the exemption is specific to a particular public
27 body or particular types of public bodies, a description of the public body
28 or bodies to which the exemption relates; and

29 “(e) Additional information as the Attorney General deems appropriate.

30 “(3) To help ensure that the catalog required by subsection (1) of this

1 section is as comprehensive as possible:

2 “(a) The Legislative Counsel shall provide the Attorney General with an
3 electronic copy of any Act passed by the Legislative Assembly that, in the
4 judgment of the Legislative Counsel, creates an exemption from the disclo-
5 sure requirements of ORS 192.311 to 192.478; and

6 “(b) When a district attorney **of a county with more than 700,000 res-**
7 **idents** issues an order pursuant to ORS 192.415, the district attorney shall
8 send the Attorney General an electronic copy of that order.

9 “(4) The purpose of the catalog required by subsection (1) of this section
10 is to assist public officials and members of the public in ascertaining what
11 information is exempt from the public disclosure requirements of ORS 192.311
12 to 192.478. The catalog is not intended to provide legal advice to public
13 bodies or to members of the public.

14 “(5) A public body may assert that an Oregon statute exempts a public
15 record in the custody of the public body from disclosure even if that statute
16 is not listed in the catalog or the catalog does not include that public body
17 in the catalog’s description of the public bodies to which that exemption
18 applies.

19 **“SECTION 5.** ORS 192.407 is amended to read:

20 “192.407. (1) A person who has submitted a written public records request
21 in compliance with a public body’s policy may seek review of the following,
22 in the same manner as a person petitions when inspection of a public record
23 is denied under ORS 192.311 to 192.478:

24 “(a) The failure of a public body to provide the response required by ORS
25 192.329 within the prescribed period. A failure of the public body to timely
26 respond shall be treated as a denial of the request unless the public body
27 demonstrates that compliance was not required under ORS 192.329.

28 “(b) An estimate of time provided by a public body pursuant to ORS
29 192.329, if the person believes that the estimated time frame for the response
30 is unreasonably long and will result in undue delay of disclosure.

1 “(c) Any other instance in which the person believes that the public body
2 has failed to comply with ORS 192.329.

3 **“(d) A denial of a request for a fee waiver or substantial fee re-**
4 **duction as described in ORS 192.324.**

5 “(2) Except as provided in subsection (3) of this section, the Attorney
6 General, the district attorney **of a county with a population exceeding**
7 **700,000 residents** and the court have the same authority with respect to
8 petitions under this section as when inspection of a public record is denied.

9 “(3) If the Attorney General, the district attorney **of a county with a**
10 **population exceeding 700,000 residents** or a court grants a petition filed
11 under this section, the order granting the petition:

12 “(a) May require disclosure of nonexempt material responsive to the re-
13 quest within seven days, or within any other period that the Attorney Gen-
14 eral, district attorney or court concludes is appropriate to comply with ORS
15 192.329;

16 “(b) May require the public body to pay a penalty of \$200 to the requester
17 if the Attorney General, district attorney or court determines that the public
18 body responded to the request with undue delay or failed to respond to the
19 request; and

20 “(c) May order a fee waiver or a fee reduction if a public body has re-
21 sponded to the request with undue delay or has failed to respond to the re-
22 quest in the time and manner prescribed in ORS 192.329. Nothing in this
23 subsection prohibits a reviewing body from finding an unreasonable denial
24 of a fee waiver or a fee reduction on other grounds.

25 **“(d) May order a fee waiver, a specific percentage of fee reduction**
26 **or instructions to the custodian for how to determine the particular**
27 **reduction amount or percentage.**

28 “(4) Nothing in this section limits the authority of a court to act under
29 ORS 192.431.

