

HB 4088-4
(LC 49)
2/5/26 (LAS/ps)

Requested by Representative FRAGALA

**PROPOSED AMENDMENTS TO
HOUSE BILL 4088**

1 On page 2 of the printed bill, line 17, after “(2)” insert “(a)”.

2 After line 23, insert:

3 “(b) Nothing in this subsection prohibits an officer, employee or agent of
4 a public body from disclosing information that is responsive to an investi-
5 gation or inquiry described in paragraph (a) of this subsection to the extent
6 the information is available to the general public provided the disclosure is
7 made under the same terms and conditions as the information is made
8 available to the general public.”.

9 On page 4, line 18, delete “oral or written”.

10 In line 22, after “activities” insert a period and delete the rest of the line
11 and delete line 23.

12 In line 24, after “(2)” insert “Except to the extent an individual consents
13 to the information’s disclosure, the individual’s”.

14 On page 6, delete lines 11 through 45 and delete pages 7 through 11.

15 On page 12, delete lines 1 to 33 and insert:

16 **“SECTION 13.** ORS 192.345 is amended to read:

17 “192.345. The following public records are exempt from disclosure under
18 ORS 192.311 to 192.478 unless the public interest requires disclosure in the
19 particular instance:

20 “(1) Records of a public body pertaining to litigation to which the public
21 body is a party if the complaint has been filed, or if the complaint has not

1 been filed, if the public body shows that such litigation is reasonably likely
2 to occur. This exemption does not apply to litigation which has been con-
3 cluded, and nothing in this subsection shall limit any right or opportunity
4 granted by discovery or deposition statutes to a party to litigation or po-
5 tential litigation.

6 “(2) Trade secrets. ‘Trade secrets,’ as used in this section, may include,
7 but are not limited to, any formula, plan, pattern, process, tool, mechanism,
8 compound, procedure, production data, or compilation of information which
9 is not patented, which is known only to certain individuals within an or-
10 ganization and which is used in a business it conducts, having actual or
11 potential commercial value, and which gives its user an opportunity to ob-
12 tain a business advantage over competitors who do not know or use it.

13 “(3) Investigatory information compiled for criminal law purposes. The
14 record of an arrest or the report of a crime shall be disclosed unless and only
15 for so long as there is a clear need to delay disclosure in the course of a
16 specific investigation, including the need to protect the complaining party
17 or the victim. Nothing in this subsection shall limit any right constitu-
18 tionally guaranteed, or granted by statute, to disclosure or discovery in
19 criminal cases. For purposes of this subsection, the record of an arrest or the
20 report of a crime includes, but is not limited to:

21 “(a) The arrested person’s name, age, residence, employment, marital sta-
22 tus and similar biographical information;

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

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

25 “(d) The identity of and biographical information concerning both com-
26 plaining party and victim;

27 “(e) The identity of the investigating and arresting agency and the length
28 of the investigation;

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

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

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

10 “(5) Information consisting of production records, sale or purchase records
11 or catch records, or similar business records of a private concern or enter-
12 prise, required by law to be submitted to or inspected by a governmental
13 body to allow it to determine fees or assessments payable or to establish
14 production quotas, and the amounts of such fees or assessments payable or
15 paid, to the extent that such information is in a form that would permit
16 identification of the individual concern or enterprise. This exemption does
17 not include records submitted by long term care facilities as defined in ORS
18 442.015 to the state for purposes of reimbursement of expenses or determining
19 fees for patient care. Nothing in this subsection shall limit the use that can
20 be made of such information for regulatory purposes or its admissibility in
21 any enforcement proceeding.

22 “(6) Information relating to the appraisal of real estate prior to its ac-
23 quisition.

24 “(7) The names and signatures of employees who sign authorization cards
25 or petitions for the purpose of requesting representation or decertification
26 elections.

27 “(8) Investigatory information relating to any complaint filed under ORS
28 659A.820 or 659A.825, until such time as the complaint is resolved under ORS
29 659A.835, or a final order is issued under ORS 659A.850.

30 “(9) Investigatory information relating to any complaint or charge filed

1 under ORS 243.676 and 663.180.

2 “(10) Records, reports and other information received or compiled by the
3 Director of the Department of Consumer and Business Services under ORS
4 697.732.

5 “(11) Information concerning the location of archaeological sites or ob-
6 jects as those terms are defined in ORS 358.905, except if the governing body
7 of an Indian tribe requests the information and the need for the information
8 is related to that Indian tribe's cultural or religious activities. This ex-
9 emption does not include information relating to a site that is all or part
10 of an existing, commonly known and publicized tourist facility or attraction.

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

13 “(13) Fish and wildlife information developed pursuant to ORS 496.004,
14 496.172 and 498.026 or ORS 496.192 and 564.100, regarding the habitat, lo-
15 cation or population of any threatened species or endangered species.

