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**Testimony Regarding the Dash 2 Amendment to SB 1516  
Regulation of Automatic License Plate Readers  
Senate Judiciary Committee  
February 11, 2026**

Chair Prozanski, Vice-Chair Thatcher, and members of the Committee,

On behalf of the Oregon Law Center, thank you for the opportunity to submit testimony regarding the Dash 2 Amendments to SB 1516, regulating automatic license plate reader use.

**SUMMARY**

The Dash 2 Amendments to SB 1516 will provide crucial safeguards in an otherwise unregulated environment. They will ensure that Oregonians can enjoy the public safety benefits of ALPRs without the significant harm that occurs when their information falls into wrong hands.

Attached we provide simple comments to the Dash 2 amendments, focused on the following:

1. Narrow access to address only true public safety threats.
  - Ban the use of ALPRs for immigration enforcement. (Section 5(2)(e)).
  - Allow access to investigate crimes, not minor infractions. (Section 5(2), (4)(f)).
  - For non-Oregon agencies, require probable cause connecting the person or vehicle to a crime. (Section 6(2)(b)).
2. Ensure transparency.
  - Require search entry logs include the nature of the offense under investigation. (Section 5(4)(c)(A), Section 6(2)(b)).
  - Require search entry logs include the names of non-Oregon agencies requesting and receiving data. (Section 7(1)(i)(B)).
3. Ensure accountability and enforceability (Section 10(4)).
  - The cause of action for injunctive relief should apply to *both* vendors and law enforcement agencies so that Oregonians can rely on both parties to comply. This imposes no attorney fees or damage awards, but merely provides some mechanism to ensure compliance. (Section 10(4)).
  - Require agencies to at least explore amending their contracts with ALPR vendors, where possible; we cannot wait years until renewal. (Section 9(2)(a)).

**BACKGROUND**

Oregon Law Center is a civil legal aid organization that provides free legal services to low-income Oregonians, including immigrants. Through that work, we have become aware of ALPR technology putting vulnerable Oregonians at risk.

ALPRs have proliferated statewide. Some communities, like Eugene, went from zero devices to dozens (56) in a matter of days. For this fiscal cycle, 29 Oregon agencies requested \$2 million from the Criminal Justice Commission for ALPRs. Many are installing ALPRs for the first time and may not appreciate the risks. Two thirds said that they would contract with Flock Safety.

Meanwhile, significant concerns have come to light regarding ALPR data use:

- Police departments outside of Oregon have accessed and shared data for purposes prohibited in a given jurisdiction—like abortion bans and immigration enforcement.
- Local agencies outside of Oregon have conducted side-door searches on behalf of ICE.
- Federal agents have used credentials of departments outside Oregon to gain access.
- Flock Safety, the top vendor for ALPRs, had a secret pilot project with federal law enforcement (including Department of Homeland Security) permitting backdoor access.

Senator Wyden concluded that assurances against abuse were not enough.

It has become increasingly difficult to monitor who accesses Oregonians' data and why. Reasons provided for searches may be vague or misleading, some departments around the United States instruct officers to obfuscate. Officials gain access regardless of their reasons (the illegality may not be discovered until a later audit). Researchers concluded that it is "impossible" to determine who actually accesses data. Oregon agencies may comply with laws like the Sanctuary Promise Act, but they cannot guarantee that outside actors will do the same.

## EXAMPLES OF MISUSE

Public records reveal that ALPR data in Oregon is used for immigration enforcement. Federal immigration authorities have gained access to Oregonians' data via (1) direct access and (2) side-door access through agencies outside Oregon. In June 2025, networks of six Oregon agencies were searched as follows:

JUNE 2025 SEARCHES					
Agency	Border Patrol Searches	Searches on behalf of immigration enforcement by other agencies nationwide.			
		For ICE*	For Immigration	For CBP	For HSI
Eugene Police	197	141	14	51	134
Bend Police	118	82	0	22	57
Roseburg Police	630	73	7	45	139
Klamath Falls Police	0	261	2	0	78
Josephine County Sheriff	197	141	14	50	131
Albany Police	197	141	14	49	131

\* ICE is Immigration and Customs Enforcement, CBP is Customs and Border Patrol, HSI is Homeland Security Investigations.

Agencies nationwide have continued to access Oregonians' data for immigration.

<b>RECENT SEARCHES</b>				
Agency	Searches on behalf of immigration enforcement by other agencies nationwide.			
	For ICE	For CBP	For HSI or Homeland Security	For USMS*
Roseburg Police (11/2025)	0	5	71	103
Klamath Falls Police (12/2025)	85	3	18	285
Josephine County Sheriff (11/2025)	0	0	156	161
Albany Police (12/2025)	1	6	61	120

\* USMS is the U.S. Marshals Service, which has been deputized for immigration enforcement.

**Lawmakers can act now to protect the data of vulnerable Oregonians.**

- Limit access to ALPR data to real public safety threats.**  
We can ensure that ALPRs allow law enforcement to effectively address threats to public safety while minimizing the risk of harm by limiting ALPR use. We propose restricting hot lists and searches to investigations of crimes for which reasonable suspicion exists to support searching a particular vehicle or geographic area and timeframe. Minor traffic infractions and other low-level violations do not justify searching a person's movements for a month-long period, and can open the door to profiling and unintended consequences.
- Expressly prohibit the use of ALPR data for any immigration enforcement.**  
We have seen Oregon ALPR networks searched thousands of times for these reasons over the last year, including recently. In the past, at least one agency, Medford Police, conducted searches for immigration enforcement. A prohibition should be written into provisions pertaining to agencies as well as to contracts with vendors.
- Have safeguards to limit ALPR access for agencies outside Oregon.**  
Safeguards are most crucial for agencies of other states and the federal government who may not recognize many rights protected in the State of Oregon related to immigration enforcement and health care access. To ensure that our data is only used for legitimate reasons, we should require a higher threshold for out of state agencies to access Oregon networks. This data should only be released for specific and clearly identified public safety purposes—when probable cause exists connecting the person or vehicle to a non-immigration misdemeanor or felony.

