

# House Bill 2131

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 **as introduced**.

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 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.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

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

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

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

6 192.820. As used in ORS 192.820 to 192.868:

7 (1) "Actual address" means:

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

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

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

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

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

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

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

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

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

23 (a) An individual against whom domestic violence has been committed, as defined in ORS  
24 135.230, 181.610, 411.117 or 657.176;

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

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

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

4 (a) An individual against whom a sexual offense has been committed, as described in ORS  
 5 163.305 to 163.467, 163.427, 163.466 or 163.525; or

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

7 (10) "Victim of stalking" means:

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

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

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

11 192.836. (1)(a) A program participant may request that public bodies use the substitute address  
 12 designated by the Attorney General as the address of the program participant in any ongoing  
 13 actions or proceedings or when creating a new public record.

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

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

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

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

28 [*(3) A public body may request a waiver from the requirements of the Address Confidentiality*  
 29 *Program by submitting a waiver request to the Attorney General. The waiver request shall be in*  
 30 *writing and include:]*

31 [*(a) An explanation of why the public body cannot meet its statutory or administrative obligations*  
 32 *by possessing or using the substitute address; and]*

33 [*(b) An affirmation that if the Attorney General accepts the waiver, the public body will only use*  
 34 *the actual address of the program participant for those statutory or administrative purposes included*  
 35 *in the waiver request.]*

36 [*(4) The Attorney General shall accept or deny a waiver request from a public body in writing and*  
 37 *include a statement of specific reasons for acceptance or denial. An acceptance or denial made under*  
 38 *this subsection is not considered an order as defined in ORS 183.310 and is not subject to judicial re-*  
 39 *view under ORS 183.480.]*

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

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

43 192.844. (1) Except as provided in ORS 192.820 to 192.868, a public body that [*has received*] **re-**  
 44 **ceives** a request from a program participant under ORS 192.836 may not disclose the actual address  
 45 or telephone number of the program participant.

1       **(2) Each public body that receives a request from a program participant under ORS**  
 2 **192.836 shall adopt a policy to prevent unnecessary disclosure of actual addresses or tele-**  
 3 **phone numbers of program participants to employees of that public body or other persons**  
 4 **in that public body.**

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

6       192.848. (1) The Attorney General may not disclose the actual address or telephone number of  
 7 a program participant, except under **either of** the following circumstances:

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

10       *[(b)] (a) [Pursuant to a court order;] Upon receipt of a court order signed by a judge pursu-*  
 11 **ant to a finding of good cause. Good cause exists when disclosure is sought for a lawful**  
 12 **purpose that outweighs the risk of the disclosure and, in the case of a request for disclosure**  
 13 **received from a federal, state or local law enforcement agency, district attorney or other**  
 14 **public body, when information is provided to the court that describes the official purpose for**  
 15 **which the actual address or telephone number of the program participant will be used. In**  
 16 **cases where the Attorney General has not received prior notice of a court order, not later**  
 17 **than three business days after receiving the order, the Attorney General may object to the**  
 18 **order and request a hearing before the judge who signed the order.**

19       *[(c) Upon request by a public body for a statutory or administrative purpose described in ORS*  
 20 *192.836; or]*

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

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

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

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

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

31       807.110. A license issued by the Department of Transportation shall comply with all of the fol-  
 32 lowing:

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

35       (2) A license shall contain, for the purpose of identification, a brief description of the person to  
 36 whom the license is issued.

37       (3) A license shall contain the name, **the** date of birth and, except as provided for corrections  
 38 officers in ORS 802.253, *[or]* eligible employees in ORS 802.250 **or address confidentiality program**  
 39 **participants in section 11 of this 2007 Act, the** residence address of the person to whom the li-  
 40 cense is issued and a space for the person's signature.

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

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

45       (6) Except as otherwise provided in this subsection, a license shall bear a photograph described

1 in this subsection. The Director of Transportation, by rule, may provide for issuance of a valid li-  
 2 cense without a photograph if the applicant shows good cause. The director shall include religious  
 3 preferences as good cause for issuance of a license without a photograph but shall not limit good  
 4 cause to religious grounds. A photograph required under this subsection shall:

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

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

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

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

11 (8) A license shall indicate the class of license issued and any endorsements granted. If the li-  
 12 cense is a commercial driver license, the words “commercial driver license” or the letters “CDL”  
 13 shall appear on the license.

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

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

21 807.110. (1) A license issued by the Department of Transportation shall contain all of the fol-  
 22 lowing:

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

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

26 (c) The name, **the** date of birth and, except as provided for corrections officers in ORS  
 27 802.253, [or] eligible employees in ORS 802.250 **or address confidentiality program participants**  
 28 **in section 11 of this 2007 Act, the** residence address of the person to whom the license is issued  
 29 and a space for the person’s signature.

