



To: Members of the House Judiciary Committee

From: Kevin Campbell, Executive Director
Oregon Association Chiefs of Police

Date: March 12, 2015

Re: Opposition to HB 2704

Chair Barker and members of the House Judiciary Committee, for the record my name is Kevin Campbell and I am the Executive Director of the Oregon Association Chiefs of Police. I am here today on behalf of the Oregon Association Chiefs of Police and Oregon State Sheriffs' Association to express our opposition to HB 2704 and to speak to changes to the measure proposed by the dash-1 amendments to the bill.

With the saturation and wide spread use of cell phones and other devices capable of recording audio and video, law enforcement officers are accustomed to having their enforcement actions recorded. We believe that case law is already clear regarding the right of citizens to record and are concerned that the language contained in HB 2704 is problematic. Here are a few of our concerns:

In Section 1 (3)(c)(d), the wording "actually prevent" and "actually preventing" is used instead of the language contained in current law that uses the terminology "prevents, or attempts to prevent" to describe intentional acts that constitute committing the crime of interfering. The purpose of this new terminology is not clear and the standard established by the new language is not defined.

In Section 2 (page 2, line 34), for law enforcement officers performing official duties, the measure would create an exception to the requirement that participants in a conversation be specifically informed when persons are obtaining or attempting to obtain the whole or any part of a conversation. Because there is no requirement that officers be notified when someone is recording them, we are deeply concerned by the potential for surreptitious recording of police officer conversations that would put the reasonable privacy rights of officers and victims at risk.

While the dash-1 amendments to HB 2704 eliminates the language that would allow recording of police officers without notice and would require notice as a part of the interfering statute, adoption of the amendment would still allow the "actually prevent" and "actually preventing" wording to remain in the statute.

Thank you for your consideration.