

# Senate Bill 238

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## 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 private safety agency to comply with certain requests for personnel records from Department of Public Safety Standards and Training. Authorizes Director of Department of Public Safety Standards and Training to apply for court order to compel public or private safety agency to comply with department's request for access to personnel records of employee of agency.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to access to personnel records requested by the Department of Public Safety Standards and  
3 Training; amending ORS 181.675; and declaring an emergency.

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

5 **SECTION 1.** ORS 181.675 is amended to read:

6 181.675. (1) The Board on Public Safety Standards and Training and the Department of Public  
7 Safety Standards and Training may not disclose a photograph of a public safety officer without the  
8 written consent of the public safety officer or the public safety officer's employer. This subsection  
9 does not apply to the **internal** use by the board or department of a photograph of a public safety  
10 officer.

11 (2) A public **or private** safety agency shall provide the department with access to personnel  
12 records of an employee or former employee of the [*public safety*] agency if:

13 (a) The department requests access to the records;

14 (b) The department is conducting an investigation under ORS 181.662 relating to the employee  
15 or former employee's qualifications for employment, training or certification as a public safety offi-  
16 cer; and

17 (c) The records are related to the issue being investigated.

18 (3) A public **or private** safety agency that discloses information under subsection (2) of this  
19 section is presumed to be acting in good faith and, unless lack of good faith is shown by a prepon-  
20 derance of the evidence, is immune from civil liability from the disclosure or its consequences. For  
21 purposes of this subsection, the presumption of good faith is rebutted upon a showing that the  
22 [*public safety*] agency disclosed the information knowing that the information was false or delib-  
23 erately misleading or disclosed the information with malicious purpose.

24 (4) **If a public or private safety agency fails or refuses to comply with a request made**  
25 **pursuant to subsection (2) of this section, the Director of the Department of Public Safety**  
26 **Standards and Training may apply to a court having jurisdiction over the matter for an order**  
27 **to compel compliance.**

28 **SECTION 2. This 2015 Act being necessary for the immediate preservation of the public**

**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 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
2 **on its passage.**

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