

House Bill 2470

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Department of Consumer and Business Services)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Exempts document, material or other information from disclosure if Department of Consumer and Business Services produces or collects document, material or other information in connection with active and ongoing investigation of compliance with law that department administers and if Director of Department of Consumer and Business Services possesses document, material or other information.

Specifies exceptions to exemption from disclosure.
Becomes operative 91 days after effective date of Act.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to exemptions from public disclosure for materials connected with investigations of com-
3 pliance with law; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) Except as provided in subsection (4) of this section, a document, material**
6 **or other information is not subject to disclosure under ORS 192.410 to 192.505, is not subject**
7 **to subpoena and is not subject to discovery or admissible in a private civil action if:**

8 (a) **The Department of Consumer and Business Services produced or collected the docu-**
9 **ment, material or other information in connection with an active and ongoing investigation**
10 **to determine compliance with a law that the department administers; and**

11 (b) **The Director of the Department of Consumer and Business Services possesses the**
12 **document, material or other information.**

13 (2) **Subsection (1) of this section does not apply to:**

14 (a) **Discovery in a contested case proceeding that the director initiates under ORS chap-**
15 **ter 183 and that names as a defendant the person that requests the document, material or**
16 **other information.**

17 (b) **Subpoenas or discovery connected to a civil action the director filed and that names**
18 **as a defendant the person that requests the document, material or other information.**

19 (c) **Materials submitted to a state or federal law enforcement agency that formed the**
20 **basis for or supplemented a criminal complaint that a prosecuting attorney filed. This para-**
21 **graph does not affect an existing exemption from disclosure under ORS 192.501 (3).**

22 (d) **A document, material or other information associated with an individual's complaint**
23 **or inquiry if the individual:**

24 (A) **Created and used the document, material or other information for personal, house-**
25 **hold or commercial purposes;**

26 (B) **Requested that the department disclose the document, material or other information;**
27 **and**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (C) Authenticates the individual's identity to the department's satisfaction.

2 (3) The provisions of this section are in addition to and not in lieu of any confidentiality
3 provision or any exemption or conditional exemption from disclosure, production or discov-
4 ery that is set forth in any law the director administers.

5 (4) A document, material or other information that is otherwise subject to the provisions
6 of subsection (1) of this section is subject to disclosure after any private civil action in which
7 a person sought the disclosure has concluded.

8 **SECTION 2.** (1) Section 1 of this 2015 Act becomes operative 91 days after the effective
9 date of this 2015 Act.

10 (2) The Director of the Department of Consumer and Business Services may take any
11 action before the operative date specified in subsection (1) of this section that is necessary
12 to enable the director to exercise, on and after the operative date specified in subsection (1)
13 of this section, all of the duties, functions and powers conferred on the director by section
14 1 of this 2015 Act.

15 **SECTION 3.** This 2015 Act being necessary for the immediate preservation of the public
16 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
17 on its passage.

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