

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

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Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: Jeff Rhoades, Counsel

Meeting Dates: 6/2

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**WHAT THE MEASURE DOES:** Establishes exemption to one-party notification in context of recording if person is openly recording law enforcement officer engaging in lawful duties in a place open to the public.

**ISSUES DISCUSSED:**

**EFFECT OF COMMITTEE AMENDMENT:** Proposed –A8 amendment applies exemption to person who openly and in plain view records a law enforcement officer speaking at a volume that is audible by normal unaided hearing while the officer is performing official duties and the person recording is in a place where the person lawfully may be.

**BACKGROUND:** House Bill 2704 A addresses the situation where a private citizen is recording a police officer on the street. Most commonly, this occurs when an individual is recording an officer making an arrest. Under ORS 165.540, a person who obtains, or attempts to obtain the whole or part of a conversation by means of any device must “specifically inform” the parties of the recording. Failure to do so constitutes a Class A misdemeanor.

ORS 165.540 provides specific exemptions to this rule. Examples include: 1) public or semipublic meetings such as hearings before governmental or quasi-governmental bodies, trials, press conferences, public speeches, rallies and sporting or other services; 2) regularly scheduled classes or similar educational activities in public or private institutions; and 3) law enforcement officers operating vehicle mounted cameras. House Bill 2704 A creates a new exemption to this rule for citizens who are recording the police. The exemption is for a person who openly records a law enforcement officer while the officer is performing his or her official duties in a place open to the public.