This safeguard recognizes that outside jurisdictions have a more limited interest in

movements that occur in Oregon. (For instance, they would not be investigating a chain of robberies of Oregon stores.) It also protects against “side-door” access for federal immigration officials.

- **Provide a retention period which balances privacy and public safety.** The best way to protect data is to not collect or store it. The longer the retention period, the greater the risk of officials tracking and predicting the movements of vulnerable community members, like immigrant Oregonians, and targeting them. It becomes increasingly crucial to have other safeguards, like strong encryption standards and high thresholds for access. The shorter the retention period, the less risk of misuse and harm.

30 days has been the industry default in Oregon to date. That period has been sufficient for law enforcement to do its job. 30 days already reveals a lot about where people work, travel, receive healthcare, and so on. Any longer window will put Oregonians in unnecessary peril.

- **Transparency through public records is crucial to accountability and oversight.** It is vital to ensure that audits are publicly available. The law should require agencies (1) to track who queried ALPR data and why with particularity (especially around the nature of offense being investigated), and (2) to provide those audits upon request without burdensome exemptions and expense.
- **The law must be enforceable.** The availability of a private cause of action will ensure that the public can hold *both* agencies and vendors accountable for misuse of their data. Once data is breached, the bell cannot be unrung. But a private cause of action can help mitigate and prevent future harm.

**We urge the committee to consider the threats as well as the benefits of the use of ALPR data in finalizing the language of the amendment. Specific feedback on the language of the amendment is attached.**

Thank you for your consideration.



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# OREGON LAW CENTER COMMENTS

SB 1516-2  
(LC 106)  
2/11/26 (MNJ/htl/ps)

Requested by SENATE COMMITTEE ON JUDICIARY

## PROPOSED AMENDMENTS TO SENATE BILL 1516

1      On page 1 of the printed bill, line 2, after “ORS” delete the rest of the  
2      line and delete line 3 and insert “135.230, 135.233, 137.865, 166.070 and 192.345;  
3      and declaring an emergency.”.

4      On page 3, after line 45, insert:

5

### 6      “AUTOMATED LICENSE PLATE RECOGNITION SYSTEMS

7

8      **“SECTION 4. Definitions.** As used in sections 4 to 8 of this 2026 Act:

9      “(1) ‘Alert’ means a notification generated by an automated license  
10     plate recognition system indicating that a vehicle’s license plate  
11     number or other vehicle characteristics match information contained  
12     in a hot list or database described in section 5 of this 2026 Act.

13     “(2) ‘Authorized user’ means a law enforcement officer or other  
14     employee of a law enforcement agency who is authorized to deploy or  
15     use an automated license plate recognition system or captured license  
16     plate data in accordance with the provisions of sections 4 to 8 of this  
17     2026 Act.

18     “(3)(a) ‘Automated license plate recognition system’ means one or  
19     more high-speed cameras combined with computer algorithms used to  
20     convert images of license plates or other vehicle characteristics into  
21     computer-readable data.

# OREGON LAW CENTER COMMENTS

1       “(b) ‘Automated license plate recognition system’ does not include  
2       a photo red light camera described in ORS 810.434 when used for  
3       enforcement of ORS 811.265 or a photo radar unit when used for  
4       enforcement of ORS 811.111.

5       “(4) ‘Captured license plate data’ means the global positioning sys-  
6       tem coordinates, date and time, video, photograph, license plate  
7       number, vehicle characteristics or any other related data or informa-  
8       tion collected by an automated license plate recognition system.

9       “(5) ‘End-to-end encryption’ means a method of data encryption  
10      that ensures only the owner of the captured license plate data pos-  
11      sesses the capability to decrypt, access or grant access to the data.

12       “(6) ‘Law enforcement agency’ has the meaning given that term in  
13      ORS 181A.775.

14       “(7) ‘Law enforcement purpose’ means an authorized use of an au-  
15      tomated license plate recognition system or captured license plate data  
16      under section 5 of this 2026 Act.

17       “(8) ‘Secured area’ means an area, enclosed by clear boundaries, to  
18      which access is limited or not open to the public and entry is obtain-  
19      able only through specific access control points.

20       “SECTION 5. Authorized uses of ALPR systems by law enforcement;  
21       requirements for use. (1) Except as provided under sections 4 to 8 of  
22      this 2026 Act, a law enforcement agency may not use an automated  
23      license plate recognition system or captured license plate data.

24       “(2) A law enforcement agency may use an automated license plate  
25      recognition system or captured license plate data for the purpose of:

26       “(a) Identifying a vehicle for which reasonable suspicion exists  
          that was used to facilitate the commission

27       of a crime or used to avoid apprehension for commission of a crime,  
28      provided that the crime:

29       “(A) Constitutes a crime under the laws of this state as defined  
          under ORS 161.515; or

30       “(B) If committed in another state or jurisdiction, constitutes a

SB 1516-2 2/11/26

Proposed Amendments to SB 1516

Page 2

**Commented [HM1]:** Comments in this section aim to ensure (1) the sensitive data is accessed for significant public safety issues, not any low-level infraction; (2) data is never accessed for federal immigration enforcement purposes.

