

**SENATE MINORITY REPORT
AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3273**

By Nonconcurring Members of COMMITTEE ON JUDICIARY AND BALLOT
MEASURE 110 IMPLEMENTATION

June 7

1 On page 1 of the printed A-engrossed bill, delete lines 4 through 26 and delete page 2 and insert:

2 **“SECTION 1. (1)(a) Notwithstanding ORS 192.311 to 192.478, within seven days of the**
3 **creation of a booking photo, the person depicted in the photo may petition the court for an**
4 **order prohibiting the release of the photo to another person or entity. The petitioner shall**
5 **serve a copy of the petition on the law enforcement agency that created the photo.**

6 **“(b) The petition must be filed in the county in which the law enforcement agency that**
7 **created the booking photo is located.**

8 **“(2) If the law enforcement agency receives a request for a booking photo that is the**
9 **subject of a petition described in subsection (1) of this section, the agency shall notify the**
10 **requester of the fact that a petition has been filed and of the date and time of the hearing**
11 **described in subsection (3) of this section.**

12 **“(3)(a) Within 30 days of the filing of the petition, the court shall hold a hearing. The**
13 **petitioner has the burden of establishing that prohibiting the release of the booking photo is**
14 **in the public interest.**

15 **“(b) At the hearing described in this subsection, the law enforcement agency may, but**
16 **is not obligated to, appear to contest or otherwise be heard on the petition.**

17 **“(c) A booking photo requester notified by the law enforcement agency under subsection**
18 **(2) of this section, or any other person or entity with a bona fide interest in release of the**
19 **photo, may appear at the hearing and be heard on the petition.**

20 **“(d) If at the hearing the court finds that it is in the public interest to prohibit the re-**
21 **lease of the booking photo, the court shall grant the petition and shall enter an order pro-**
22 **hibiting the law enforcement agency from releasing the photo to any person or entity other**
23 **than the petitioner.**

24 **“(4)(a) Any person or entity may file a motion with the court to order the release of a**
25 **booking photo that is subject to an order described in subsection (3) of this section. The**
26 **movant shall serve a copy of the motion on the person depicted in the photo. The court shall**
27 **hold a hearing on the motion, and the movant has the burden of establishing that the release**
28 **of the photo is in the public interest. The person depicted in the photo may appear at the**
29 **hearing and be heard on the motion. The court shall only consider information not previously**
30 **considered at, or circumstances that have changed since, the hearing described in subsection**
31 **(3) of this section.**

32 **“(b) If at the hearing the court finds that it is in the public interest to release the**
33 **booking photo, the court shall grant the motion and shall order the law enforcement agency**
34 **that created the photo to provide a copy of the photo to the movant.**

