

A-Engrossed
House Bill 2131

Ordered by the House May 2
Including House Amendments dated May 2

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Attorney General Hardy Myers for Department of Justice)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Modifies definition of actual address of program participant that may not be disclosed to include county of residence and precinct in which participant is registered to vote.

Specifies that substitute address designated by Attorney General for program participant may be used for purposes of laws requiring use of residence address.

Directs public bodies that receive request from program participant to develop *[policy]* **procedure** to prevent disclosure of program participant's actual address within the public body.

Restricts circumstances under which Attorney General may disclose actual address or telephone number of program participant. Requires that court order be justified by finding of good cause.

Exempts program participants from requirement that residence address be listed on driver license or identification card issued by Department of Transportation.

Provides that jury source lists may not contain and State Court Administrator or justice of peace is not required to obtain information about program participants.

Provides that county clerk list of electors may not contain information about program participants.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to address confidentiality program; creating new provisions; amending ORS 10.215, 54.060,
3 192.820, 192.836, 192.842, 192.844, 192.848, 247.940, 247.945, 247.967, 807.050, 807.110 and 807.400;
4 and declaring an emergency.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 192.820 is amended to read:

7 192.820. As used in ORS 192.820 to 192.868:

8 (1) "Actual address" means:

9 (a) A residential, work or school street address of an individual specified on the application of
10 the individual to be a program participant; **or**

11 (b) **The name of the county in which the program participant resides or the name or**
12 **number of the election precinct in which the program participant is registered to vote.**

13 (2) "Address Confidentiality Program" means the program established under ORS 192.822.

14 (3) "Application assistant" means an employee of or a volunteer serving a public or private en-
15 tity designated by the Attorney General under ORS 192.854 to assist individuals with applications
16 to participate in the Address Confidentiality Program.

17 (4) "Program participant" means an individual accepted into the Address Confidentiality Pro-
18 gram under ORS 192.820 to 192.868.

19 (5) "Public body" has the meaning given that term in ORS 174.109.

20 (6) "Public record" has the meaning given that term in ORS 192.410.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (7) "Substitute address" means an address designated by the Attorney General under the Ad-
2 dress Confidentiality Program.

3 (8) "Victim of domestic violence" means:

4 (a) An individual against whom domestic violence has been committed, as defined in ORS
5 135.230, 181.610, 411.117 or 657.176;

6 (b) An individual who has been a victim of abuse, as defined in ORS 107.705; or

7 (c) Any other individual designated a victim of domestic violence by the Attorney General by
8 rule.

9 (9) "Victim of a sexual offense" means:

10 (a) An individual against whom a sexual offense has been committed, as described in ORS
11 163.305 to 163.467, 163.427, 163.466 or 163.525; or

12 (b) Any other individual designated by the Attorney General by rule.

13 (10) "Victim of stalking" means:

14 (a) An individual against whom stalking has been committed, as described in ORS 163.732; or

15 (b) Any other individual designated by the Attorney General by rule.

16 **SECTION 1a. The amendments to ORS 192.820 by section 1 of this 2007 Act become op-**
17 **erative June 1, 2008.**

18 **SECTION 2.** ORS 192.836 is amended to read:

19 192.836. (1)(a) A program participant may request that public bodies use the substitute address
20 designated by the Attorney General as the address of the program participant in any ongoing
21 actions or proceedings or when creating a new public record.

22 (b) A public body is not responsible for requesting that departments, divisions, affiliates or other
23 organizational units of the public body or other public bodies use the substitute address [*designated*
24 *by the Attorney General*] as the address of the program participant.

25 (c) Unless requested by the program participant, when the actual address of a program partic-
26 ipant is contained in a public record that is filed with the public body, the public body is not re-
27 sponsible for modifying the public record to contain the substitute address designated by the
28 Attorney General.

29 (d) The Attorney General is not responsible for making requests under this subsection.