16 “(14) Writings prepared by or under the direction of faculty of public ed-
17 ucational institutions, in connection with research, until publicly released,
18 copyrighted or patented.

19 “(15) Computer programs developed or purchased by or for any public
20 body for its own use. As used in this subsection, ‘computer program’ means
21 a series of instructions or statements which permit the functioning of a
22 computer system in a manner designed to provide storage, retrieval and ma-
23 nipulation of data from such computer system, and any associated documen-
24 tation and source material that explain how to operate the computer
25 program. ‘Computer program’ does not include:

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

28 “(b) Analyses, compilations and other manipulated forms of the original
29 data produced by use of the program; or

30 “(c) The mathematical and statistical formulas which would be used if the

1 manipulated forms of the original data were to be produced manually.

2 “(16) Data and information provided by participants to mediation under
3 ORS 36.256.

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

7 “(18) Specific operational plans in connection with an anticipated threat
8 to individual or public safety for deployment and use of personnel and
9 equipment, prepared or used by a public body, if public disclosure of the
10 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.
13 As used in this paragraph, ‘audit or audit report’ means any external or
14 internal audit or audit report pertaining to a telecommunications carrier, as
15 defined in ORS 133.721, or pertaining to a corporation having an affiliated
16 interest, as defined in ORS 759.390, with a telecommunications carrier that
17 is intended to make the operations of the entity more efficient, accurate or
18 compliant with applicable rules, procedures or standards, that may include
19 self-criticism and that has been filed by the telecommunications carrier or
20 affiliate under compulsion of state law. ‘Audit or audit report’ does not mean
21 an audit of a cost study that would be discoverable in a contested case pro-
22 ceeding and that is not subject to a protective order; and

23 “(b) Financial statements. As used in this paragraph, ‘financial
24 statement’ means a financial statement of a nonregulated corporation having
25 an affiliated interest, as defined in ORS 759.390, with a telecommunications
26 carrier, as defined in ORS 133.721.

27 “(20) The residence address of an elector if authorized under ORS 247.965
28 and subject to ORS 247.967.

29 “(21) The following records, communications and information submitted
30 to a housing authority as defined in ORS 456.005, or to an urban renewal

1 agency as defined in ORS 457.010, by applicants for and recipients of loans,
2 grants and tax credits:

3 “(a) Personal and corporate financial statements and information, in-
4 cluding tax returns;

5 “(b) Credit reports;

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

10 “(d) Market studies and analyses;

11 “(e) Articles of incorporation, partnership agreements and operating
12 agreements;

13 “(f) Commitment letters;

14 “(g) Project pro forma statements;

15 “(h) Project cost certifications and cost data;

16 “(i) Audits;

17 “(j) Project tenant correspondence requested to be confidential;

18 “(k) Tenant files relating to certification; and

19 “(L) Housing assistance payment requests.

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

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

22 “(b) Identify those areas of structural or operational vulnerability that
23 would permit unlawful disruption to, or interference with, services; or

24 “(c) Disrupt, interfere with or gain unauthorized access to public funds
25 or to information processing, communication or telecommunication systems,
26 including the information contained in the systems, that are used or operated
27 by a public body.

28 “(23) Records or information that would reveal or otherwise identify se-
29 curity measures, or weaknesses or potential weaknesses in security measures,
30 taken or recommended to be taken to protect:

1 “(a) An individual;
2 “(b) Buildings or other property;
3 “(c) Information processing, communication or telecommunication sys-
4 tems, including the information contained in the systems; or
5 “(d) Those operations of the Oregon State Lottery the security of which
6 are subject to study and evaluation under ORS 461.180 (6).

7 “(24) Personal information held by or under the direction of officials of
8 the Oregon Health and Science University or a public university listed in
9 ORS 352.002 about a person who has or who is interested in donating money
10 or property to the Oregon Health and Science University or a public uni-
11 versity, if the information is related to the family of the person, personal
12 assets of the person or is incidental information not related to the donation.

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

16 “(26) Records of the name and address of a person who files a report with
17 or pays an assessment to a commodity commission established under ORS
18 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the
19 Oregon Wheat Commission created under ORS 578.030.

20 “(27) Information provided to, obtained by or used by a public body to
21 authorize, originate, receive or authenticate a transfer of funds, including
22 but not limited to a credit card number, payment card expiration date,
23 password, financial institution account number and financial institution
24 routing number.

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

26 “(29) The electronic mail address of a student who attends a public uni-
27 versity listed in ORS 352.002 or Oregon Health and Science University.

28 “(30) The name, home address, professional address or location of a person
29 that is engaged in, or that provides goods or services for, medical research
30 at Oregon Health and Science University that is conducted using animals

1 other than rodents. This subsection does not apply to Oregon Health and
2 Science University press releases, websites or other publications circulated
3 to the general public.