30 **“SECTION 6. ORS 192.411 is amended to read:**

1 “192.411. (1) Subject to ORS 192.401 (1) and 192.427, any person denied the
2 right to inspect or to receive a copy of any public record of a state agency
3 **or public body** may petition the Attorney General to review the public re-
4 cord to determine if it may be withheld from public inspection, **except that**
5 **if the public body is located in a county with a population exceeding**
6 **700,000 residents, the person shall petition the district attorney as de-**
7 **scribed ORS 192.415. A petition shall be filed within one year of the**
8 **date that the agency or public body denied the person’s request to in-**
9 **spect or receive a copy of the public record.** Except as provided in ORS
10 192.401 (2), the burden is on the agency **or public body** to sustain its action.
11 Except as provided in ORS 192.401 (2), the Attorney General shall, **within**
12 **seven calendar days after the date the Attorney General receives a**
13 **petition:**

14 “(a) Issue an order:

15 “(A) Denying or granting the petition[, *or*]; **or**

16 “(B) Denying [*it*] **the petition** in part and granting it in part[, *within*
17 *seven days from the day the Attorney General receives the petition.*]; **or**

18 “(b) **Provide to the petitioner and responding state agency or public**
19 **body an estimated date of when an order is expected to be issued.**

20 “(2) If the Attorney General grants the petition and orders the state
21 agency **or public body** to disclose the public record, or if the Attorney
22 General grants the petition in part and orders the state agency **or public**
23 **body** to disclose a portion of the public record, the state agency **or public**
24 **body** shall comply with the order in full within seven days after issuance
25 of the order, unless within the seven-day period it issues a notice of its in-
26 tention to institute proceedings for injunctive or declaratory relief in the
27 Circuit Court for Marion County **if the record is held by a state agency,**
28 **the circuit court of the county in which the administrative offices of**
29 **the public body are located if the record is held by a public body that**
30 **is not a state agency,** or, as provided in ORS 192.401 (3), in the circuit

1 court of the county where the public record is held. Copies of the notice
2 shall be sent to the Attorney General and by certified mail to the petitioner
3 at the address shown on the petition. The state agency **or public body** shall
4 institute the proceedings within seven days after it issues its notice of in-
5 tention to do so. If the Attorney General denies the petition in whole or in
6 part **or does not issue an order on the petition within seven days of**
7 **receipt of the petition**, or if the state agency **or public body** continues to
8 withhold the public record or a part of it notwithstanding an order to dis-
9 close by the Attorney General, the person seeking disclosure may institute
10 such proceedings **within two years of the later of the date of the denial**
11 **or the seventh day after receipt of the order from the Attorney Gen-**
12 **eral.**

13 “(3) The Attorney General shall serve as counsel for the state agency in
14 a suit filed under subsection (2) of this section if the suit arises out of a
15 determination by the Attorney General that the public record should not be
16 disclosed, or that a part of the public record should not be disclosed if the
17 state agency has fully complied with the order of the Attorney General re-
18 quiring disclosure of another part or parts of the public record, and in no
19 other case. In any case in which the Attorney General is prohibited from
20 serving as counsel for the state agency, the agency may retain special
21 counsel.

22 “(4) **A Department of Justice attorney who receives and rules on a**
23 **petition under subsection (1) of this section in which the public body**
24 **is a state agency does not, for the purposes and duration of the appeal,**
25 **have an attorney-client relationship with the state agency. The At-**
26 **torney General shall establish policies and procedures to ensure that**
27 **attorneys receiving and ruling on petitions under subsection (1) of this**
28 **section in which the public body is a state agency are able to neutrally**
29 **adjudicate such petitions and are appropriately screened from other**
30 **Department of Justice files related to representation of that state**

1 **agency.**

2 **“SECTION 7.** ORS 192.415 is amended to read:

3 “192.415. (1) ORS 192.401 and 192.411 apply to the case of a person denied
4 the right to inspect or to receive a copy of any public record of a public body
5 **with administrative offices located in a county with a population ex-**
6 **ceeding 700,000 residents,** other than a state agency, except that:

7 “(a) The district attorney of the county in which the public body is
8 located[, *or if it is located in more than one county the district attorney of the*
9 *county in which the administrative offices of the public body are located,*] shall
10 carry out the functions of the Attorney General;

11 “(b) Any suit filed must be filed in the circuit court for the county de-
12 scribed in paragraph (a) of this subsection; and

13 “(c) The district attorney may not serve as counsel for the public body,
14 in the cases permitted under ORS 192.411 (3), unless the district attorney
15 ordinarily serves as counsel for the public body.

