

Chair Prozanski and Members of the Senate Judiciary Committee,

My name is Ryan Anfuso and I am a criminal defense attorney in Portland. I came to be involved in this issue when I was informed by a client of mine that he had paid \$100.00 to remove his mug shot from a website only to find that after he did, his image popped up on several other sites – all charging an additional fee for removal. The issue of mug shots online was one that I have encountered with other clients and one that I find to be particularly frustrating for my clients to deal with. I found myself advising this client that he should write the legislature and ask them for help. He was hesitant to attach his name to the issue for fear it would draw additional attention to a situation he already was embarrassed about. So I wrote a letter to Mitch Greenlick myself, and as a result I am here today.

I drafted the first version of HB 3467 because when local law enforcement agencies publish mug shots on the Internet they, perhaps unwittingly, are supporting this industry that charges individuals a fee to remove their mug shot. It can literally cost a person thousands of dollars to clean up their online reputation after an arrest. This isn't right. It is extortion.

It is important to recognize that often times an individual may be arrested and their case may later be dismissed by means of prosecutor discretion (e.g. no complaint) or by acquittal after trial, etc. Nonetheless, the image of their arrest will exist online. The presence of these online images (records associated with arrest), because of their dissemination on the Internet, can then no longer effectively be sealed as part of the expunction process as laid out in ORS 137.225 et seq.

Since word of my involvement in this issue was published in the *Oregonian*, I have fielded many calls from Oregonians that have been affected by this issue. The stories are similar, whether its a United States Marine Corps veteran, now a graduate student at PSU who was arrested for something he didn't do and was never formally charged, or an individual who entered and completed a diversion program, earned a dismissal, and got their charge set aside and the record sealed. These individuals have been confronted with the images of their arrest online for years despite the fact that in many cases formal charges were never brought. Many of these citizens are afraid to pay a fee for removal of their image aware that if they do, they will likely end up on more sites and be subject to more fees.

HB 3467, affords a narrow class of arrested individuals some recourse. What the bill creates is an avenue under Oregon's Unfair Trade Practices Act to clear one's online reputation upon dismissal of the charge or after the record has been sealed. It also goes a long way to prevent the predatory practice of extorting individuals who have been arrested. Additionally, it upholds the integrity of a justice system that recognizes that not every arrest is warranted and not every conviction deserves a lifetime wherein a Google search forever reveals the record of an arrest.

I offer these words in support of this bill. I would also encourage local law enforcement officials to take note of the collateral consequences that result from publication of images associated with arrest online.

Ryan Anfuso