# OREGON LAW CENTER COMMENTS

1    crime that is substantially equivalent to a crime under the laws of this  
2    state as defined under ORS 161.515; or  
3        "(C) Constitutes a federal crime, provided that the use does not  
4        conflict with any other law of this state;  
5        ~~"(b) Identifying a vehicle that was used to facilitate the commission  
6        of a violation as described in ORS 153.008, excluding a traffic violation  
7        as defined in ORS 801.557;~~  
85        "(c) Identifying a vehicle that is registered to a person for whom  
96        there is an outstanding criminal warrant for arrest, provided that the  
107        warrant is:  
118        "(A) For a crime that constitutes a crime under the laws of this  
129        State as defined under ORS 161.515;  
1310        "(B) For a crime that, if committed in another state or jurisdiction,  
1411        constitutes a crime that is substantially equivalent to a crime under  
1512        the laws of this state as defined under ORS 161.515; or  
1613        "(C) A federal judicial warrant for arrest;  
1714        "(d) Identifying a vehicle that is associated with a missing or en-  
1815        dangered person, including a person who is the subject of an Amber  
16        Alert or Silver Alert;  
31        (e) A law enforcement agency may not use an automated  
491        license plate recognition system or captured license plate data for the  
          purpose of enforcing federal immigration laws.  
20        ~~"(e) Identifying an uninsured vehicle, as that term is defined in~~  
21        ~~ORS 742.504;~~  
22        ~~"(f) Identifying a vehicle that is not registered as required under~~  
23        ~~the Oregon Vehicle Code or ORS chapter 826;~~  
2422        "(g) Regulating the use of parking facilities; or  
2523        "(h) Controlling access to secured areas.  
2624        "(3) Captured license plate data may be retained for no more than  
2725        30 days after the data is collected for data not related to a court pro-  
2826        ceeding or ongoing criminal investigation, or for the same period of

## OREGON LAW CENTER COMMENTS

2927 time that evidence is retained in the normal course of the court's  
3028 business for data related to a court proceeding.

# OREGON LAW CENTER COMMENTS

1       “(4)(a) A law enforcement agency may compare captured license  
2 plate data with information contained in:

3       “(A) Records held by the Department of Transportation;

4       “(B) The databases of the National Crime Information Center  
5 maintained by the Federal Bureau of Investigation;

6       “(C) The Law Enforcement Data System maintained by the De-  
7 partment of State Police or an equivalent system maintained by an-  
8 other state;

9       “(D) The records of the Federal Bureau of Investigation related to  
10 kidnappings and missing persons;

11       “(E) The missing children and adults clearinghouse established un-  
12 der ORS 181A.300; or

13       “(F) Hot lists **for crimes** created or maintained by the law  
enforcement agency

14 using the automated license plate recognition system or equivalent  
15 databases created or maintained by an agency of another state that  
16 enforces criminal laws.

17       “(b) A law enforcement agency may compare captured license plate  
18 data only with information contained in a system, hot list or database  
19 described in paragraph (a)(C) or (F) of this subsection if the system,  
20 hot list or database is updated frequently enough to ensure the infor-  
21 mation contained therein is accurate, relevant, timely and complete.

22       “(c) A law enforcement officer or other employee of a law enforce-  
23 ment agency who adds a license plate number, vehicle description or  
24 other entry to a hot list must include in the entry:

25       “(A) The specific law enforcement purpose for the entry, including  
the nature of the offense under investigation;

26       “(B) The name of the officer or other employee who adds the entry;  
27 and

28       “(C) If the officer or other employee adds the entry on behalf of  
29 another employee of the law enforcement agency, the name of that  
30 other employee.

SB 1516-2 2/11/26

Proposed Amendments to SB 1516

Page 5

**Commented [HM2]:** This again ensures that the data is used for higher level public safety issues.

**Commented [HM3]:** This addition occurs throughout to ensure that the public has meaningful information regarding how and why the data is used. Currently, the reason or purpose will be vague and indecipherable (e.g., “investigation”). This ensures transparency and oversight.

1       “(5) A law enforcement officer or other employee of a law enforcement agency who searches captured license plate data collected by an  
2 automated license plate recognition system under this section shall  
3 include the following information in the search entry log for the au-  
4 tomated license plate recognition system:

5       “(a) The authorized user identifier of the person who conducts the  
6 search;

7       “(b) The law enforcement agency that employs the person who  
8 conducts the search;

9       “(c) The search inputs used;

10       “(d) The date and time of the search;

11       “(e) Any applicable case or reference number;

12       “(f) The specific law enforcement purpose for the search; and

13       ~~“(g) If the search is related to an investigation of a crime or vio-~~  
14 ~~lation, the specific type of offense crime or violation being~~  
15 ~~investigated.~~

16       “(6) Before a law enforcement officer conducts a traffic stop of a  
17 driver of a motor vehicle based on an alert, the law enforcement offi-  
18 cer or other authorized user shall visually confirm that the vehicle's  
19 license plate number, issuing state and other vehicle characteristics  
20 match the alert and that the traffic stop complies with agency policy  
21 and applicable law.

22       “(7) A law enforcement agency may request access to captured li-  
23 cense plate data collected by a private person or entity, provided that  
24 the agency accesses or otherwise uses the data for a law enforcement  
25 purpose.

26       ~~“SECTION 6. Data sharing limitations for law enforcement agen-~~  
27 ~~cies.~~ (1) A law enforcement agency may allow queries of the agency's  
28 captured license plate data by another law enforcement agency.