30 (2) Except as provided in this section **and ORS 192.842**, when a program participant submits a
31 current and valid Address Confidentiality Program authorization card to a public body, the public
32 body shall accept the substitute address on the authorization card as the address of the program
33 participant when creating a new public record. Upon the request of the program participant, the
34 public body shall use the substitute address on the authorization card in any ongoing actions or
35 proceedings.

36 (3) A public body may request a waiver from the requirements of the Address Confidentiality
37 Program by submitting a waiver request to the Attorney General. The waiver request shall be in
38 writing and include:

39 (a) An explanation of why the public body cannot meet its statutory or administrative obli-
40 gations by possessing or using the substitute address; and

41 (b) An affirmation that if the Attorney General accepts the waiver, the public body will only
42 use the actual address of the program participant for those statutory or administrative purposes
43 included in the waiver request.

44 (4) The Attorney General shall accept or deny a waiver request from a public body in writing
45 and include a statement of specific reasons for acceptance or denial. An acceptance or denial made

1 under this subsection is not considered an order as defined in ORS 183.310 and is not subject to
2 judicial review under ORS 183.480.

3 **(5) Except as provided in ORS 192.820 to 192.868, if a law or rule requires the use of a**
4 **residence address, the substitute address may be used instead.**

5 **SECTION 3.** ORS 192.844 is amended to read:

6 192.844. (1) Except as provided in ORS 192.820 to 192.868, a public body that [*has received*] **re-**
7 **ceives** a request from a program participant under ORS 192.836 may not disclose the actual address
8 or telephone number of the program participant.

9 **(2) Each public body that receives a request from a program participant under ORS**
10 **192.836 shall adopt a procedure to prevent unnecessary disclosure of actual addresses or**
11 **telephone numbers of program participants to employees of that public body or other persons**
12 **in that public body.**

13 **SECTION 4.** ORS 192.848 is amended to read:

14 192.848. (1) The Attorney General may not disclose the actual address or telephone number of
15 a program participant, except under **either of** the following circumstances:

16 [*(a) Upon request by a federal, state or local law enforcement agency or district attorney for official*
17 *use only;*]

18 [*(b)*] **(a) [Pursuant to a court order;] Upon receipt of a court order signed by a judge pursu-**
19 **ant to a finding of good cause. Good cause exists when disclosure is sought for a lawful**
20 **purpose that outweighs the risk of the disclosure and, in the case of a request for disclosure**
21 **received from a federal, state or local law enforcement agency, district attorney or other**
22 **public body, when information is provided to the court that describes the official purpose for**
23 **which the actual address or telephone number of the program participant will be used. If a**
24 **judge finds that good cause exists, the terms of the court order shall address, as much as**
25 **practicable, the safety and protection of the program participant. In cases where the Attor-**
26 **ney General has not received prior notice of a court order, not later than three business days**
27 **after receiving the order, the Attorney General may object to the order and request a hear-**
28 **ing before the judge who signed the order.**

29 [*(c) Upon request by a public body for a statutory or administrative purpose described in ORS*
30 *192.836; or*]

31 [*(d)*] **(b) Where the program participant is required to disclose the actual address of the program**
32 **participant as part of a registration for sex offenders as required under ORS 181.598 and 181.599.**

33 (2) A person to whom an actual address or telephone number of a program participant has been
34 disclosed pursuant to a court order may not disclose the actual address or telephone number to any
35 other person unless permitted to do so by order of the court.

36 (3) The Attorney General shall notify a program participant within one business day after the
37 Attorney General discloses an actual address under subsection [*(1)(b) or (c)*] **(1)(a)** of this section.

38 (4) Upon request by a public body, the Attorney General may verify whether or not a person is
39 a program participant when the verification is for official use only.

40 **SECTION 5.** ORS 807.110 is amended to read:

41 807.110. A license issued by the Department of Transportation shall comply with all of the fol-
42 lowing:

43 (1) A license shall bear the distinguishing number assigned to the person issued the license by
44 the department.

45 (2) A license shall contain, for the purpose of identification, a brief description of the person to

1 whom the license is issued.

