

House Bill 2133

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Oregon State Police)

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**.

Requires law enforcement agencies to collect fingerprints, palm prints and identifying data for persons arrested for felony or misdemeanor. Requires completion of disposition report for all felonies and misdemeanors.

Authorizes Department of State Police, after consultation with courts, to determine manner and format in which disposition information must be transmitted. Requires transmission of disposition information even if no accusatory instrument is filed, accusatory instrument is dismissed or charges are dismissed.

A BILL FOR AN ACT

1
2 Relating to criminal offender information; amending ORS 181A.160, 181A.175 and 181A.220; and re-
3 pealing ORS 181A.165.

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

5 **SECTION 1.** ORS 181A.160 is amended to read:

6 181A.160. (1) Immediately upon the arrest of a person for [*a crime for which criminal offender*
7 *information must be provided under ORS 181A.165*] **a felony or misdemeanor**, a law enforcement
8 agency shall:

9 (a) Place the arrested person's fingerprints, **palm prints** and identifying data, on forms pre-
10 scribed or furnished by the Department of State Police, **including a unique arrest fingerprint**
11 **control number**, photograph the arrested person and promptly transmit the form and photograph
12 to the department.

13 (b) If the arrest is disposed of by the arresting agency, cause the disposition report, **including**
14 **the unique arrest fingerprint control number**, to be completed and promptly transmitted to the
15 department.

16 (c) If the arrest is not disposed of by the agency, cause the disposition report, **including the**
17 **unique arrest fingerprint control number**, to be forwarded to the **district attorney or** court that
18 will dispose of [*the*] **each** charge for further action in accordance with ORS 181A.175.

19 (2) A law enforcement agency may record, in addition to fingerprints[, *the*] **and** palm prints, **the**
20 sole prints, toe prints or other personal identifiers when, in the discretion of the agency, it is nec-
21 essary to effect identification of the persons or to the investigation of the crime charged.

22 (3) A law enforcement agency, for the purpose of identification, may record and submit to the
23 department the fingerprints, **palm prints, photograph and unique arrest fingerprint control**
24 **number** of persons arrested for [*crimes for which criminal offender information is not required under*
25 *ORS 181A.165*] **an offense other than a felony or misdemeanor**.

26 (4) **This section does not apply to a person who is issued a citation in lieu of arrest.**

27 **SECTION 2.** ORS 181A.175 is amended to read:

28 181A.175. (1) **As used in this section, "disposition information" means information dis-**

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.

1 **closing that criminal proceedings have been concluded and the nature of the termination,**
 2 **including information disclosing that no accusatory instrument was filed, the accusatory in-**
 3 **strument was dismissed or the charges were dismissed.**

4 (2) When a **district attorney or a court** receives a disposition report from a law enforcement
 5 agency pursuant to ORS 181A.160, the **district attorney or court** shall transmit disposition infor-
 6 mation **for each criminal charge contained in the charging instrument, including the unique**
 7 **arrest fingerprint control number, any written findings of fact made by the court and any**
 8 **restrictions placed by the court on the person's possession of firearms,** to the Department of
 9 State Police in a manner and format determined by [*the State Court Administrator after consultation*
 10 *with*] the department **to update criminal history record information through entry into the**
 11 **Law Enforcement Data System.**

12 (3) **If the district attorney or court is required to transmit disposition information under**
 13 **subsection (2) of this section and a charge is included in the charging instrument that was**
 14 **not included in the original arrest report, citation or charge, the district attorney or court**
 15 **shall transmit the person's fingerprints and the unique arrest fingerprint control number**
 16 **from the original arrest fingerprint card to the department in a manner and format deter-**
 17 **mined by the department.**

18 (4) **In determining the manner and format for submissions required under this section,**
 19 **the department shall consult with state, municipal and justice courts and district attorneys.**

20 **SECTION 3.** ORS 181A.220 is amended to read:

21 181A.220. (1) Notwithstanding the provisions of ORS 192.311 to 192.478 relating to public records
 22 the fingerprints, **palm prints,** photographs, records and reports compiled under ORS 137.225,
 23 181A.010, 181A.160, 181A.175, 181A.230, 805.060 and this section are confidential and exempt from
 24 public inspection except:

25 (a) As ordered by a court;

26 (b) As provided in rules adopted by the Department of State Police under ORS chapter 183 to
 27 govern access to and use of computerized criminal offender information including access by an in-
 28 dividual for review or challenge of the individual's own records;

29 (c) As provided in ORS 181A.230 and 181A.245;

30 (d) As provided in ORS 181A.180; or

31 (e) As provided in ORS 418.747 (5).

32 (2) The records of the department of crime reports to the department and of arrests made by the
 33 department, however, shall not be confidential and shall be available in the same manner as the
 34 records of arrest and reports of crimes of other law enforcement agencies under ORS 192.345 (3).

35 **SECTION 4.** ORS 181A.165 is repealed.

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