

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 40**

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
5 Department of Public Safety Standards and Training may not disclose a
6 photograph of a public safety officer without the written consent of the
7 public safety officer or the public safety officer’s employer. This subsection
8 does not apply to the internal use by the board or department of a photo-
9 graph of a public safety officer.

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

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

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

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

18 “(3) A public or private safety agency **or other employer of a public**
19 **safety officer** that discloses information under subsection (2) of this section
20 is presumed to be acting in good faith and, unless lack of good faith is shown
21 by a preponderance of the evidence, is immune from civil liability from the

1 disclosure or [its] **the disclosure's** consequences. For purposes of this sub-
2 section, the presumption of good faith is rebutted upon a showing that the
3 agency **or employer** disclosed the information knowing that the information
4 was false or deliberately misleading or disclosed the information with mali-
5 cious purpose.

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

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

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

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

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

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

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

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

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

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