

SENATE AMENDMENTS TO SENATE BILL 40

By COMMITTEE ON JUDICIARY

February 7

1 On page 1 of the printed bill, line 3, after “181A.400,” insert “181A.670,”.

2 After line 9, insert:

3 “**SECTION 2.** ORS 181A.670 is amended to read:

4 “181A.670. (1) The Board on Public Safety Standards and Training and the Department of Public
5 Safety Standards and Training may not disclose a photograph of a public safety officer without the
6 written consent of the public safety officer or the public safety officer’s employer. This subsection
7 does not apply to the internal use by the board or department of a photograph of a public safety
8 officer.

9 “(2) A public or private safety agency **or other employer of a public safety officer** shall pro-
10 vide the department with access to personnel records of an employee or former employee of the
11 agency **or employer** if:

12 “(a) The department requests access to the records;

13 “(b) The department is conducting an investigation under ORS 181A.640 relating to the employee
14 or former employee’s qualifications for employment, training or certification as a public safety offi-
15 cer; and

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

17 “(3) A public or private safety agency **or other employer of a public safety officer** that dis-
18 closes information under subsection (2) of this section is presumed to be acting in good faith and,
19 unless lack of good faith is shown by a preponderance of the evidence, is immune from civil liability
20 from the disclosure or [its] **the disclosure’s** consequences. For purposes of this subsection, the
21 presumption of good faith is rebutted upon a showing that the agency **or employer** disclosed the
22 information knowing that the information was false or deliberately misleading or disclosed the in-
23 formation with malicious purpose.

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

28 In line 10, delete “2” and insert “3”.

29 On page 2, line 11, delete “3” and insert “4”.

30 In line 39, delete “4” and insert “5”.

31 On page 4, line 1, delete “5” and insert “6”.

32 In line 41, delete “6” and insert “7”.

33 On page 5, line 29, delete “7” and insert “8”.

34 On page 7, line 45, delete “8” and insert “9”.

35 On page 8, line 3, delete “2 to 5” and insert “3 to 6”.