2 (3) A license shall contain the name, **the** date of birth and, except as provided for corrections
3 officers in ORS 802.253, [or] eligible employees in ORS 802.250 **or Address Confidentiality Pro-**
4 **gram participants in section 11 of this 2007 Act, the** residence address of the person to whom
5 the license is issued and a space for the person's signature.

6 (4) Upon request of the person to whom the license is issued, a license shall indicate on the li-
7 cense the fact that the person is an anatomical donor.

8 (5) Upon order of the juvenile court, a license shall indicate on the license the fact that the
9 person to whom the license is issued is an emancipated minor.

10 (6) Except as otherwise provided in this subsection, a license shall bear a photograph described
11 in this subsection. The Director of Transportation, by rule, may provide for issuance of a valid li-
12 cense without a photograph if the applicant shows good cause. The director shall include religious
13 preferences as good cause for issuance of a license without a photograph but shall not limit good
14 cause to religious grounds. A photograph required under this subsection shall:

15 (a) Be a full-faced, color photograph of the person to whom the license is issued;

16 (b) Be of a size approved by the department; and

17 (c) Be taken at the time of application for issuance of the license whether the application is for
18 an original license, replacement of a license under ORS 807.160 or for renewal of a license under
19 ORS 807.150.

20 (7) A license is not valid until signed by the person to whom it is issued.

21 (8) A license shall indicate the class of license issued and any endorsements granted. If the li-
22 cense is a commercial driver license, the words "commercial driver license" or the letters "CDL"
23 shall appear on the license.

24 (9) The department shall use such security procedures, processes and materials in the prepara-
25 tion, manufacture and issuance of any license that prohibit as nearly as possible anyone's ability to
26 alter, counterfeit, duplicate or modify the license without ready detection. The security features
27 used in the production of the licenses shall provide for the rapid authentication of a genuine docu-
28 ment.

29 **SECTION 6.** ORS 807.110, as amended by section 7, chapter 775, Oregon Laws 2005, is amended
30 to read:

31 807.110. (1) A license issued by the Department of Transportation shall contain all of the fol-
32 lowing:

33 (a) The distinguishing number assigned to the person issued the license by the department.

34 (b) For the purpose of identification, a brief description of the person to whom the license is
35 issued.

36 (c) The name, **the** date of birth and, except as provided for corrections officers in ORS
37 802.253, [or] eligible employees in ORS 802.250 **or Address Confidentiality Program participants**
38 **in section 11 of this 2007 Act, the** residence address of the person to whom the license is issued
39 and a space for the person's signature.

40 (d) Upon request of the person to whom the license is issued, the fact that the person is an
41 anatomical donor.

42 (e) Upon order of the juvenile court, the fact that the person to whom the license is issued is
43 an emancipated minor.

44 (f) Except as otherwise provided in this paragraph, a photograph described in this paragraph.
45 The Director of Transportation, by rule, may provide for issuance of a valid license without a pho-

1 tograph if the applicant shows good cause. The director shall include religious preferences as good
2 cause for issuance of a license without a photograph but shall not limit good cause to religious
3 grounds. A photograph required under this paragraph shall:

4 (A) Be a full-faced, color photograph of the person to whom the license is issued;

5 (B) Be of a size approved by the department; and

6 (C) Be taken at the time of application for issuance of the license whether the application is for
7 an original license, replacement of a license under ORS 807.160 or for renewal of a license under
8 ORS 807.150.

9 (g) The class of license issued and any endorsements granted. If the license is a commercial
10 driver license, the words "commercial driver license" or the letters "CDL" shall appear on the li-
11 cense.

12 (2) A license is not valid until signed by the person to whom it is issued.

13 (3) The department shall use security procedures, processes and materials in the preparation,
14 manufacture and issuance of any license that prohibit as nearly as possible anyone's ability to alter,
15 counterfeit, duplicate or modify the license without ready detection. The security features used in
16 the production of the licenses shall provide for:

17 (a) The authentication of a genuine document in a reasonable time; and

18 (b) The production of the license only by equipment that requires verification of the identity of
19 the operator of the equipment before a license may be produced.