29       ~~“(2)(a) Except as provided in paragraph (b) of this subsection, a law~~  
30 ~~enforcement agency may not provide access to captured license plate~~

**Commented [HM4]:** This information should always be provided.

# OREGON LAW CENTER COMMENTS

1 data to any government entity or agency not created pursuant to the  
2 Oregon Constitution, or the laws or regulations of this state.

3 “(b) A law enforcement agency may provide captured license plate  
4 data to a government entity or agency not created pursuant to the  
5 Oregon Constitution, or the laws or regulations of this state for a law  
6 enforcement purpose in accordance with sections 4 to 8 of this 2026  
7 Act, where probable cause exists that the specific person or vehicle  
were involved in the commission of a crime as defined under ORS  
161.515. Captured license plate data provided under this subsection  
must

8 be limited to data relevant to the law enforcement purpose and may  
9 not include unrestricted or ongoing access to captured license plate  
10 data. A law enforcement agency that provides captured license plate  
11 data under this subsection must include the following information in  
12 the search entry log for the automated license plate recognition sys-  
13 tem:

14 “(A) The authorized user identifier of the person who conducts the  
15 search;

16 “(B) The law enforcement agency that employs the person who  
17 conducts the search;

18 “(C) The government agency or entity on whose behalf the search  
19 is conducted;

20 “(D) The date and time of the search;

21 “(E) The law enforcement purpose for the search, including the  
nature of the offense under investigation; and

22 “(F) The number of cameras or devices that were accessed or used  
23 as part of the search.

24 “(3) Nothing in this section prohibits a law enforcement agency  
25 from providing access to captured license plate data as may be re-  
26 quired by a judicial subpoena issued as part of a court proceeding or  
27 by another compulsory court-issued legal process.

28 “SECTION 7. ALPR system audits provided by vendor. (1) A vendor

**Commented [HM5]:** This ensures that the outside agency has a legitimate criminal investigation purpose, supported by facts., specific to the individual or vehicle.

## OREGON LAW CENTER COMMENTS

29 **that contracts with a law enforcement agency to provide the agency**  
30 **with an automated license plate recognition system or related services**

# OREGON LAW CENTER COMMENTS

1 shall provide to the agency a monthly audit of the system that is  
2 searchable and includes the following information for the preceding  
3 30-day period:

4       “(a) The number of automated license plate recognition systems  
5 installed, including cameras and devices;

6       “(b) The location of any fixed or permanent automated license plate  
7 recognition system, including cameras and devices;

8       “(c) The number of searches of captured license plate data collected  
9 by the automated license plate recognition system;

10       “(d) A list of any law enforcement agency that has access to the  
11 automated license plate recognition system;

12       “(e) The number of authorized users for the automated license plate  
13 recognition system;

14       “(f) The number of unique vehicles captured by the automated li-  
15 cense plate recognition system;

16       “(g) The number of alerts generated by the automated license plate  
17 recognition system;

18       “(h) The number of cameras or devices that were accessed or used  
19 by the law enforcement agency; and

20       “(i) For any search of captured license plate data collected by the  
21 automated license plate recognition system:

22       “(A) The authorized user identifier of the person who conducts the  
23 search;

2324       (B) If a search was conducted pursuant to Section 6, the name of the  
2325 governmental agency requesting and receiving the data.

2425       “(CB) The date and time of the search; and

2526       “(DC) The law enforcement purpose entered for the search.

2627       “(2) A vendor that contracts with a law enforcement agency to  
2728 provide the agency with an automated license plate recognition system  
2829 or related services shall provide to the agency a quarterly audit of the  
2930 system that is searchable and includes the following information for

**Commented [HM6]:** This ensures transparency around outside agency access—who is receiving Oregonians' data.

## OREGON LAW CENTER COMMENTS

2031 any search of captured license plate data collected by the automated

# OREGON LAW CENTER COMMENTS

1 license plate recognition system that is conducted during the preceding  
2 quarter on behalf of any government agency or entity that is not  
3 the law enforcement agency:

4       “(a) The authorized user identifier of the person who conducts the  
5 search;

6       “(b) The law enforcement agency that employs the person who  
7 conducts the search;

8       “(c) The government agency or entity on whose behalf the search  
9 is conducted;

10       “(d) The date and time of the search;

11       “(e) The law enforcement purpose entered for the search; and

12       “(f) The number of cameras or devices that were accessed or used  
13 as part of the search.

14       “(3) A law enforcement agency that receives an audit from a vendor  
15 under subsection (1) or (2) of this section shall publish the results of  
16 the audit, in accordance with the provisions of ORS 192.345 (44)(a), on  
17 the agency's website within two days of receiving the audit.

18       “SECTION 8. Law enforcement agency policies and procedures regarding ALPR systems; requirements. (1) Before deploying or using an  
19 automated license plate recognition system or captured license plate  
20 data, a law enforcement agency shall establish policies and procedures  
21 for the use of an automated license plate recognition system and the  
22 use, storage and retention of captured license plate data in accordance  
23 with sections 4 to 8 of this 2026 Act.

