

House Bill 2703

Sponsored by Representative FREDERICK (Presession filed.)

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**.

Requires law enforcement officers who are on duty and on patrol to operate video cameras mounted upon officer's person to record officer's interactions with members of public. Provides exceptions. Requires monitoring and retention of recordings by third party.

Becomes operative on effective date of Act. Provides for delayed implementation based on population of municipal law enforcement agency jurisdiction.

A BILL FOR AN ACT

1
2 Relating to cameras worn by law enforcement officers; creating new provisions; and amending ORS
3 165.540.

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

5 **SECTION 1. (1) Each law enforcement agency shall require every law enforcement officer**
6 **who is on duty but not acting in an undercover or plainclothes capacity to wear a video**
7 **camera on the law enforcement officer's person that records the officer's interactions with**
8 **members of the public while the officer is on duty and on patrol.**

9 **(2) Each law enforcement agency in this state shall adopt policies and procedures for**
10 **implementing the requirements of subsection (1) of this section. The policies and procedures**
11 **must provide for the monitoring and retention of all recordings by a third-party entity that**
12 **is not affiliated with the law enforcement agency.**

13 **(3) As used in this section:**

14 **(a) "Law enforcement agency" means an agency employing law enforcement officers to**
15 **enforce criminal laws.**

16 **(b) "Law enforcement officer" means an officer employed to enforce criminal laws by:**

17 **(A) This state or a municipal government within this state;**

18 **(B) A political subdivision, agency, department or bureau of the governments described**
19 **in subparagraph (A) of this paragraph; or**

20 **(C) A police department established by a university under ORS 352.383 or 353.125.**

21 **SECTION 2. ORS 165.540 is amended to read:**

22 165.540. (1) Except as otherwise provided in ORS 133.724 or 133.726 or subsections (2) to (7) of
23 this section, a person may not:

24 (a) Obtain or attempt to obtain the whole or any part of a telecommunication or a radio com-
25 munication to which the person is not a participant, by means of any device, contrivance, machine
26 or apparatus, whether electrical, mechanical, manual or otherwise, unless consent is given by at
27 least one participant.

28 (b) Tamper with the wires, connections, boxes, fuses, circuits, lines or any other equipment or
29 facilities of a telecommunication or radio communication company over which messages are trans-
30 mitted, with the intent to obtain unlawfully the contents of a telecommunication or radio communi-

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 cation to which the person is not a participant.

2 (c) Obtain or attempt to obtain the whole or any part of a conversation by means of any device,
3 contrivance, machine or apparatus, whether electrical, mechanical, manual or otherwise, if not all
4 participants in the conversation are specifically informed that their conversation is being obtained.

5 (d) Obtain the whole or any part of a conversation, telecommunication or radio communication
6 from any person, while knowing or having good reason to believe that the conversation, telecom-
7 munication or radio communication was initially obtained in a manner prohibited by this section.

8 (e) Use or attempt to use, or divulge to others, any conversation, telecommunication or radio
9 communication obtained by any means prohibited by this section.

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

11 (A) Officers, employees or agents of a telecommunication or radio communication company who
12 perform the acts prohibited by subsection (1)(a), (b) and (c) of this section for the purpose of con-
13 struction, maintenance or conducting of their telecommunication or radio communication service,
14 facilities or equipment.

15 (B) Public officials in charge of and at jails, police premises, sheriffs' offices, Department of
16 Corrections institutions and other penal or correctional institutions, except as to communications
17 or conversations between an attorney and the client of the attorney.

18 (b) Officers, employees or agents of a telecommunication or radio communication company who
19 obtain information under paragraph (a) of this subsection may not use or attempt to use, or divulge
20 to others, the information except for the purpose of construction, maintenance, or conducting of
21 their telecommunication or radio communication service, facilities or equipment.

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

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

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

28 (a) A person who records a conversation during a felony that endangers human life;

29 (b) A person who, pursuant to ORS 133.400, records an interview conducted by a peace officer
30 in a law enforcement facility;

31 (c) A law enforcement officer who is in uniform and displaying a badge and who is operating:

32 (A) A vehicle-mounted video camera that records the scene in front of, within or surrounding
33 a police vehicle, unless the officer has reasonable opportunity to inform participants in the conver-
34 sation that the conversation is being obtained; or

35 (B) **A video camera mounted upon the officer's person that records the officer's inter-**
36 **actions with members of the public while the officer is on duty, unless the officer has rea-**
37 **sonable opportunity to inform participants in the conversation that the conversation is being**
38 **obtained; or**

39 (d) A law enforcement officer who, acting in the officer's official capacity, deploys an Electro-
40 Muscular Disruption Technology device that contains a built-in monitoring system capable of re-
41 cording audio or video, for the duration of that deployment.

42 (6) The prohibitions in subsection (1)(c) of this section do not apply to persons who intercept
43 or attempt to intercept with an unconcealed recording device the oral communications that are part
44 of any of the following proceedings:

45 (a) Public or semipublic meetings such as hearings before governmental or quasi-governmental

1 bodies, trials, press conferences, public speeches, rallies and sporting or other events;

2 (b) Regularly scheduled classes or similar educational activities in public or private institutions;

3 or

4 (c) Private meetings or conferences if all others involved knew or reasonably should have known
5 that the recording was being made.

6 (7) The prohibitions in subsection (1)(a), (c), (d) and (e) of this section do not apply to any:

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

9 (b) Person who intercepts a radio communication that is transmitted by any governmental, law
10 enforcement, civil defense or public safety communications system, including police and fire, readily
11 accessible to the general public provided that the interception is not for purposes of illegal activity.

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

13 (9) As used in this section:

14 (a) "Electro-Muscular Disruption Technology device" means a device that uses a high-voltage,
15 low power charge of electricity to induce involuntary muscle contractions intended to cause tem-
16 porary incapacitation. "Electro-Muscular Disruption Technology device" includes devices commonly
17 known as tasers.

18 (b) "Law enforcement officer" has the meaning given that term in ORS 133.726.

19 **SECTION 3. (1) Section 1 of this 2015 Act becomes operative on the effective date of this**
20 **2015 Act.**

21 **(2) Notwithstanding subsection (1) of this section, a law enforcement agency may delay**
22 **implementation of section 1 of this 2015 by:**

23 **(a) Six months if the law enforcement agency has jurisdiction over a municipality having**
24 **a population of at least 100,000.**

25 **(b) One year if the law enforcement agency has jurisdiction over a municipality having**
26 **a population of at least 500,000.**

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