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

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

34 (f) Except as otherwise provided in this paragraph, a photograph described in this paragraph.  
 35 The Director of Transportation, by rule, may provide for issuance of a valid license without a pho-  
 36 tograph if the applicant shows good cause. The director shall include religious preferences as good  
 37 cause for issuance of a license without a photograph but shall not limit good cause to religious  
 38 grounds. A photograph required under this paragraph shall:

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

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

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

44 (g) The class of license issued and any endorsements granted. If the license is a commercial  
 45 driver license, the words “commercial driver license” or the letters “CDL” shall appear on the li-

1 cense.

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

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

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

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

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

11 807.050. An application for a license shall be in a form approved by the Oregon Department of  
12 Transportation. An application must contain all the following:

13 (1) The applicant's true name, age, sex, residence address, except as otherwise provided for  
14 corrections officers in ORS 802.253, [or] eligible employees in ORS 802.250 **or address**  
15 **confidentiality program participants in section 11 of this 2007 Act**, and post-office address other  
16 than general delivery. The department may provide by rule for acceptance of something other than  
17 an actual residence or post-office address if the department determines that the applicant does not  
18 have an actual address. The department shall require proof to verify the address in addition to  
19 anything else the department may require of the applicant.

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

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

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

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

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

28 (3) The class of license sought.

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

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

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

36 807.400. (1) The Department of Transportation shall issue an identification card to any person  
37 who:

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

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

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

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

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

1 If the address of an applicant has changed since the last time an identification card was issued to  
 2 or renewed for the applicant, the department shall require proof to verify the address of an applicant  
 3 for renewal of an identification card, in addition to anything else the department may require.

4 (4) Every identification card shall be issued upon the standard license form described under ORS  
 5 807.110 and shall bear a statement to the effect that the identification card is not a license or any  
 6 other grant of driving privileges to operate a motor vehicle and is to be used for identification  
 7 purposes only. The department shall use the same security procedures, processes, materials and  
 8 features for an identification card as are required for a license under ORS 807.110. **The identifica-**  
 9 **tion card is not required to contain the residence address of persons listed in ORS 807.110**  
 10 **(3).**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 807.400. (1) The Department of Transportation shall issue an identification card to any person  
 24 who:

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

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

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

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

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

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

38 (4) Every identification card shall be issued upon the standard license form described under ORS  
 39 807.110 and shall bear a statement to the effect that the identification card is not a license or any  
 40 other grant of driving privileges to operate a motor vehicle and is to be used for identification  
 41 purposes only. The department shall use the same security procedures, processes, materials and  
 42 features for an identification card as are required for a license under ORS 807.110. **The identifica-**  
 43 **tion card is not required to contain the residence address of persons listed in ORS 807.110**  
 44 **(3).**

45 (5) Upon order of the juvenile court, the department shall include on the card the fact that the

1 person issued the identification card is an emancipated minor.

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

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

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

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

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

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

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

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

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

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

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

39 (15) Notwithstanding any other provision of this section, the department may issue an identifi-  
40 cation card to a person under this subsection without charge when the person surrenders a license  
41 or driver permit to the department for reasons described in this subsection. If the department issues  
42 an identification card under this subsection, the identification card shall expire at the same time  
43 as the surrendered driver license or driver permit would have expired. An identification card issued  
44 under this subsection is subject to the same requirements and fees for renewal or upon expiration  
45 as any other identification card issued under this section. The department may issue identification



1 cards under this subsection as described under any of the following:

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

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

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

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

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

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

17 (2) Upon receipt of a request and verification under this section, the department shall  
 18 remove the program participant’s actual address from its records, if necessary, and instead  
 19 use the substitute address designated by the Attorney General. The department shall note  
 20 on the records that the address shown is a substitute address under ORS 192.820 to 192.868.  
 21 While the request is in effect, the program participant may enter the substitute address on  
 22 any driver or vehicle form issued by the department that requires an address.

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

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

26 192.842. (1) A county clerk **or other elections official** shall use the actual address of a program  
 27 participant for voter registration purposes. Except as provided in ORS 192.820 to 192.868, *[the]* a  
 28 county clerk **or other elections official** may not disclose the actual address.

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

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

35 (4) A county clerk shall accept the substitute address of the program participant as the address  
 36 of the applicant for the purpose of issuing a marriage license under ORS 106.041.

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

38 247.967. Notwithstanding any provision of ORS 192.410 to 192.505:

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

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

1       **(3) The county clerk may not disclose the actual address, as defined in ORS 192.820, of**  
2 **an address confidentiality program participant under ORS 192.820 to 192.868.**

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

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