

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2727

By COMMITTEE ON JUDICIARY

June 8

1 On page 1 of the printed A-engrossed bill, line 3, after “166.291” insert “, 192.480”.

2 On page 11, after line 6, insert:

3 **“SECTION 3. A person denied the right to inspect or to receive a copy of a public record**
4 **under ORS 192.502 (35) may petition the Attorney General or, if the person is denied the right**
5 **to inspect or to receive a copy of a public record under ORS 192.502 (35) by a public body**
6 **other than a state agency, the district attorney to review the public record to determine if**
7 **it may be withheld from public inspection. Review of the petition shall be conducted in ac-**
8 **cordance with ORS 192.450 or 192.460. The provisions of ORS 192.465 (1), 192.470 and 192.490**
9 **apply to the review.**

10 **“SECTION 4.** ORS 192.480 is amended to read:

11 **“192.480. Except as provided in section 3 of this 2009 Act,** in any case in which a person is
12 denied the right to inspect or to receive a copy of a public record in the custody of an elected of-
13 ficial, or in the custody of any other person but as to which an elected official claims the right to
14 withhold disclosure, no petition to require disclosure may be filed with the Attorney General or
15 district attorney, or if a petition is filed it shall not be considered by the Attorney General or dis-
16 trict attorney after a claim of right to withhold disclosure by an elected official. In such case a
17 person denied the right to inspect or to receive a copy of a public record may institute proceedings
18 for injunctive or declaratory relief in the appropriate circuit court, as specified in ORS 192.450 or
19 192.460, and the Attorney General or district attorney may upon request serve or decline to serve,
20 in the discretion of the Attorney General or district attorney, as counsel in such suit for an elected
21 official for which the Attorney General or district attorney ordinarily serves as counsel. Nothing in
22 this section shall preclude an elected official from requesting advice from the Attorney General or
23 a district attorney as to whether a public record should be disclosed.”.

24 In line 7, delete “3” and insert “5”.

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