



To: Members of the House Judiciary Committee

From: Kevin Campbell, Government Affairs Representative
Oregon State Sheriffs' Association

Date: March 27, 2019

Re: HB 3249 – Client Legal Team Confidentiality

Chair Williamson and Members of the Committee,

For the record, my name is Kevin Campbell and I am here today on behalf of the Oregon State Sheriffs' Association to express concerns with HB 3249 as currently drafted.

HB 3249 seeks to protect client's right to confidentiality by creating a second jail log for legal visitors that cannot be informally reviewed, exempts the legal log from public records production, and provides that any evidence derived in violation of this privilege cannot be used as evidence against the client in court.

First of all, I want to express my appreciation to Mary Sophia for giving us an opportunity to review this legislative concept in advance of its introduction and to provide feedback. I was just provided with a copy of an amendment to the bill and I haven't had an opportunity to review it.

We have no concerns with the intent of HB 3249 but we do have concerns around provisions in the bill that would require a local correctional facility to maintain two separate logs for visitors. This would add significant complexity for jail personnel who would have to correctly identify a client's lawyer and their representatives. The bill provides a list of people who constitute the representatives of the lawyer in section 3(b) and requires a person visiting an inmate in the person's professional capacity to provide appropriate identification in order to insure they sign the appropriate log in section 4. How would jail personnel determine individuals who are officially a "representative of the lawyer" and what constitutes appropriate identification for purposes of the bill.

We recommend that jails continue to maintain one log and to make the log confidential with exceptions.