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

8 "(a) The home address and home telephone number of the public safety
9 officer or county juvenile department employee contained in the voter reg-
10 istration records for the officer or employee.

11 "(b) The home address and home telephone number of the public safety
12 officer or county juvenile department employee contained in records of the
13 Department of Public Safety Standards and Training.

14 "(c) The name of the public safety officer or county juvenile department
15 employee contained in county real property assessment or taxation records.

16 This exemption:

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

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

22 "(C) Applies until the officer or employee requests termination of the ex-
23 emption;

24 "(D) Does not apply to disclosure of records among public bodies as de-
25 fined in ORS 174.109 for governmental purposes; and

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

29 "(32) Unless the public records request is made by a financial institution,
30 as defined in ORS 706.008, consumer finance company licensed under ORS

1 chapter 725, mortgage banker or mortgage broker licensed under ORS
2 86A.095 to 86A.198, or title company for business purposes, records described
3 in paragraph (a) of this subsection, if the exemption from disclosure of the
4 records is sought by an individual described in paragraph (b) of this sub-
5 section using the procedure described in paragraph (c) of this subsection:

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

9 “(A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance,
10 release, satisfaction, substitution of trustee, easement, dog license, marriage
11 license or military discharge record that is in the possession of the county
12 clerk; or

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

14 “(b) The individual claiming the exemption from disclosure must be a
15 district attorney, a deputy district attorney, the Attorney General or an as-
16 sistant attorney general, the United States Attorney for the District of
17 Oregon or an assistant United States attorney for the District of Oregon, a
18 city attorney who engages in the prosecution of criminal matters or a deputy
19 city attorney who engages in the prosecution of criminal matters.

20 “(c) The individual claiming the exemption from disclosure must do so by
21 filing the claim in writing with the public body for which the exemption from
22 disclosure is being claimed on a form prescribed by the public body. Unless
23 the claim is filed with the county clerk, the claim form shall list the public
24 records in the possession of the public body to which the exemption applies.
25 The exemption applies until the individual claiming the exemption requests
26 termination of the exemption or ceases to qualify for the exemption.

27 “(33) The following voluntary conservation agreements and reports:

28 “(a) Land management plans required for voluntary stewardship agree-
29 ments entered into under ORS 541.973; and

30 “(b) Written agreements relating to the conservation of greater sage

1 grouse entered into voluntarily by owners or occupiers of land with a soil
2 and water conservation district under ORS 568.550.

3 "(34) Sensitive business records or financial or commercial information
4 of the State Accident Insurance Fund Corporation that is not customarily
5 provided to business competitors. This exemption does not:

6 "(a) Apply to the formulas for determining dividends to be paid to em-
7 ployers insured by the State Accident Insurance Fund Corporation;

8 "(b) Apply to contracts for advertising, public relations or lobbying ser-
9 vices or to documents related to the formation of such contracts;

10 "(c) Apply to group insurance contracts or to documents relating to the
11 formation of such contracts, except that employer account records shall re-
12 main exempt from disclosure as provided in ORS 192.355 (35); or

13 "(d) Provide the basis for opposing the discovery of documents in litiga-
14 tion pursuant to the applicable rules of civil procedure.

15 "(35) Records of the Department of Public Safety Standards and Training
16 relating to investigations conducted under ORS 181A.640 or 181A.870 (6),
17 until the department issues the report described in ORS 181A.640 or 181A.870.

18 "(36) A medical examiner's report, autopsy report or laboratory test report
19 ordered by a medical examiner under ORS 146.117.

20 "(37) Any document or other information related to an audit of a public
21 body, as defined in ORS 174.109, that is in the custody of an auditor or audit
22 organization operating under nationally recognized government auditing
23 standards, until the auditor or audit organization issues a final audit report
24 in accordance with those standards or the audit is abandoned. This ex-
25 emption does not prohibit disclosure of a draft audit report that is provided
26 to the audited entity for the entity's response to the audit findings.

27 "(38)(a) Personally identifiable information collected as part of an elec-
28 tronic fare collection system of a mass transit system.

29 "(b) The exemption from disclosure in paragraph (a) of this subsection
30 does not apply to public records that have attributes of anonymity that are

1 sufficient, or that are aggregated into groupings that are broad enough, to
2 ensure that persons cannot be identified by disclosure of the public records.

3 “(c) As used in this subsection:

4 “(A) ‘Electronic fare collection system’ means the software and hardware
5 used for, associated with or relating to the collection of transit fares for a
6 mass transit system, including but not limited to computers, radio commu-
7 nication systems, personal mobile devices, wearable technology, fare instru-
8 ments, information technology, data storage or collection equipment, or other
9 equipment or improvements.

10 “(B) ‘Mass transit system’ has the meaning given that term in ORS
11 267.010.