16 “(2) Disclosure of a record to the district attorney in compliance with
17 subsection (1) of this section does not waive any privilege or claim of privi-
18 lege regarding the record or its contents.

19 “(3) Disclosure of a record or part of a record as ordered by the district
20 attorney is a compelled disclosure for purposes of ORS 40.285.

21 **“SECTION 8. ORS 192.418 is repealed.**

22 **“SECTION 9.** ORS 192.422 is amended to read:

23 “192.422. (1) A petition to the Attorney General or district attorney **of a**
24 **county with a population exceeding 700,000 residents** requesting the At-
25 torney General or district attorney to order a public record to be made
26 available for inspection or to be produced shall be in substantially the fol-
27 lowing form, or in a form containing the same information:

28 “ _____

29 _____

30 (Date)

1 I (we), _____ (name(s)), the undersigned, request the Attorney
2 General (or District Attorney of _____ County) to order _____ (name of
3 governmental body) and its employees to (make available for inspection)
4 (produce a copy or copies of) the following records:

5
6 1. _____

7 (Name or description of record)

8
9 2. _____

10 (Name or description of record)

11
12 I (we) asked to inspect and/or copy these records on _____ (date) at
13 _____ (address). The request was denied by the following person(s):

14
15 1. _____

16 (Name of public officer or employee;
17 title or position, if known)

18
19 2. _____

20 (Name of public officer or employee;
21 title or position, if known)

22
23 _____
24 (Signature(s))

25 “ _____

26
27 This form should be delivered or mailed to the Attorney General’s office in
28 Salem, or the district attorney’s office in the county courthouse.

29 “(2) Promptly upon receipt of such a petition, the Attorney General or
30 district attorney shall notify the public body involved. **Upon request of the**

1 **Attorney General or district attorney**, the public body shall *[thereupon]*,
2 **within four business days of receiving notification from the Attorney**
3 **General or district attorney, unless otherwise agreed upon by the**
4 **parties or unless ORS 192.329 (6) applies**, transmit the public record dis-
5 closure of which is sought, or a copy, to the Attorney General **or district**
6 **attorney**, together with a statement of its reasons for believing that the
7 public record should not be disclosed **or supporting its position as to the**
8 **appropriateness and amount of a fee waiver or substantial fee re-**
9 **duction in the public interest**. In an appropriate case, with the consent
10 of the Attorney General, the public body may instead disclose the nature or
11 substance of the public record to the Attorney General **or district**
12 **attorney**.

13 “(3) **If a public body fails to comply with subsection (2) of this sec-**
14 **tion, whether or not the Attorney General or district attorney grants**
15 **the petition on the merits, and in addition to any other relief ordered,**
16 **the order may require a public body to waive up to 100 percent of the**
17 **fees associated with the public record request.**

18 “**SECTION 10.** ORS 192.427 is amended to read:

19 “192.427. In any case in which a person is denied the right to inspect or
20 to receive a copy of a public record in the custody of an elected official, or
21 in the custody of any other person but as to which an elected official claims
22 the right to withhold disclosure, no petition to require disclosure may be
23 filed with the Attorney General or district attorney **of a county with a**
24 **population exceeding 700,000 residents**, or if a petition is filed it shall not
25 be considered by the Attorney General or district attorney after a claim of
26 right to withhold disclosure by an elected official. In such case a person
27 denied the right to inspect or to receive a copy of a public record may in-
28 stitute proceedings for injunctive or declaratory relief in the appropriate
29 circuit court, as specified in ORS 192.401, 192.411 or 192.415, and the Attor-
30 ney General or district attorney may upon request serve or decline to serve,

1 in the discretion of the Attorney General or district attorney, as counsel in
2 such suit for an elected official for which the Attorney General or district
3 attorney ordinarily serves as counsel. Nothing in this section shall preclude
4 an elected official from requesting advice from the Attorney General or a
5 district attorney as to whether a public record should be disclosed.

6 **“SECTION 11.** ORS 192.431 is amended to read:

7 “192.431. (1) In any suit filed under ORS 192.401, **192.407**, 192.411, 192.415,
8 192.422 or 192.427, the court has jurisdiction to enjoin the public body from
9 withholding records and to order the production of any records improperly
10 withheld from the person seeking disclosure. The court shall determine the
11 matter de novo and the burden is on the public body to sustain its action.
12 The court, on its own motion, may view the documents in controversy in
13 camera before reaching a decision. Any noncompliance with the order of the
14 court may be punished as contempt of court.