20 **SECTION 7.** ORS 807.050 is amended to read:

21 807.050. An application for a license shall be in a form approved by the Oregon Department of
22 Transportation. An application must contain all the following:

23 (1) The applicant's true name, age, sex, residence address, except as otherwise provided for
24 corrections officers in ORS 802.253, [or] eligible employees in ORS 802.250 **or Address**
25 **Confidentiality Program participants in section 11 of this 2007 Act**, and post-office address other
26 than general delivery. The department may provide by rule for acceptance of something other than
27 an actual residence or post-office address if the department determines that the applicant does not
28 have an actual address. The department shall require proof to verify the address in addition to
29 anything else the department may require of the applicant.

30 (2) Whether or not the applicant has ever been issued any driver license or driver permit. If the
31 applicant has been issued any license or driver permit:

32 (a) When the license or driver permit was granted;

33 (b) What jurisdiction granted the license or driver permit;

34 (c) Whether or not the driving privileges under the license or driver permit are currently sus-
35 pended or revoked; and

36 (d) If the driving privileges are revoked or suspended, the date and reason for the suspension
37 or revocation.

38 (3) The class of license sought.

39 (4) The Social Security number of the applicant or other number or identifying information de-
40 termined appropriate by the Secretary of the United States Department of Transportation, if the
41 application is for a commercial driver license or if the Oregon Department of Transportation by rule
42 requires the Social Security number on the application.

43 (5) Any other information the department deems necessary to assist the department in deter-
44 mining whether the applicant is qualified or eligible to be licensed.

45 **SECTION 8.** ORS 807.400 is amended to read:

1 807.400. (1) The Department of Transportation shall issue an identification card to any person
2 who:

3 (a) Is domiciled in or resident of this state, as described in ORS 807.062;

4 (b) Does not have a current, valid driver license; and

5 (c) Furnishes such evidence of the person's age and identity as the department may require.

6 (2) The department shall work with other agencies and organizations to attempt to improve the
7 issuance system for identification cards.

8 (3) Every original application for an identification card must be signed by the applicant. The
9 department shall require at least one document to verify the address of an applicant for issuance
10 of an identification card in addition to other documents the department may require of the applicant.
11 If the address of an applicant has changed since the last time an identification card was issued to
12 or renewed for the applicant, the department shall require proof to verify the address of an applicant
13 for renewal of an identification card, in addition to anything else the department may require.

14 (4) Every identification card shall be issued upon the standard license form described under ORS
15 807.110 and shall bear a statement to the effect that the identification card is not a license or any
16 other grant of driving privileges to operate a motor vehicle and is to be used for identification
17 purposes only. The department shall use the same security procedures, processes, materials and
18 features for an identification card as are required for a license under ORS 807.110. **The identifica-**
19 **tion card is not required to contain the residence address of persons listed in ORS 807.110**
20 **(3).**

21 (5) Upon order of the juvenile court, the department shall include on the card the fact that the
22 person issued the identification card is an emancipated minor.

23 (6) Each original identification card shall expire on a date consistent with the expiration dates
24 of licenses as set forth in ORS 807.130.

25 (7) Identification cards shall be renewed under the terms for renewal of licenses as set forth in
26 ORS 807.150.

27 (8) The fee for an original identification card or a renewal thereof shall be the fee established
28 under ORS 807.410. In no event shall the issuance or renewal of an identification card be subject
29 to any fee in addition to that set forth in ORS 807.410.

30 (9) An identification card becomes invalid if the holder of the card changes residence address
31 from that shown on the identification card and does not provide the department with notice of the
32 change as required under ORS 807.420.

33 (10) If a person to whom an identification card was issued and who changes residence address
34 appears in person at a department office that issues identification cards, the department may do any
35 of the following:

36 (a) Issue a replacement identification card containing the new address upon receipt of the old
37 identification card and payment of the fee established for issuing a replacement identification card
38 with a changed address under ORS 807.410. Except as otherwise provided in subsection (12) of this
39 section, the replacement identification card shall bear the same distinguishing number as the card
40 being replaced.

41 (b) Note the new address on the old identification card in a manner to be determined by the
42 department.

