

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	9 - 0 - 0
<b>Yeas:</b>	Barker, Bonamici, Cameron, Flores, Komp, Krieger, Shields, Whisnant, Macpherson
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Bill Taylor, Counsel
<b>Meeting Dates:</b>	2/19

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**WHAT THE MEASURE DOES:** Clarifies that a public safety officer may request that the Department of Public Safety Standards and Training not disclose the officer's home address and telephone number and requires that, if so requested, the department not disclose this information unless the public interest requires otherwise. Requires the County Clerk to record an order or decision under section 8 (7), chapter 424, Oregon Law 2007, that is final by operation of law or on appeal.

**ISSUES DISCUSSED:**

- Protection of public safety officers
- Correct oversight in HB 3047 from 2007 session

**EFFECT OF COMMITTEE AMENDMENT:** Requires the County Clerk to record an order or decision under section 8 (7), chapter 424, Oregon Law 2007, (Measure 49) that is final by operation of law or on appeal.

**BACKGROUND:** Oregon law, ORS 192.420, presumes that the public has a right to inspect and copy all public records, unless a specific exemption allows the public body not to disclose the records. ORS 192.501 and ORS 192.502 list records that are not subject to public disclosure or are conditionally subject to disclosure. In addition, ORS 192.445 allows an individual to submit a written request to a public body asking that the body not disclose a specified public record indicating the home address, personal telephone number or electronic mail address of the individual and prohibits the public body from disclosing this information upon a showing that a person's safety or his or her family's safety would be compromised by release of this information.

During the 2007 session, the Legislative Assembly enacted HB 3407. It exempts from disclosure, unless the public interest requires otherwise, the home address and telephone number contained in the voter registration records or real property records of a public safety officer, district attorney or deputy district attorney, or an assistant attorney general designated by the Attorney General, if the person requests that this information not be disclosed. As it relates to real property, HB 3407 only applies to specific property identified in the request for exemption from disclosure.

Prior to the enactment of HB 3407, public safety officers had a broader exemption that applied to all public records except real property records. Assistant district attorneys and assistant attorney generals did not have any exemption. In broadening out the exemption to include real estate records and to include assistant district attorneys and assistant attorney generals, HB 3407 unintentionally limited the exemption to voting records and real property records. What this means is that the Oregon Department of Public Safety Standards and Training and other government bodies may be forced to turn over the home address and telephone numbers of public safety officers.

2/20/2008 11:09:00 AM

***This summary has not been adopted or officially endorsed by action of the committee.***