12 “(C) ‘Personally identifiable information’ means all information relating
13 to a person that acquires or uses a transit pass or other fare payment me-
14 dium in connection with an electronic fare collection system, including but
15 not limited to:

16 “(i) Customer account information, date of birth, telephone number,
17 physical address, electronic mail address, credit or debit card information,
18 bank account information, Social Security or taxpayer identification number
19 or other identification number, transit pass or fare payment medium balances
20 or history, or similar personal information; or

21 “(ii) Travel dates, travel times, frequency of use, travel locations, service
22 types or vehicle use, or similar travel information.

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

24 “(A) The home address and home telephone number of the civil code
25 enforcement officer contained in the voter registration records for the offi-
26 cer.

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

29 “(i) Applies only to the name of the civil code enforcement officer and
30 any other owner of the property in connection with a specific property

1 identified by the officer in a request for exemption from disclosure;

2 “(ii) Applies only to records that may be made immediately available to

3 the public upon request in person, by telephone or using the Internet;

4 “(iii) Applies until the civil code enforcement officer requests termination

5 of the exemption;

6 “(iv) Does not apply to disclosure of records among public bodies as de-

7 fined in ORS 174.109 for governmental purposes; and

8 “(v) May not result in liability for the county if the name of the civil code

9 enforcement officer is disclosed after a request for exemption from disclosure

10 is made under this subsection.

11 “(b) As used in this subsection, ‘civil code enforcement officer’ means an

12 employee of a public body, as defined in ORS 174.109, who is charged with

13 enforcing laws or ordinances relating to land use, zoning, use of rights-of-

14 way, solid waste, hazardous waste, sewage treatment and disposal or the

15 state building code.

16 “(40) Audio or video recordings, whether digital or analog, resulting from

17 a law enforcement officer’s operation of a video camera worn upon the

18 officer’s person that records the officer’s interactions with members of the

19 public while the officer is on duty. When a recording described in this sub-

20 section is subject to disclosure, the following apply:

21 “(a) Recordings that have been sealed in a court’s record of a court pro-

22 ceeding or otherwise ordered by a court not to be disclosed may not be dis-

23 closed.

24 “(b) A request for disclosure under this subsection must identify the ap-

25 proximate date and time of an incident for which the recordings are re-

26 quested and be reasonably tailored to include only that material for which

27 a public interest requires disclosure.

28 “(c) A video recording disclosed under this subsection must, prior to dis-

29 closure, be edited in a manner as to render the faces of all persons within

30 the recording unidentifiable.

1 “(41) The contents of tips reported to a tip line, as defined in ORS 339.329.
2 However, personally identifiable information, as defined in ORS 339.329, is
3 not subject to public interest balancing under this section and remains ex-
4 empt from disclosure except as provided in ORS 339.329.

5 “(42) Residential addresses of individuals with intellectual or develop-
6 mental disabilities residing in adult foster homes as defined in ORS 443.705
7 or residential training facilities or residential training homes as those terms
8 are defined in ORS 443.400.

9 “(43) The name, **image, home telephone number**, home address, pro-
10 fessional address or location of an individual who is *[authorized to provide*
11 *physical and behavioral health care services in this state and who provides]*
12 **engaged in the provision of** reproductive and gender-affirming health care
13 services.”.

14 On page 16, delete lines 18 through 30 and insert:

15 **“SECTION 17. Applicability.** The amendments to ORS 33.420 and
16 33.460 by sections 11 and 12 of this 2026 Act apply to an application for
17 change of name, application for legal change of sex or application for
18 simultaneous change of name and legal change of sex that is filed with
19 the court on or after July 1, 2026, and, upon motion of the applicant,
20 to an application for legal change of sex or application for simultane-
21 ous change of name and legal change of sex that was filed with the
22 court before July 1, 2026.

23 **“SECTION 18. Delayed operative date.** (1) The amendments to ORS
24 33.420 and 33.460 by sections 11 and 12 of this 2026 Act become operative
25 on July 1, 2026.

26 **“(2) The Judicial Department may take any action before the oper-
27 ative date specified in subsection (1) of this section that is necessary
28 to enable the department to exercise, on and after the operative date
29 specified in subsection (1) of this section, all of the duties, functions
30 and powers conferred on the department by the amendments to ORS**

1 33.420 and 33.460 by sections 11 and 12 of this 2026 Act.

2 **“SECTION 19. Captions.** The unit and section captions used in this
3 2026 Act are provided only for the convenience of the reader and do
4 not become part of the statutory law of this state or express any leg-
5 islative intent in the enactment of this 2026 Act.

6 **“SECTION 20. Emergency.** This 2026 Act being necessary for the
7 immediate preservation of the public peace, health and safety, an
8 emergency is declared to exist, and this 2026 Act takes effect on its
9 passage.”.

10