43 (11) An identification card becomes invalid if the holder of the card changes the person's name
44 from that shown on the card, including a change of name by marriage, without providing the de-
45 partment with notice of the change as required under ORS 807.420. Upon receiving such notice and

1 the old identification card, the department shall issue a replacement identification card upon pay-
2 ment of the fee required under ORS 807.410.

3 (12) In the event that, for a reason identified by the department by rule, a person needs a re-
4 placement identification card that bears a different distinguishing number from the card being re-
5 placed, the person to whom the card was issued may obtain a replacement card from the department
6 upon furnishing proof satisfactory to the department of the need for such replacement and payment
7 of the replacement fee under ORS 807.410.

8 (13) The department may establish by rule reasons for issuing replacement identification cards
9 that are in addition to the reasons identified in subsections (10) to (12) of this section. The fee for
10 a replacement identification card is provided under ORS 807.410.

11 (14) Upon cancellation of an identification card, the card is terminated and must be surrendered
12 to the department. An identification card may be canceled for any of the reasons that driving priv-
13 ileges or a license may be canceled under ORS 809.310. The department may reissue an identifica-
14 tion card canceled under this subsection when the applicant has satisfied all requirements for the
15 identification card.

16 (15) Notwithstanding any other provision of this section, the department may issue an identifi-
17 cation card to a person under this subsection without charge when the person surrenders a license
18 or driver permit to the department for reasons described in this subsection. If the department issues
19 an identification card under this subsection, the identification card shall expire at the same time
20 as the surrendered driver license or driver permit would have expired. An identification card issued
21 under this subsection is subject to the same requirements and fees for renewal or upon expiration
22 as any other identification card issued under this section. The department may issue identification
23 cards under this subsection as described under any of the following:

24 (a) The department may issue an identification card under this subsection to a person who vol-
25 untarily surrenders a license or driver permit to the department based upon the person's recognition
26 that the person is no longer competent to drive.

27 (b) The department may issue an identification card to a person under this subsection when the
28 person's driving privileges are suspended under ORS 809.419 (1). This paragraph only applies if the
29 person voluntarily surrenders the person's license or driver permit to the department as provided
30 under ORS 809.500.

31 **SECTION 9.** ORS 807.400, as amended by section 8, chapter 775, Oregon Laws 2005, is amended
32 to read:

33 807.400. (1) The Department of Transportation shall issue an identification card to any person
34 who:

35 (a) Is domiciled in or resident of this state, as described in ORS 807.062;

36 (b) Does not have a current, valid driver license;

37 (c) Furnishes such evidence of the person's age and identity as the department may require; and

38 (d) Submits to collection of biometric data by the department that establish the identity of the
39 person as provided in ORS 807.024.

40 (2) The department shall work with other agencies and organizations to attempt to improve the
41 issuance system for identification cards.

42 (3) Every original application for an identification card must be signed by the applicant. The
43 department shall require at least one document to verify the address of an applicant for issuance
44 of an identification card in addition to other documents the department may require of the applicant.
45 If the address of an applicant has changed since the last time an identification card was issued to

1 or renewed for the applicant, the department shall require proof to verify the address of an applicant
2 for renewal of an identification card, in addition to anything else the department may require.

3 (4) Every identification card shall be issued upon the standard license form described under ORS
4 807.110 and shall bear a statement to the effect that the identification card is not a license or any
5 other grant of driving privileges to operate a motor vehicle and is to be used for identification
6 purposes only. The department shall use the same security procedures, processes, materials and
7 features for an identification card as are required for a license under ORS 807.110. **The identifica-**
8 **tion card is not required to contain the residence address of persons listed in ORS 807.110**
9 **(1)(c).**

10 (5) Upon order of the juvenile court, the department shall include on the card the fact that the
11 person issued the identification card is an emancipated minor.

12 (6) Each original identification card shall expire on a date consistent with the expiration dates
13 of licenses as set forth in ORS 807.130.

14 (7) Identification cards shall be renewed under the terms for renewal of licenses as set forth in
15 ORS 807.150.

