

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	5 - 0 - 0
Yeas:	Avakian, Ferrioli, Kruse, Monnes Anderson, Brown
Nays:	0
Exc.:	0
Prepared By:	Marjorie Taylor, Administrator
Meeting Dates:	6/13

WHAT THE MEASURE DOES: Exempts law enforcement officers from crime of failing to disclose that conversation is being recorded to participants in situations involving cameras in police cars or tasers with automatic recording devices. Prevents person with prior felony driving under the influence of intoxicants (DUII) conviction in Oregon or elsewhere from participating in diversion program. Clarifies language regarding what out-of-state DUII convictions count against a person in Oregon. Resolves conflicts.

ISSUES DISCUSSED:

- Provisions of the measure
- Effort to resolve conflicts with HB 2138
- Relationship to Ballot Measure 40 (1996)

EFFECT OF COMMITTEE AMENDMENT: Resolves conflicts with HB 2138 and HB 2268.

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 2651C 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 2651C prevents officers from being criminally liable for such actions.

In addition, HB 2651C prevents a person with a prior felony driving under the influence of intoxicants (DUII) conviction in Oregon, or elsewhere, from participating in Oregon’s diversion program (former Senate Bill 536). It also clarifies language regarding what out-of-state DUII convictions count against a person in Oregon (former Senate Bill 810).