

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	9 - 0 - 0
Yeas:	Barker, Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson
Nays:	0
Exc.:	0
Prepared By:	Darian Stanford, Counsel
Meeting Dates:	4/4

WHAT THE MEASURE DOES: Exempts law enforcement officers from crime of failing to disclose that conversation is being recorded to participants. Specifies that exception does not apply if officer has reasonable opportunity to inform participants that conversation is being recorded.

ISSUES DISCUSSED:

- Use of mounted recording cameras in police vehicles

EFFECT OF COMMITTEE AMENDMENT: Specifies that exception does not apply if officer has reasonable opportunity to inform participants that conversation is being recorded.

BACKGROUND: ORS 165.540 generally makes it a Class A misdemeanor for a person to record conversations without the knowledge of all participants. There are certain exceptions, including but not limited to jail conversations and the recording of any conversation during a felony that endangers human life.

HB 2651 adds a new exception for a “law enforcement officer” if the officer is in uniform, displaying a badge and operating a vehicle-mounted video camera that records the scene around a police vehicle for the duration of an event that began as an effort to enforce a traffic or vehicle law.

Many officers have video recording devices in their police vehicles and use such devices in connection with traffic stops. Though officers tell the subject of the stop that their conversation is being recorded, it is possible during a lengthy traffic stop that other persons might enter the video camera’s area and be recorded without the person’s knowledge. HB 2651 prevents officers from being criminally liable for such actions.