

House Bill 2353

Sponsored by Representative POWER (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 **as introduced**.

Authorizes Attorney General, district attorney or court to award penalty to public records requester, plus reasonable attorney fees, if public body responds to request with undue delay or fails to be responsive to request.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to public records; amending ORS 192.407; and declaring an emergency.

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

4 **SECTION 1.** ORS 192.407 is amended to read:

5 192.407. (1) A person who has submitted a written public records request in compliance with a
6 public body's policy may seek review of the following, in the same manner as a person petitions
7 when inspection of a public record is denied under ORS 192.311 to 192.478:

8 (a) The failure of a public body to provide the response required by ORS 192.329 within the
9 prescribed period. A failure of the public body to timely respond shall be treated as a denial of the
10 request unless the public body demonstrates that compliance was not required under ORS 192.329.

11 (b) An estimate of time provided by a public body pursuant to ORS 192.329, if the person be-
12 lieves that the estimated time frame for the response is unreasonably long and will result in undue
13 delay of disclosure.

14 (c) Any other instance in which the person believes that the public body has failed to comply
15 with ORS 192.329.

16 (2) Except as provided in subsection (3) of this section, the Attorney General, the district at-
17 torney and the court have the same authority with respect to petitions under this section as when
18 inspection of a public record is denied.

19 (3) If the Attorney General, **the** district attorney or a court grants a petition filed under this
20 section, the order granting the petition:

21 (a) May require disclosure of nonexempt material responsive to the request within seven days,
22 or within any other period that the Attorney General, district attorney or court concludes is ap-
23 propriate to comply with ORS 192.329[.]; **and**

24 (b) **May require the public body to pay a penalty of up to \$_____ to the requester, plus**
25 **reasonable attorney fees, if the Attorney General, district attorney or court determines that**
26 **the public body responded to the request with undue delay or failed to respond to the re-**
27 **quest.**

28 **SECTION 2. This 2019 Act being necessary for the immediate preservation of the public**
29 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
30 **on its passage.**

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.

