

**PROPOSED AMENDMENTS TO
SENATE BILL 1550**

1 On page 1 of the printed bill, line 2, after “163.700” insert “and 165.540”.

2 On page 2, after line 22, insert:

3 **“SECTION 2.** ORS 165.540 is amended to read:

4 “165.540. (1) Except as otherwise provided in ORS 133.724 or 133.726 or
5 subsections (2) to (7) of this section, a person may not:

6 “(a) Obtain or attempt to obtain the whole or any part of a telecommu-
7 nication or a radio communication to which the person is not a participant,
8 by means of any device, contrivance, machine or apparatus, whether elec-
9 trical, mechanical, manual or otherwise, unless consent is given by at least
10 one participant.

11 “(b) Tamper with the wires, connections, boxes, fuses, circuits, lines or
12 any other equipment or facilities of a telecommunication or radio communi-
13 cation company over which messages are transmitted, with the intent to ob-
14 tain unlawfully the contents of a telecommunication or radio communication
15 to which the person is not a participant.

16 “(c) Obtain or attempt to obtain the whole or any part of a conversation
17 by means of any device, contrivance, machine or apparatus, whether elec-
18 trical, mechanical, manual or otherwise, if not all participants in the con-
19 versation are specifically informed that their conversation is being obtained.

20 “(d) Obtain the whole or any part of a conversation, telecommunication
21 or radio communication from any person, while knowing or having good
22 reason to believe that the conversation, telecommunication or radio commu-

1 nication was initially obtained in a manner prohibited by this section.

2 “(e) Use or attempt to use, or divulge to others, any conversation, tele-
3 communication or radio communication obtained by any means prohibited
4 by this section.

5 “(2)(a) The prohibitions in subsection (1)(a), (b) and (c) of this section do
6 not apply to:

7 “(A) Officers, employees or agents of a telecommunication or radio com-
8 munication company who perform the acts prohibited by subsection (1)(a), (b)
9 and (c) of this section for the purpose of construction, maintenance or con-
10 ducting of their telecommunication or radio communication service, facilities
11 or equipment.

12 “(B) Public officials in charge of and at jails, police premises, sheriffs’
13 offices, Department of Corrections institutions and other penal or
14 correctional institutions, except as to communications or conversations be-
15 tween an attorney and the client of the attorney.

16 “(b) Officers, employees or agents of a telecommunication or radio com-
17 munication company who obtain information under paragraph (a) of this
18 subsection may not use or attempt to use, or divulge to others, the informa-
19 tion except for the purpose of construction, maintenance, or conducting of
20 their telecommunication or radio communication service, facilities or equip-
21 ment.

22 “(3) The prohibitions in subsection (1)(a), (b) or (c) of this section do not
23 apply to subscribers or members of their family who perform the acts pro-
24 hibited in subsection (1) of this section in their homes.

25 “(4) The prohibitions in subsection (1)(a) of this section do not apply to
26 the receiving or obtaining of the contents of any radio or television broad-
27 cast transmitted for the use of the general public.

28 “(5) The prohibitions in subsection (1)(c) of this section do not apply to:

29 “(a) A person who records a conversation during a felony that endangers
30 human life;

1 **“(b) A person who is not a law enforcement officer and who records**
2 **a conversation during what the person reasonably believes to be the**
3 **commission of any of the following crimes:**

4 **“(A) Harassment as described in ORS 166.065;**

5 **“(B) Menacing as described in ORS 163.190;**

6 **“(C) Coercion as described in ORS 163.275; or**

7 **“(D) Stalking as described in ORS 163.732;**

8 **“[(b)] (c) A person who, pursuant to ORS 133.400, records an interview**
9 **conducted by a peace officer in a law enforcement facility;**

10 **“[(c)] (d) A law enforcement officer who is in uniform and displaying a**
11 **badge and who is operating a vehicle-mounted video camera that records the**
12 **scene in front of, within or surrounding a police vehicle, unless the officer**
13 **has reasonable opportunity to inform participants in the conversation that**
14 **the conversation is being obtained; or**

15 **“[(d)] (e) A law enforcement officer who, acting in the officer’s official**
16 **capacity, deploys an Electro-Muscular Disruption Technology device that**
17 **contains a built-in monitoring system capable of recording audio or video,**
18 **for the duration of that deployment.**

19 **“(6) The prohibitions in subsection (1)(c) of this section do not apply to**
20 **persons who intercept or attempt to intercept with an unconcealed recording**
21 **device the oral communications that are part of any of the following pro-**
22 **ceedings:**

23 **“(a) Public or semipublic meetings such as hearings before governmental**
24 **or quasi-governmental bodies, trials, press conferences, public speeches, ral-**
25 **lies and sporting or other events;**

26 **“(b) Regularly scheduled classes or similar educational activities in public**
27 **or private institutions; or**

28 **“(c) Private meetings or conferences if all others involved knew or rea-**
29 **sonably should have known that the recording was being made.**

30 **“(7) The prohibitions in subsection (1)(a), (c), (d) and (e) of this section**

1 do not apply to any:

2 “(a) Radio communication that is transmitted by a station operating on
3 an authorized frequency within the amateur or citizens bands; or

4 “(b) Person who intercepts a radio communication that is transmitted by
5 any governmental, law enforcement, civil defense or public safety communi-
6 cations system, including police and fire, readily accessible to the general
7 public provided that the interception is not for purposes of illegal activity.

8 “(8) Violation of subsection (1) or (2)(b) of this section is a Class A
9 misdemeanor.

10 “(9) As used in this section:

11 “(a) ‘Electro-Muscular Disruption Technology device’ means a device that
12 uses a high-voltage, low power charge of electricity to induce involuntary
13 muscle contractions intended to cause temporary incapacitation. ‘Electro-
14 Muscular Disruption Technology device’ includes devices commonly known
15 as tasers.

16 “(b) ‘Law enforcement officer’ has the meaning given that term in ORS
17 133.726.”

18 In line 23, delete “2” and insert “3”.

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