15 “(2) Except as to causes the court considers of greater importance, pro-
16 ceedings arising under ORS 192.401, **192.407**, 192.411, 192.415, 192.422 or
17 192.427 take precedence on the docket over all other causes and shall be as-
18 signed for hearing and trial at the earliest practicable date and expedited in
19 every way.

20 “(3) If a person seeking the right to inspect or to receive a copy of a
21 public record prevails in the suit, the person shall be awarded costs and
22 disbursements and reasonable attorney fees at trial and on appeal. If the
23 person prevails in part, the court may in its discretion award the person
24 costs and disbursements and reasonable attorney fees at trial and on appeal,
25 or an appropriate portion thereof. If the state agency failed to comply with
26 the Attorney General’s order in full and did not issue a notice of intention
27 to institute proceedings pursuant to ORS 192.411 (2) within seven days after
28 issuance of the order, or did not institute the proceedings within seven days
29 after issuance of the notice, the petitioner shall be awarded costs of suit at
30 the trial level and reasonable attorney fees regardless of which party insti-

1 tuted the suit and regardless of which party prevailed therein.

2 **“SECTION 12. Section 13 of this 2025 Act is added to and made a**
3 **part of ORS chapter 180.**

4 **“SECTION 13. (1) The Public Record Fund is established in the State**
5 **Treasury, separate and distinct from the General Fund. The Public**
6 **Record Fund consists of moneys deposited into the fund under ORS**
7 **192.324.**

8 **“(2) Moneys in the fund are continuously appropriated to the De-**
9 **partment of Justice.**

10 **“(3) The department shall use the moneys in the fund for purposes**
11 **of adjudicating public records appeals as described in ORS 192.407,**
12 **192.411, 192.415, 192.418 and 192.427.**

13 **“(4) Notwithstanding subsection (3) of this section, moneys depos-**
14 **ited into the fund by a public body, as defined in ORS 192.311, other**
15 **than a state agency as defined in ORS 192.311, with administrative of-**
16 **fices located in a county with a population exceeding 700,000 residents**
17 **shall be distributed to the district attorney’s office in that county for**
18 **purposes of adjudicating public record appeals as described in ORS**
19 **192.407, 192.411, 192.415, 192.418 and 192.427.**

20 **“(5) Notwithstanding ORS 293.140, interest earned on moneys de-**
21 **posited in the Public Record Fund shall be credited to the fund.**

22 **“SECTION 14. ORS 276A.500 is amended to read:**

23 **“276A.500. As used in ORS 276A.500 to 276A.515:**

24 **“(1) ‘Critical infrastructure information’ means information about**
25 **infrastructure that is so vital to this state or the United States that the in-**
26 **capacity or destruction of the infrastructure would detrimentally affect the**
27 **personal and economic security, health or safety of residents of this state,**
28 **including information about the security of items listed in ORS 192.355 (33).**

29 **“(2) ‘Custodian’ has the meaning given that term in ORS 192.311 [(2)(b)].**

30 **“(3) ‘Geographic information’ means geographic data as that term is de-**

financed in ORS 276A.203 (4)(b).

“(4) ‘Geographic information system’ has the meaning given that term in ORS 276A.203 (4)(b).

“(5) ‘Geospatial framework data’ means geographic information that a public body, under applicable provisions of law or on the basis of scientific methodology, technical standards or technical expertise, creates, generates, provides or aggregates and that the Oregon Geographic Information Council, in consultation with the public body, identifies as necessary to support the business processes of a governmental agency.

“(6) ‘Public body’ has the meaning given that term in ORS 174.109.

“SECTION 15. The amendments to ORS 192.311, 192.324, 192.329, 192.340, 192.407, 192.411, 192.415, 192.422, 192.427 and 192.431 by sections 1 to 11 of this 2025 Act apply to public records requests initiated on or after January 1, 2026.”.

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Proposed Amendments to SB 1077