16 (8) The fee for an original identification card or a renewal thereof shall be the fee established
17 under ORS 807.410.

18 (9) An identification card becomes invalid if the holder of the card changes residence address
19 from that shown on the identification card and does not provide the department with notice of the
20 change as required under ORS 807.420.

21 (10) If a person to whom an identification card was issued and who changes residence address
22 appears in person at a department office that issues identification cards, the department may do any
23 of the following:

24 (a) Issue a replacement identification card containing the new address upon receipt of the old
25 identification card and payment of the fee established for issuing a replacement identification card
26 with a changed address under ORS 807.410. Except as otherwise provided in subsection (12) of this
27 section, the replacement identification card shall bear the same distinguishing number as the card
28 being replaced.

29 (b) Note the new address on the old identification card in a manner to be determined by the
30 department.

31 (11) An identification card becomes invalid if the holder of the card changes the person's name
32 from that shown on the card, including a change of name by marriage, without providing the de-
33 partment with notice of the change as required under ORS 807.420. Upon receiving such notice and
34 the old identification card, the department shall issue a replacement identification card upon pay-
35 ment of the fee required under ORS 807.410.

36 (12) In the event that, for a reason identified by the department by rule, a person needs a re-
37 placement identification card that bears a different distinguishing number from the card being re-
38 placed, the person to whom the card was issued may obtain a replacement card from the department
39 upon furnishing proof satisfactory to the department of the need for such replacement and payment
40 of the replacement fee under ORS 807.410.

41 (13) The department may establish by rule reasons for issuing replacement identification cards
42 that are in addition to the reasons identified in subsections (10) to (12) of this section. The fee for
43 a replacement identification card is provided under ORS 807.410.

44 (14) Upon cancellation of an identification card, the card is terminated and must be surrendered
45 to the department. An identification card may be canceled for any of the reasons that driving priv-

1 illeges or a license may be canceled under ORS 809.310. The department may reissue an identifica-
2 tion card canceled under this subsection when the applicant has satisfied all requirements for the
3 identification card.

4 (15) Notwithstanding any other provision of this section, the department may issue an identifi-
5 cation card to a person under this subsection without charge when the person surrenders a license
6 or driver permit to the department for reasons described in this subsection. If the department issues
7 an identification card under this subsection, the identification card shall expire at the same time
8 as the surrendered driver license or driver permit would have expired. An identification card issued
9 under this subsection is subject to the same requirements and fees for renewal or upon expiration
10 as any other identification card issued under this section. The department may issue identification
11 cards under this subsection as described under any of the following:

12 (a) The department may issue an identification card under this subsection to a person who vol-
13 untarily surrenders a license or driver permit to the department based upon the person's recognition
14 that the person is no longer competent to drive.

15 (b) The department may issue an identification card to a person under this subsection when the
16 person's driving privileges are suspended under ORS 809.419 (1). This paragraph only applies if the
17 person voluntarily surrenders the person's license or driver permit to the department as provided
18 under ORS 809.500.

19 **SECTION 10.** Section 11 of this 2007 Act is added to and made a part of ORS 192.820 to
20 192.868.

21 **SECTION 11.** (1) A program participant may request that any driver or vehicle record
22 kept by the Department of Transportation that contains or is required to contain the pro-
23 gram participant's actual address contain instead the substitute address designated by the
24 Attorney General. A request under this subsection must:

25 (a) Be in a form specified by the department; and

26 (b) Contain verification that the individual is a program participant.

27 (2) Upon receipt of a request and verification under this section, the department shall
28 remove the program participant's actual address from its records and instead use the sub-
29 stitute address designated by the Attorney General. The department shall note on the re-
30 cords that the address shown is a substitute address under ORS 192.820 to 192.868. While the
31 request is in effect, the program participant may enter the substitute address on any driver
32 or vehicle form issued by the department that requires an address.

33 (3) If an individual ceases to be certified as a program participant, the individual shall
34 notify the department of a change of address as provided in ORS 803.220, 807.420 or 807.560.