25       “(2) The policies and procedures described in subsection (1) of this  
26 section must include:

27       “(a) Requirements to ensure the security of the automated license  
28 plate recognition system and resulting captured license plate data,  
29 including rules governing access to the system and data;

30       “(b) Requirements to ensure that information contained in any hot

## OREGON LAW CENTER COMMENTS

1 list created or maintained by the law enforcement agency is accurate,  
2 relevant, timely and complete;

3       “(c) Training requirements for any authorized users regarding the  
4 deployment, use and security of the automated license plate recogni-  
5 tion system and captured license plate data;

6       “(d) Requirements for the retention and destruction of captured li-  
7 cense plate data;

8       “(e) A requirement that in any contract with a third party vendor  
9 for an automated license plate recognition system or related services,  
10 the contract must include terms providing that:

11       “(A) Captured license plate data collected by the automated license  
12 plate recognition system is the property of the law enforcement  
13 agency, is not owned by the vendor and cannot be used by or licensed  
14 to the vendor for any purpose inconsistent with the policies and pro-  
15 cedures of the law enforcement agency or the provisions of sections 4  
16 to 8 of this 2026 Act;

17       “(B) Any request received by the vendor for access to captured li-  
18 cense plate data collected by the automated license plate recognition  
19 system, including through a judicial warrant, judicial subpoena or  
20 administrative subpoena, shall be directed exclusively to the law  
21 enforcement agency that owns the data;

22       “(C) Captured license plate data must be encrypted using end-to-end  
23 encryption;

24       “(D) The vendor must be in compliance with the most current ver-  
25 sion of the Federal Bureau of Investigation Criminal Justice Informa-  
26 tion Services Security Policy, including, as applicable, execution of the  
27 Federal Bureau of Investigation Criminal Justice Information Services  
28 Security Addendum, audit rights and prompt notification of security  
29 incidents; and

30       “(E) The vendor may be held liable for the vendor’s misuse or im-

# OREGON LAW CENTER COMMENTS

1 proper release of captured license plate data collected by the auto-  
2 mated license plate recognition system, including damages for the  
3 misuse or improper release; and

4 “(f) A prohibition on the use of any captured license plate data  
5 collected by the automated license plate recognition system for any  
6 purpose not in accordance with sections 4 to 8 of this 2026 Act.

7 **“SECTION 9. Exception for current ALPR contracts.** (1) As used in  
8 this section:

9 “(a) ‘Automated license plate recognition system’ has the meaning  
10 given that term in section 4 of this 2026 Act.

11 “(b) ‘Captured license plate data’ has the meaning given that term  
12 in section 4 of this 2026 Act.

13 “(c) ‘Law enforcement agency’ has the meaning given that term in  
14 section 4 of this 2026 Act.

15 “(2)(a) Notwithstanding section 8 of this 2026 Act, if a law enforce-  
16 ment agency has deployed or is using an automated license plate re-  
17 cognition system on or after the effective date of this 2026 Act  
18 pursuant to a contract with a third party vendor for an automated li-  
19 cense plate recognition system or related services that was entered  
20 into prior to the effective date of this 2026 Act, the law enforcement  
21 agency may use the automated license plate recognition system in  
22 accordance with the terms of the existing contract for the duration  
23 of the contract. If the contract fails to comply with this act, The  
law enforcement agency will take all steps possible under the  
existing contract to amend terms that fail to comply with this  
Act, or to terminate the non-compliant contract. The law  
enforcement agency may not extend or renew  
the contract or enter into a new contract with a third party vendor  
for an automated license plate recognition system unless the law  
enforcement agency and any extended, renewed or new contract will  
be in compliance with the requirements of sections 4 to 8 of this 2026  
Act on and after the date on which the contract is extended, renewed

**Commented [HM7]:** If the contract permits  
amendments or termination, agencies need to  
explore it. We cannot wait 2 or 3 years to protect  
vulnerable Oregonians.

## OREGON LAW CENTER COMMENTS

29 **or entered into.**

30     **“(b) Notwithstanding paragraph (a) of this subsection, a law**

1 enforcement agency that uses an automated license plate recognition  
2 system on or after the effective date of this 2026 Act shall comply with  
3 the provisions of section 5 of this 2026 Act regardless of the date on  
4 which the agency enters, renews or extends a contract with a third  
5 party vendor for an automated license plate recognition system or re-  
6 lated services.

7 **“SECTION 10. Action for improper access or disclosure of captured**  
8 **license plate data; exceptions; attorney fees.** (1) As used in this sec-  
9 tion:

10 “(a) ‘Automated license plate recognition system’ has the meaning  
11 given that term in section 4 of this 2026 Act.

12 “(b) ‘Captured license plate data’ has the meaning given that term  
13 in section 4 of this 2026 Act.

14 “(c) ‘Law enforcement agency’ has the meaning given that term in  
15 section 4 of this 2026 Act.

16 “(2)(a) A vendor that contracts with a law enforcement agency to  
17 provide an automated license plate recognition system or related ser-  
18 vices may not access, disclose, sell, share or otherwise use captured  
19 license plate data collected by the automated license plate recognition  
20 system.

21 “(b) It is not a violation of paragraph (a) of this subsection for a  
22 vendor to:

23 “(A) Access captured license plate data collected by an automated  
24 license plate recognition system for the limited duration and purpose  
25 of providing technical support to the law enforcement agency for the  
26 system or data if the agency grants express consent for that duration  
27 and purpose; or

28 “(B) Provide the audit information described under section 7 of this  
29 2026 Act to a law enforcement agency.

30 “(3) If a vendor accesses, discloses, sells, shares or otherwise uses

# OREGON LAW CENTER COMMENTS

1   **captured license plate data related to an individual in violation of**  
2   **subsection (2)(a) of this section, the individual may bring a civil action**  
3   **against the vendor for economic and noneconomic damages and equi-**  
4   **table relief. If a court awards damages or equitable relief to the indi-**  
5   **vidual, the court may award reasonable attorney fees to the individual.**

6    “(4) Any person may bring a civil action against a vendor or law  
7    enforcement agency that vio-

8    lates subsection (2)(a) of this section to enjoin the violation.

