

# D R A F T

## SUMMARY

Digest: The Act defines abuse of a corpse in the first degree in some circumstances as a sex crime. The Act allows DOT to share data with humane special agents. The Act also changes some definitions for police oversight laws and exempts some hearings from the requirement to publish a recording on a website. (Flesch Readability Score: 61.2).

Provides that abuse of a corpse in the first degree involving sexual activity is a sex crime for purposes of sex offender reporting.

Authorizes the Department of Transportation to share personal information and driver license photos with humane special agents.

Modifies the definition of “law enforcement officer” and “law enforcement agency” for purposes of police oversight provisions.

Provides that hearings of the State Board of Parole and Post-Prison Supervision and Psychiatric Security Review Board are not subject to the requirement to publish recordings on a website.

Declares an emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to public safety; creating new provisions; amending ORS 163A.005,  
3 163A.115, 192.672, 243.706, 243.808, 243.809, 802.179 and 807.115; and de-  
4 claring an emergency.

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

6 **SECTION 1.** ORS 163A.005 is amended to read:

7 163A.005. As used in ORS 163A.005 to 163A.235:

8 (1) “Another United States court” means a federal court, a military court,  
9 the tribal court of a federally recognized Indian tribe or a court of:

10 (a) A state other than Oregon;

11 (b) The District of Columbia;

12 (c) The Commonwealth of Puerto Rico;

- 1 (d) Guam;
- 2 (e) American Samoa;
- 3 (f) The Commonwealth of the Northern Mariana Islands; or
- 4 (g) The United States Virgin Islands.
- 5 (2) "Attends" means is enrolled on a full-time or part-time basis.
- 6 (3)(a) "Correctional facility" means any place used for the confinement
- 7 of persons:
- 8 (A) Charged with or convicted of a crime or otherwise confined under a
- 9 court order.
- 10 (B) Found to be within the jurisdiction of the juvenile court for having
- 11 committed an act that if committed by an adult would constitute a crime.
- 12 (b) "Correctional facility" applies to a state hospital or a secure intensive
- 13 community inpatient facility only as to persons detained therein charged
- 14 with or convicted of a crime, or detained therein after being found guilty
- 15 except for insanity under ORS 161.290 to 161.373 or responsible except for
- 16 insanity under ORS 419C.411.
- 17 (4) "Institution of higher education" means a public or private educa-
- 18 tional institution that provides a program of post-secondary education.
- 19 (5) "Sex crime" means:
- 20 (a) Rape in any degree;
- 21 (b) Sodomy in any degree;
- 22 (c) Unlawful sexual penetration in any degree;
- 23 (d) Sexual abuse in any degree;
- 24 (e) Incest with a child victim;
- 25 (f) Using a child in a display of sexually explicit conduct;
- 26 (g) Encouraging child sexual abuse in any degree;
- 27 (h) Transporting child pornography into the state;
- 28 (i) Paying for viewing a child's sexually explicit conduct;
- 29 (j) Compelling prostitution;
- 30 (k) Promoting prostitution;
- 31 (L) Kidnapping in the first degree if the victim was under 18 years of age;

- 1 (m) Contributing to the sexual delinquency of a minor;
- 2 (n) Sexual misconduct if the offender is at least 18 years of age;
- 3 (o) Possession of materials depicting sexually explicit conduct of a child  
4 in the first degree;
- 5 (p) Kidnapping in the second degree if the victim was under 18 years of  
6 age, except by a parent or by a person found to be within the jurisdiction  
7 of the juvenile court;
- 8 (q) Online sexual corruption of a child in any degree if the offender rea-  
9 sonably believed the child to be more than five years younger than the  
10 offender;
- 11 (r) Luring a minor, if:
- 12 (A) The offender reasonably believed the minor or, in the case of a police  
13 officer or agent of a police officer posing as a minor, the purported minor  
14 to be more than five years younger than the offender or under 16 years of  
15 age; and
- 16 (B) The court designates in the judgment that the offense is a sex crime;
- 17 (s) Sexual assault of an animal;
- 18 (t) Public indecency or private indecency, if the person has a prior con-  
19 viction for a crime listed in this subsection;
- 20 (u) Trafficking in persons as described in ORS 163.266 (1)(b) or (c);
- 21 (v) Purchasing sex with a minor if the court designates the offense as a  
22 sex crime pursuant to ORS 163.413 (3)(d), or the offense is the defendant's  
23 second or subsequent conviction under ORS 163.413 (3)(b)(B);
- 24 (w) Invasion of personal privacy in the first degree, if the court designates  
25 the offense as a sex crime pursuant to ORS 163.701 (3);
- 26 (x) Sexual abuse by fraudulent representation;
- 27 **(y) Abuse of a corpse in the first degree as described in ORS 166.087**  
28 **(1)(a);**
- 29 [(y)] **(z)** Any attempt to commit any of the crimes listed in paragraphs (a)  
30 to [(x)] **(y)** of this subsection;
- 31 [(z)] **(aa)** Burglary, when committed with intent to commit any of the

1 offenses listed in paragraphs (a) to [(x)] (y) of this subsection; or

2 [(aa)] (bb) Criminal conspiracy if the offender agrees with one or more  
3 persons to engage in or cause the performance of an offense listed in para-  
4 graphs (a) to [(x)] (y) of this subsection.

