

A-Engrossed House Bill 4110

Ordered by the House February 14
Including House Amendments dated February 14

Sponsored by Representative WILLIAMS, Senator GELSER BLOUIN, Representatives NERON, RUIZ; Representatives HELM, KROPP, WILDE, Senators DEMBROW, MANNING JR (Presession 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.

[Establishes procedures by which certain crime or abuse victims and other authorized persons may request and receive copies of law enforcement agency records concerning case.]

Establishes Task Force on Victim Access to Police Records. Directs task force to develop recommendations for legislation to ensure victims of crime, abuse, neglect or other potentially criminal conduct can access from law enforcement entities records related to crime, abuse, neglect or potentially criminal conduct perpetrated against them. Requires task force to submit report to interim committees of Legislative Assembly related to law enforcement no later than November 1, 2022.

Sunsets task force on June 30, 2023.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to victim access to records; and declaring an emergency.

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

4 **SECTION 1. (1) The Task Force on Victim Access to Police Records is established.**

5 **(2) The task force consists of 14 members appointed as follows:**

6 **(a) The President of the Senate shall appoint one member from among members of the**
7 **Senate.**

8 **(b) The Speaker of the House of Representatives shall appoint one member from among**
9 **members of the House of Representatives.**

10 **(c) The President of the Senate and Speaker of the House shall jointly appoint:**

11 **(A) One member who represents district attorneys.**

12 **(B) One member who represents criminal defense attorneys.**

13 **(C) One member who represents law enforcement agencies.**

14 **(D) One member who represents crime victims for the purpose of enforcing victim rights.**

15 **(E) One member who represents crime victims for the purpose of seeking civil remedies**
16 **and damages.**

17 **(F) One member who represents advocates for survivors of domestic violence and sexual**
18 **assault.**

19 **(G) One member who provides services to victims of domestic violence and sexual assault**
20 **in tribal communities.**

21 **(H) One member who provides immigration legal services to victims of domestic violence**
22 **and sexual assault.**

23 **(I) One member who is the Attorney General or the designee of the Attorney General**

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 from the Department of Justice.

2 (J) One member who is the Chief Justice of the Supreme Court or the designee of the
3 Chief Justice of the Supreme Court from the Judicial Department.

4 (K) One member who is the Public Records Advocate or the designee of the Public Re-
5 cords Advocate from the office of the Public Records Advocate.

6 (L) One member who is the Director of Human Services or the designee of the director
7 from the Department of Human Services.

8 (3)(a) The task force shall develop recommendations for legislation to ensure victims of
9 crime, abuse, neglect or other potentially criminal conduct can access from law enforcement
10 entities records related to the crime, abuse, neglect or other potentially criminal conduct
11 that was perpetrated against them.

12 (b) In developing recommendations under paragraph (a) of this subsection, the task force
13 shall at minimum address standards, processes and timelines for:

14 (A) A victim to request and obtain records from a law enforcement entity.

15 (B) A law enforcement entity to determine whether to approve a victim request for re-
16 cords, including whether any information in the records must be redacted to protect privacy
17 interests.

18 (C) A law enforcement entity to furnish records to a victim following approval of a victim
19 request for records.

20 (D) Enforcement of a victim's right to access law enforcement records, including an ap-
21 peals process if a law enforcement entity denies a victim's request to access records.

22 (E) Any other recommendations to improve access to law enforcement records for vic-
23 tims of crime, abuse, neglect or other potentially criminal conduct.

24 (4)(a) The task force may establish subcommittees to facilitate the development of the
25 recommendations described in subsection (3) of this section.

26 (b) The task force, or a subcommittee of the task force established under paragraph (a)
27 of this subsection, may consult outside experts and stakeholders when developing the rec-
28 ommendations described in subsection (3) of this section.

29 (5) A majority of the voting members of the task force constitutes a quorum for the
30 transaction of business.

31 (6) Official action by the task force requires the approval of a majority of the voting
32 members of the task force.

33 (7) The task force shall elect one of its members to serve as chairperson.

34 (8) If there is a vacancy for any cause, the appointing authority shall make an appoint-
35 ment to become immediately effective.

36 (9) The task force shall meet at times and places specified by the call of the chairperson
37 or of a majority of the voting members of the task force.

38 (10) The task force may adopt rules necessary for the operation of the task force.

39 (11) The task force shall submit a report, including recommendations for legislation as
40 described in subsection (3) of this section, in the manner provided by ORS 192.245, to the
41 interim committees of the Legislative Assembly related to law enforcement no later than
42 November 1, 2022.

43 (12) The Legislative Policy and Research Director shall provide staff support to the task
44 force.

45 (13) Members of the Legislative Assembly appointed to the task force are nonvoting

1 **members of the task force and may act in an advisory capacity only.**

2 **(14) Members of the task force who are not members of the Legislative Assembly are not**
3 **entitled to compensation but may be reimbursed for actual and necessary travel and other**
4 **expenses incurred as a result of serving on the task force.**

5 **(15) All agencies of state government, as defined in ORS 174.111, are directed to assist**
6 **the task force in the performance of the duties of the task force and, to the extent permitted**
7 **by laws relating to confidentiality, to furnish information and advice the members of the task**
8 **force consider necessary to perform their duties.**

9 **SECTION 2. Section 1 of this 2022 Act is repealed on June 30, 2023.**

10 **SECTION 3. This 2022 Act being necessary for the immediate preservation of the public**
11 **peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect**
12 **on its passage.**

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