

House Bill 2478

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**.

Maintains indefinitely exemption from required disclosure of public records that are subject to lawyer-client privilege and public records exemption for privileged information.

A BILL FOR AN ACT

1
2 Relating to lawyer-client privileged public records; amending ORS 192.398.

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

4 **SECTION 1.** ORS 192.398 is amended to read:

5 192.398. The following public records are exempt from disclosure:

6 (1) Records less than 75 years old which contain information about the physical or mental health
7 or psychiatric care or treatment of a living individual, if the public disclosure thereof would con-
8 stitute an unreasonable invasion of privacy. The party seeking disclosure shall have the burden of
9 showing by clear and convincing evidence that the public interest requires disclosure in the partic-
10 ular instance and that public disclosure would not constitute an unreasonable invasion of privacy.

11 (2) Records less than 75 years old which were sealed in compliance with statute or by court
12 order. Such records may be disclosed upon order of a court of competent jurisdiction or as otherwise
13 provided by law.

14 (3) Records of a person who is or has been in the custody or under the lawful supervision of a
15 state agency, a court or a unit of local government, are exempt from disclosure for a period of 25
16 years after termination of such custody or supervision to the extent that disclosure thereof would
17 interfere with the rehabilitation of the person if the public interest in confidentiality clearly out-
18 weighs the public interest in disclosure. Nothing in this subsection, however, shall be construed as
19 prohibiting disclosure of the fact that a person is in custody.

20 (4) Student records required by state or federal law to be exempt from disclosure.

21 (5) **Records that are lawyer-client privileged under ORS 40.225 and exempt from disclo-**
22 **sure under ORS 192.355 (9).**

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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.