35 **SECTION 12.** ORS 192.842 is amended to read:

36 192.842. (1) A county clerk **or other elections official** shall use the actual address of a program
37 participant for voter registration purposes. Except as provided in ORS 192.820 to 192.868, [the] a
38 county clerk **or other elections official** may not disclose the actual address.

39 (2) A county clerk **or other elections official** shall use the substitute address of the program
40 participant for purposes of mailing a ballot to an elector under ORS 254.470.

41 (3) A school district shall use the actual address of a program participant for any purpose re-
42 lated to admission or assignment. The school district shall take such measures as necessary to pro-
43 tect the confidentiality of the actual address of the program participant. Student records created
44 under ORS 326.565 and 326.580 shall use the substitute address of the program participant.

45 (4) A county clerk shall accept the substitute address of the program participant as the address

1 of the applicant for the purpose of issuing a marriage license under ORS 106.041.

2 **SECTION 13.** ORS 247.967 is amended to read:

3 247.967. Notwithstanding any provision of ORS 192.410 to 192.505:

4 (1) **Except as provided in subsection (3) of this section,** the county clerk may disclose the
5 residence address of an elector exempt from public disclosure under ORS 247.965 if the county clerk
6 receives a court order or a request from any law enforcement agency to disclose the address.

7 (2) A petition may be filed with the circuit court of the county in which the administrative of-
8 fices of the county clerk are located requesting disclosure of the residence address of any elector
9 exempt from disclosure under ORS 247.965. The petitioner shall have the burden of showing the
10 disclosure would not constitute an unreasonable invasion of privacy.

11 (3) **The county clerk may not disclose the actual address, as defined in ORS 192.820, of**
12 **an Address Confidentiality Program participant under ORS 192.820 to 192.868.**

13 **SECTION 14.** ORS 10.215 is amended to read:

14 10.215. (1) The State Court Administrator shall cause to be prepared at least once each year a
15 master jury list containing names selected at random from the source lists. The source lists are the
16 most recent list of electors of the county, the records furnished by the Department of Transportation
17 as provided in ORS 802.260 (2) and any other sources approved by the Chief Justice of the Supreme
18 Court that will furnish a fair cross section of the citizens of the county. The State Court Adminis-
19 trator and circuit courts may use source lists obtained from any person or public body, and jury lists
20 containing names selected from a source list, only for purposes consistent with administering the
21 selection and summoning of persons for service as jurors, the drawing of names of jurors, and other
22 tasks necessary to accomplish those functions. **Source lists may not contain and the State Court**
23 **Administrator is not required to obtain information about individuals who are participants**
24 **in the Address Confidentiality Program under ORS 192.820 to 192.868.** Except as specifically
25 provided by law, the State Court Administrator and circuit courts may not disclose source lists ob-
26 tained from any person or public body, and jury lists containing names selected from a source list,
27 to any other person or public body.

28 (2) A public body having custody, possession or control of any list that may be used as a source
29 list for preparation of a master jury list, upon written request by the State Court Administrator,
30 shall make its list available at any reasonable time and, except as otherwise provided in ORS
31 802.260, without charge to the State Court Administrator for inspection or copying. The public
32 body, upon written request by the State Court Administrator, shall provide a copy of its list for the
33 date and in the form requested to the State Court Administrator. Except as otherwise provided in
34 ORS 802.260, the copy shall be provided without charge.

35 (3) The number of names placed on a master jury list shall be sufficient to meet the projected
36 need for grand jurors and trial jurors in the circuit court in the county, but the total number
37 [shall] **may** not be less than two percent of the population of the county according to the latest
38 federal decennial census.

39 (4) A master jury list shall contain the first name, the surname, the place of residence and, if
40 assigned, the juror identification number of each person whose name is placed thereon.

41 (5) A master jury list shall be certified by the trial court administrator and placed on file in the
42 circuit court as soon as possible after it is prepared.