9       “**SECTION 11.** ORS 137.865 is amended to read:

10       “137.865. (1) The Organized Retail Theft Grant Program is established to  
11       assist:

12       “(a) Cities and counties with the costs incurred by local law enforcement  
13       agencies in addressing organized retail theft; and

14       “(b) The Department of Justice with costs incurred by the department in  
15       addressing organized retail theft.

16       “(2) The Oregon Criminal Justice Commission shall administer the grant  
17       program described in subsection (1) of this section and shall award the  
18       grants described in this section.

19       “(3) The commission may adopt rules to administer the grant program,  
20       including:

21       “(a) A methodology for reviewing and approving grant applications and  
22       awarding grants;

23       “(b) A process for distributing any unallocated funds;

24       “(c) A process for evaluating the efficacy of programs and services funded  
25       by the grant program;

26       “(d) Provisions related to requests by grant recipients to adjust their  
27       grant awards; and

28       “(e) Provisions related to partnerships or collaborations between appli-  
29       cants.

30       “(4)(a) Moneys distributed to grant recipients under this section must be  
31       spent on costs associated with addressing and prosecuting organized retail

**Commented [HM8]:** This ensures accountability. If no violations occur, then there will be nothing to enjoin. But, given there is no attorney fee provision or damages, this is a small ask—to have a mechanism to seek compliance with these crucial protections.

# OREGON LAW CENTER COMMENTS

1 theft and may be used for the purchase of equipment.

2       **“(b) The use of any automated license plate recognition system, as**  
3 **defined in section 4 of this 2026 Act, purchased under this section must**  
4 **comply with the provisions of sections 4 to 8 of this 2026 Act.**

5       “(5) As used in this section, ‘equipment’ means any item used by peace  
6 officers, deputy district attorneys or retail asset protection investigators in  
7 detecting, investigating, documenting or adjudicating organized retail theft  
8 activities.

9       **“SECTION 12.** ORS 192.345 is amended to read:

10       “192.345. The following public records are exempt from disclosure under  
11 ORS 192.311 to 192.478 unless the public interest requires disclosure in the  
12 particular instance:

13       “(1) Records of a public body pertaining to litigation to which the public  
14 body is a party if the complaint has been filed, or if the complaint has not  
15 been filed, if the public body shows that such litigation is reasonably likely  
16 to occur. This exemption does not apply to litigation which has been con-  
17 cluded, and nothing in this subsection shall limit any right or opportunity  
18 granted by discovery or deposition statutes to a party to litigation or po-  
19 tential litigation.

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

27       “(3) Investigatory information compiled for criminal law purposes. The  
28 record of an arrest or the report of a crime shall be disclosed unless and only  
29 for so long as there is a clear need to delay disclosure in the course of a  
30 specific investigation, including the need to protect the complaining party

## OREGON LAW CENTER COMMENTS

1 or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the record of an arrest or the report of a crime includes, but is not limited to:

5       “(a) The arrested person’s name, age, residence, employment, marital status and similar biographical information;

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

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

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

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

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

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

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

24       “(5) Information consisting of production records, sale or purchase records or catch records, or similar business records of a private concern or enterprise, required by law to be submitted to or inspected by a governmental body to allow it to determine fees or assessments payable or to establish production quotas, and the amounts of such fees or assessments payable or paid, to the extent that such information is in a form that would permit identification of the individual concern or enterprise. This exemption does

## OREGON LAW CENTER COMMENTS

1 not include records submitted by long term care facilities as defined in ORS  
2 442.015 to the state for purposes of reimbursement of expenses or determining  
3 fees for patient care. Nothing in this subsection shall limit the use that can  
4 be made of such information for regulatory purposes or its admissibility in  
5 any enforcement proceeding.

6 "(6) Information relating to the appraisal of real estate prior to its ac-  
7 quisition.

8 "(7) The names and signatures of employees who sign authorization cards  
9 or petitions for the purpose of requesting representation or decertification  
10 elections.

11 "(8) Investigatory information relating to any complaint filed under ORS  
12 659A.820 or 659A.825, until such time as the complaint is resolved under ORS  
13 659A.835, or a final order is issued under ORS 659A.850.

14 "(9) Investigatory information relating to any complaint or charge filed  
15 under ORS 243.676 and 663.180.

16 "(10) Records, reports and other information received or compiled by the  
17 Director of the Department of Consumer and Business Services under ORS  
18 697.732.

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

25 "(12) A personnel discipline action, or materials or documents supporting  
26 that action.

27 "(13) Fish and wildlife information developed pursuant to ORS 496.004,  
28 496.172 and 498.026 or ORS 496.192 and 564.100, regarding the habitat, lo-  
29 cation or population of any threatened species or endangered species.

30 "(14) Writings prepared by or under the direction of faculty of public ed-

## OREGON LAW CENTER COMMENTS

1   ucational institutions, in connection with research, until publicly released,  
2   copyrighted or patented.

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

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

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

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

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

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

21       “(18) Specific operational plans in connection with an anticipated threat  
22   to individual or public safety for deployment and use of personnel and  
23   equipment, prepared or used by a public body, if public disclosure of the  
24   plans would endanger an individual’s life or physical safety or jeopardize a  
25   law enforcement activity.

