

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
House Committee On Judiciary

MEASURE: HB 2704 A
CARRIER: Rep. Barker

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 04/20/15

Action: Do Pass As Amended And Be Printed Engrossed.

Meeting Dates: 03/12, 04/20

Vote:

Yeas: 7 - Barker, Barton, Greenlick, Krieger, Lininger, Olson, Williamson

Nays: 2 - Post, Sprenger

Prepared By: Jeff Rhoades, Counsel

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:

- Substance of the bill
- Why recording of police is important
- How such recording can interfere with police duties
- Real world examples

EFFECT OF COMMITTEE AMENDMENT:

Adjusts one party notification language to state person must openly record officer while officer performing duties in place open to the public as defined in ORS 164.205.

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.