43 (6) A newly filed master jury list shall be maintained separately from the previously filed master
44 jury list. The presiding judge shall designate when a newly filed master jury list becomes effective,
45 after which time names of persons [shall] **may** not be selected from the previously filed master jury

1 list for a term jury list. When a newly filed master jury list becomes effective, all orders, records
2 and papers prepared in connection with the selection process based on the previously filed master
3 jury list shall be preserved by the trial court administrator and State Court Administrator for the
4 period prescribed by the State Court Administrator under ORS 8.125.

5 (7) The State Court Administrator may make adjustments to the master jury list, and may au-
6 thorize the presiding judge of a judicial district to make adjustments to a term jury list, for the
7 purpose of updating the addresses of persons appearing on the lists and removing the names of
8 persons who are deceased, permanently ineligible for jury service or permanently excused from jury
9 service. The State Court Administrator shall ensure that a record is maintained of all adjustments
10 to jury lists made under this subsection.

11 (8) For the purposes of this section, "public body" has the meaning given that term in ORS
12 174.109.

13 **SECTION 15.** ORS 54.060 is amended to read:

14 54.060. (1) The justice of the peace in each district shall, in January of each year, or in case
15 of an omission or neglect so to do then as soon as possible thereafter, make a jury list for the dis-
16 trict.

17 (2) A preliminary jury list shall be made by selecting names of inhabitants of the district by lot
18 from the latest jury list sources. The jury list sources are the elector registration list for the dis-
19 trict, copies of the Department of Transportation records for the county referred to in ORS 802.260
20 (2) furnished to the justice at county expense by the clerk of court, as defined in ORS 10.010, for the
21 county and any other source that the justice determines will furnish a fair cross section of the in-
22 habitants of the district.

23 (3) **Jury list sources may not contain and the justice of the peace is not required to ob-**
24 **tain information about individuals who are participants in the Address Confidentiality Pro-**
25 **gram under ORS 192.820 to 192.868.**

26 (4) From the preliminary jury list the names of those persons known not to be qualified by law
27 to serve as jurors shall be deleted. The remaining names shall constitute the jury list. The prelimi-
28 nary jury list and jury list may be made by means of electronic equipment.

29 **SECTION 16.** ORS 247.940 is amended to read:

30 247.940. (1) Not later than the 21st day before any primary election, general election or special
31 congressional election, a major political party qualified under ORS 248.006 or its affiliate within the
32 county or a minor political party qualified under ORS 248.008 may request from the county clerk a
33 list of active electors, as described in ORS 247.013, of the county. **Except as provided in this**
34 **section,** the list shall contain the name, party affiliation, residence or mailing address and precinct
35 name or number of each active elector and shall be arranged in groups by election precinct. **The**
36 **list may not contain any information about participants in the Address Confidentiality Pro-**
37 **gram established under ORS 192.820 to 192.868.** A major political party or its affiliate within the
38 county or a minor political party may make no more than two separate requests under this sub-
39 section.

40 (2) If the county clerk receives a request under subsection (1) of this section, the clerk shall
41 deliver the list not later than:

42 (a) Ten days after receiving the request; or

43 (b) The date requested, provided that the date requested is more than 10 days after the request
44 was made and at least 10 days before the date of any primary election, general election or special
45 congressional election.

1 (3) The county clerk [*shall*] **may** not charge for preparation or delivery of the list supplied under
2 this section.

3 **SECTION 17.** ORS 247.945 is amended to read:

4 247.945. (1) The county clerk, upon request before the 45th day before a primary, general or
5 special election, shall deliver to any person a list of electors. **The list may not contain any in-**
6 **formation about participants in the Address Confidentiality Program established under ORS**
7 **192.820 to 192.868.** The lists shall be prepared in the manner requested, limited only to the capa-
8 bilities of the Secretary of State or the county clerk.

9 (2) The county clerk shall collect and pay into the county treasury a charge for the actual cost
10 of supplying lists under subsection (1) of this section.

11 (3) The county clerk shall keep a record of all persons to whom a list of electors is delivered
12 under this section.

13 **SECTION 18.** **This 2007 Act being necessary for the immediate preservation of the public**
14 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
15 **on its passage.**

16 _____