

**A-Engrossed**  
**House Bill 4087**

Ordered by the House February 15  
Including House Amendments dated February 15

Sponsored by Representatives PILUSO, EVANS; Representatives GORSEK, MCLAIN, REARDON, Senator MONNES ANDERSON (Pre-session 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.

*[Prohibits official action relating to employment or certification of police officer solely because police officer is on impeachment list or because of unproven allegation that police officer committed act or omission of kind for which name of police officer may be placed on impeachment list. Prohibits use of certain evidence regarding impeachment list in administrative hearing related to official action.]*

**Permits police officer or law enforcement unit to petition circuit court to require law enforcement unit to withhold from disclosure identifying information of police officer or police officer's immediate family if police officer or police officer's immediate family received credible threat of present danger to life of police officer or police officer's immediate family. Specifies that identifying information under protective order may be withheld for 90 days. Permits police officer or law enforcement to request extension of protective order. Permits plaintiff who brings cause of action against law enforcement unit for act or omission committed by police officer whose identifying information is under protective order to petition court to release identifying information of police officer. Defines "law enforcement unit" and "police officer."**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

Relating to police officers; and declaring an emergency.

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

**SECTION 1. (1) As used in this section and section 2 of this 2016 Act:**

(a) "Law enforcement unit" has the meaning given that term in ORS 181A.355.

(b) "Police officer" has the meaning given that term in ORS 133.525.

(2) A police officer, or a law enforcement unit acting on behalf of a police officer, may file a petition with the circuit court in whose jurisdiction the law enforcement unit that the police officer serves is located, to require the law enforcement unit that the police officer serves to withhold from disclosure the name, home address, electronic mail address, telephone number, date of birth and other identifying information of the police officer, or members of the police officer's immediate family, only if, by clear and convincing evidence, the law enforcement unit can demonstrate that the police officer, or a member of the police officer's immediate family, has received a credible threat of present danger to the life of the police officer or a member of the police officer's immediate family. The petition to withhold information must be related to a specific event in which the police officer was involved.

(3) All proceedings related to the petition must be held in camera.

(4) The court shall enter an order granting or denying the petition within five business days after the date on which the petition is filed.

(5) The law enforcement unit shall withhold from disclosure the identifying information

**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 described in subsection (2) of this section while the petition is pending review by the court.

2 (6) The information described in subsection (2) of this section may be withheld for no  
3 longer than 90 days from the date on which the court enters an order. A police officer, or a  
4 law enforcement unit acting on behalf of a police officer, may petition, and the court may  
5 consider, one or more extensions of the order of up to 90 days each if the law enforcement  
6 unit can demonstrate a continuing credible threat of present danger to the life of the police  
7 officer or a member of the police officer's immediate family.

8 (7) An order issued under this section may not restrict the disclosure of information  
9 about the police officer that is unrelated to the specific event described in subsection (2) of  
10 this section.

11 **SECTION 2.** (1) If a plaintiff brings a cause of action against a law enforcement unit for  
12 an action or omission of a police officer that serves the law enforcement unit, and the  
13 plaintiff has reason to believe that identifying information of the police officer is under a  
14 protective order issued pursuant to section 1 of this 2016 Act, the plaintiff may file a motion  
15 with the cause of action to require the law enforcement unit to release the identifying in-  
16 formation of the police officer for purposes of the cause of action.

17 (2) Nothing in this section or section 1 of this 2016 Act, or in the issuance of a protective  
18 order under section 1 of this 2016 Act, shall prevent a court in a judicial proceeding involving  
19 a police officer whose identifying information is under a protective order issued pursuant to  
20 section 1 of this 2016 Act, from ordering the disclosure of identifying information of the po-  
21 lice officer to parties in that proceeding. The court may issue other orders as the court  
22 deems necessary, including an order to restrict parties to the proceeding from disclosing the  
23 information under the protective order.

24 **SECTION 3.** This 2016 Act being necessary for the immediate preservation of the public  
25 peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect  
26 on its passage.