26       “(19)(a) Audits or audit reports required of a telecommunications carrier.  
27   As used in this paragraph, ‘audit or audit report’ means any external or  
28   internal audit or audit report pertaining to a telecommunications carrier, as  
29   defined in ORS 133.721, or pertaining to a corporation having an affiliated  
30   interest, as defined in ORS 759.390, with a telecommunications carrier that

## OREGON LAW CENTER COMMENTS

1 is intended to make the operations of the entity more efficient, accurate or  
2 compliant with applicable rules, procedures or standards, that may include  
3 self-criticism and that has been filed by the telecommunications carrier or  
4 affiliate under compulsion of state law. 'Audit or audit report' does not mean  
5 an audit of a cost study that would be discoverable in a contested case pro-  
6 ceeding and that is not subject to a protective order; and

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

11        "(20) The residence address of an elector if authorized under ORS 247.965  
12 and subject to ORS 247.967.

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

17        "(a) Personal and corporate financial statements and information, in-  
18 cluding tax returns;

19        "(b) Credit reports;

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

24        "(d) Market studies and analyses;

25        "(e) Articles of incorporation, partnership agreements and operating  
26 agreements;

27        "(f) Commitment letters;

28        "(g) Project pro forma statements;

29        "(h) Project cost certifications and cost data;

30        "(i) Audits;

## OREGON LAW CENTER COMMENTS

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

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

3       “(L) Housing assistance payment requests.

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

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

6           “(b) Identify those areas of structural or operational vulnerability that

7       would permit unlawful disruption to, or interference with, services; or

8           “(c) Disrupt, interfere with or gain unauthorized access to public funds

9       or to information processing, communication or telecommunication systems,

10      including the information contained in the systems, that are used or operated

11     by a public body.

12       “(23) Records or information that would reveal or otherwise identify se-

13      curity measures, or weaknesses or potential weaknesses in security measures,

14      taken or recommended to be taken to protect:

15           “(a) An individual;

16           “(b) Buildings or other property;

17           “(c) Information processing, communication or telecommunication sys-

18      tems, including the information contained in the systems; or

19           “(d) Those operations of the Oregon State Lottery the security of which

20      are subject to study and evaluation under ORS 461.180 (6).

21       “(24) Personal information held by or under the direction of officials of

22      the Oregon Health and Science University or a public university listed in

23      ORS 352.002 about a person who has or who is interested in donating money

24      or property to the Oregon Health and Science University or a public uni-

25      versity, if the information is related to the family of the person, personal

26      assets of the person or is incidental information not related to the donation.

27       “(25) The home address, professional address and telephone number of a

28      person who has or who is interested in donating money or property to a

29      public university listed in ORS 352.002.

30       “(26) Records of the name and address of a person who files a report with

## OREGON LAW CENTER COMMENTS

1 or pays an assessment to a commodity commission established under ORS  
2 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the  
3 Oregon Wheat Commission created under ORS 578.030.

4 “(27) Information provided to, obtained by or used by a public body to  
5 authorize, originate, receive or authenticate a transfer of funds, including  
6 but not limited to a credit card number, payment card expiration date,  
7 password, financial institution account number and financial institution  
8 routing number.

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

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

12 “(30) The name, home address, professional address or location of a person  
13 that is engaged in, or that provides goods or services for, medical research  
14 at Oregon Health and Science University that is conducted using animals  
15 other than rodents. This subsection does not apply to Oregon Health and  
16 Science University press releases, websites or other publications circulated  
17 to the general public.

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

22 “(a) The home address and home telephone number of the public safety  
23 officer or county juvenile department employee contained in the voter reg-  
24 istration records for the officer or employee.

25 “(b) The home address and home telephone number of the public safety  
26 officer or county juvenile department employee contained in records of the  
27 Department of Public Safety Standards and Training.

28 “(c) The name of the public safety officer or county juvenile department  
29 employee contained in county real property assessment or taxation records.  
30 This exemption:

## OREGON LAW CENTER COMMENTS

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

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

6       “(C) Applies until the officer or employee requests termination of the ex-  
7   emption;

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

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

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

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

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

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

28       “(b) The individual claiming the exemption from disclosure must be a  
29   district attorney, a deputy district attorney, the Attorney General or an as-  
30   sistant attorney general, the United States Attorney for the District of

## OREGON LAW CENTER COMMENTS

1 Oregon or an assistant United States attorney for the District of Oregon, a  
2 city attorney who engages in the prosecution of criminal matters or a deputy  
3 city attorney who engages in the prosecution of criminal matters.

4       “(c) The individual claiming the exemption from disclosure must do so by  
5 filing the claim in writing with the public body for which the exemption from  
6 disclosure is being claimed on a form prescribed by the public body. Unless  
7 the claim is filed with the county clerk, the claim form shall list the public  
8 records in the possession of the public body to which the exemption applies.  
9 The exemption applies until the individual claiming the exemption requests  
10 termination of the exemption or ceases to qualify for the exemption.

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

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

14       “(b) Written agreements relating to the conservation of greater sage  
15 grouse entered into voluntarily by owners or occupiers of land with a soil  
16 and water conservation district under ORS 568.550.

17       “(34) Sensitive business records or financial or commercial information  
18 of the State Accident Insurance Fund Corporation that is not customarily  
19 provided to business competitors. This exemption does not:

20       “(a) Apply to the formulas for determining dividends to be paid to em-  
21 ployers insured by the State Accident Insurance Fund Corporation;

22       “(b) Apply to contracts for advertising, public relations or lobbying ser-  
23 vices or to documents related to the formation of such contracts;

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

27       “(d) Provide the basis for opposing the discovery of documents in litiga-  
28 tion pursuant to the applicable rules of civil procedure.

