

HB 3273 A STAFF MEASURE SUMMARY

Carrier: Sen. Manning Jr, Sen. Prozanski

**Senate Committee On Judiciary and Ballot Measure 110
Implementation**

Action Date: 05/24/21
Action: Do pass the A-Eng bill.
Vote: 4-3-0-0
Yeas: 4 - Dembrow, Gelser, Manning Jr, Prozanski
Nays: 3 - Heard, Linthicum, Thatcher
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Michael Lantz, Counsel
Meeting Dates: 5/13, 5/24

WHAT THE MEASURE DOES:

Prohibits the release of a booking photo by a law enforcement agency to anyone except to: 1) the person in the booking photo; 2) another law enforcement agency for a law enforcement purpose; 3) the public, upon determination that there is a law enforcement purpose for the release; 4) a state mental hospital upon admission related to the arrest; 5) to a party or victim in the case for which the booking photo was obtained; or 6) the public, upon conviction resulting from the arrest from which the booking photo was obtained. Requires a publish-for-pay publication to remove and destroy the booking photo image upon request. Specifies fees publication can require and civil damages that can be imposed for failure to remove image. Provides that publisher conditioning removal of image upon payment of fee by person acquitted, not prosecuted, or who has had their conviction set aside, vacated, or pardoned, can be prosecuted for theft by deception under ORS 164.085. Defines terms.

ISSUES DISCUSSED:

- Potential for early release of booking photos to create bias
- Need for crime victims to have access to suspect's booking photo
- Media's use of booking photos
- Potential amendments

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

When a person is arrested, photos are usually taken of them as they are booked into jail. Subsequently, these photos are often released to the public and published in the media or online. Some websites specialize in publishing booking photos and charge money to have the images removed, even if the photo was of a person who was acquitted or not charged.

House Bill 3273 A prohibits law enforcement agencies from releasing booking photos except under certain circumstances and sets requirements for the destruction of a booking photo image by a publish-for-pay publication upon request.