29       “(35) Records of the Department of Public Safety Standards and Training  
30 relating to investigations conducted under ORS 181A.640 or 181A.870 (6),

## OREGON LAW CENTER COMMENTS

1 until the department issues the report described in ORS 181A.640 or 181A.870.

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

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

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

13 "(b) The exemption from disclosure in paragraph (a) of this subsection  
14 does not apply to public records that have attributes of anonymity that are  
15 sufficient, or that are aggregated into groupings that are broad enough, to  
16 ensure that persons cannot be identified by disclosure of the public records.

17 "(c) As used in this subsection:

18 "(A) 'Electronic fare collection system' means the software and hardware  
19 used for, associated with or relating to the collection of transit fares for a  
20 mass transit system, including but not limited to computers, radio commu-  
21 nication systems, personal mobile devices, wearable technology, fare instru-  
22 ments, information technology, data storage or collection equipment, or other  
23 equipment or improvements.

24 "(B) 'Mass transit system' has the meaning given that term in ORS  
25 267.010.

26 "(C) 'Personally identifiable information' means all information relating  
27 to a person that acquires or uses a transit pass or other fare payment me-  
28 dium in connection with an electronic fare collection system, including but  
29 not limited to:

30 "(i) Customer account information, date of birth, telephone number,

## OREGON LAW CENTER COMMENTS

1 physical address, electronic mail address, credit or debit card information,  
2 bank account information, Social Security or taxpayer identification number  
3 or other identification number, transit pass or fare payment medium balances  
4 or history, or similar personal information; or  
5       (ii) Travel dates, travel times, frequency of use, travel locations, service  
6 types or vehicle use, or similar travel information.  
7       “(39)(a) If requested by a civil code enforcement officer:  
8           (A) The home address and home telephone number of the civil code  
9 enforcement officer contained in the voter registration records for the offi-  
10 cer.  
11       “(B) The name of the civil code enforcement officer contained in county  
12 real property assessment or taxation records. This exemption:  
13           (i) Applies only to the name of the civil code enforcement officer and  
14 any other owner of the property in connection with a specific property  
15 identified by the officer in a request for exemption from disclosure;  
16           (ii) Applies only to records that may be made immediately available to  
17 the public upon request in person, by telephone or using the Internet;  
18           (iii) Applies until the civil code enforcement officer requests termination  
19 of the exemption;  
20           (iv) Does not apply to disclosure of records among public bodies as de-  
21 fined in ORS 174.109 for governmental purposes; and  
22           (v) May not result in liability for the county if the name of the civil code  
23 enforcement officer is disclosed after a request for exemption from disclosure  
24 is made under this subsection.  
25       “(b) As used in this subsection, ‘civil code enforcement officer’ means an  
26 employee of a public body, as defined in ORS 174.109, who is charged with  
27 enforcing laws or ordinances relating to land use, zoning, use of rights-of-  
28 way, solid waste, hazardous waste, sewage treatment and disposal or the  
29 state building code.  
30       “(40) Audio or video recordings, whether digital or analog, resulting from

## OREGON LAW CENTER COMMENTS

1 a law enforcement officer's operation of a video camera worn upon the  
2 officer's person that records the officer's interactions with members of the  
3 public while the officer is on duty. When a recording described in this sub-  
4 section is subject to disclosure, the following apply:

5       “(a) Recordings that have been sealed in a court's record of a court pro-  
6 ceeding or otherwise ordered by a court not to be disclosed may not be dis-  
7 closed.

8       “(b) A request for disclosure under this subsection must identify the ap-  
9 proximate date and time of an incident for which the recordings are re-  
10 quested and be reasonably tailored to include only that material for which  
11 a public interest requires disclosure.

12       “(c) A video recording disclosed under this subsection must, prior to dis-  
13 closure, be edited in a manner as to render the faces of all persons within  
14 the recording unidentifiable.

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

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

23       “(43) The name, home address, professional address or location of an in-  
24 dividual who is authorized to provide physical and behavioral health care  
25 services in this state and who provides reproductive and gender-affirming  
26 health care services.

27       **“(44)(a) Captured license plate data, as that term is defined in sec-  
28 tion 4 of this 2026 Act, except that the contents of an audit described  
29 in section 7 of this 2026 Act shall be disclosed provided that the con-  
30 tents are, prior to disclosure, edited in a manner as to remove all**

# OREGON LAW CENTER COMMENTS

1 personally identifiable information, including any license plate number  
2 or vehicle characteristics relating to a person whose captured license  
3 plate data is collected by an automated license plate recognition sys-  
4 tem, as that term is defined in section 4 of this 2026 Act.

5 “(b) When captured license plate data is subject to conditional dis-  
6 closure, the following apply:

7 “(A) A request for disclosure under this subsection must identify  
8 the approximate date and time of the collection of captured license  
9 plate data for which the captured license plate data is requested and  
10 be reasonably tailored to include only that material for which a public  
11 interest requires disclosure.

12 “(B) A video recording or image disclosed under this subsection  
13 must, prior to disclosure, be edited in a manner as to render the faces  
14 of all persons within the recording or image unidentifiable.

15 “(C) Captured license plate data that has been sealed in a court’s  
16 record of a court proceeding or otherwise ordered by a court not to  
17 be disclosed may not be disclosed, unless otherwise contained in an  
18 audit described in section 7 of this 2026 Act.

19 “(c) Nothing in this subsection shall limit any right constitutionally  
20 guaranteed, or granted by statute, to disclosure or discovery in crim-  
21 inal cases.”.

22 On page 4, line 3, delete “4” and insert “12” and after “unit” insert “and  
23 section”.

24 In line 9, delete “5” and insert “13”.

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