5 (6) “Sex offender” means a person who:

6 (a) Has been convicted of a sex crime;

7 (b) Has been found guilty except for insanity of a sex crime;

8 (c) Has been convicted in another United States court of a crime:

9 (A) That would constitute a sex crime if committed in this state; or

10 (B) For which the person would have to register as a sex offender in that  
11 court’s jurisdiction, or as required under federal law, regardless of whether  
12 the crime would constitute a sex crime in this state; or

13 (d) Is described in ORS 163A.025 (1).

14 (7) “Works” or “carries on a vocation” means full-time or part-time em-  
15 ployment for more than 14 days within one calendar year whether financially  
16 compensated, volunteered or for the purpose of governmental or educational  
17 benefit.

18 **SECTION 2.** ORS 163A.115 is amended to read:

19 163A.115. Notwithstanding any other provision of law:

20 (1) A person who is a sexually violent dangerous offender under ORS  
21 137.765:

22 (a) Must be classified as a level three sex offender under ORS 163A.100  
23 (3); and

24 (b) Is not eligible for relief from the obligation to report as a sex offender  
25 or reclassification as a level two sex offender under ORS 163A.100 (2), pur-  
26 suant to a petition filed under ORS 163A.125.

27 (2) A person who has been convicted or found guilty except for insanity  
28 of one of the following offenses is not eligible for relief from the obligation  
29 to report as a sex offender pursuant to a petition filed under ORS 163A.125  
30 (1):

31 (a) Rape in the first degree;

1 (b) Sodomy in the first degree;

2 (c) Unlawful sexual penetration in the first degree;

3 (d) Kidnapping in the first degree as described in ORS 163.235 (1)(e) or  
4 when the victim is under 18 years of age; or

5 (e) Burglary in the first degree when committed with the intent to commit  
6 any of the offenses listed in ORS 163A.005 (5)(a) to [(x)] (y).

7 (3) A person classified as a level three sex offender under section 7 (2)(b),  
8 chapter 708, Oregon Laws 2013, is not eligible for relief from the obligation  
9 to report as a sex offender pursuant to a petition filed under ORS 163A.125  
10 (1).

11 **SECTION 3.** ORS 802.179 is amended to read:

12 802.179. (1) The Department of Transportation, upon request or as re-  
13 quired by law, shall disclose personal information from a motor vehicle re-  
14 cord to a government agency for use in carrying out its governmental  
15 functions.

16 (2) The department shall disclose personal information from a motor ve-  
17 hicle record for use in connection with matters of motor vehicle or driver  
18 safety and theft, motor vehicle emissions, motor vehicle product alterations,  
19 recalls or advisories, performance monitoring of motor vehicles and dealers  
20 by motor vehicle manufacturers, and removal of nonowner records from the  
21 original owner records of motor vehicle manufacturers to carry out the pur-  
22 poses of any of the following federal Acts:

23 (a) The Automobile Information Disclosure Act.

24 (b) The Motor Vehicle Information and Cost Saving Act.

25 (c) The National Traffic and Motor Vehicle Safety Act of 1966.

26 (d) The Anti-Car Theft Act of 1992.

27 (e) The Clean Air Act.

28 (3)(a) If the department determines that a business is a legitimate busi-  
29 ness, the department shall disclose personal information to the business for  
30 use in the normal course of business in:

31 (A) Verifying the accuracy of personal information submitted to the

1 business; or

2 (B) Correcting personal information submitted to the business, but only  
3 in order to:

4 (i) Prevent fraud;

5 (ii) Pursue legal remedies against the individual who submitted the per-  
6 sonal information; or

7 (iii) Recover a debt from, or satisfy a security interest against, the indi-  
8 vidual.

9 (b) The department shall adopt rules specifying the kind of information  
10 that the department will accept as evidence that a business is a legitimate  
11 business.

12 (4) The department shall disclose personal information to:

13 (a) An attorney, a financial institution as defined in ORS chapter 706 or  
14 a collection agency registered under ORS 697.031 for use in connection with  
15 a civil, criminal, administrative or arbitration proceeding in any court, gov-  
16 ernment agency or self-regulatory body. Permissible uses of personal infor-  
17 mation under this paragraph include, but are not limited to, service of  
18 process, investigation in anticipation of litigation and the execution and  
19 enforcement of judgments and orders.

20 (b) A process server acting as an agent for an individual for use in serv-  
21 ing documents in connection with an existing civil, criminal, administrative  
22 or arbitration proceeding, or a judgment, in any court, government agency  
23 or self-regulatory body. Nothing in this paragraph limits the activities of a  
24 process server when acting as an agent for an attorney, collection agency  
25 or like person or for a government agency.

26 (5) The department shall disclose personal information other than names  
27 to a researcher for use in researching health and educational questions and  
28 providing statistical reports, as long as the personal information is not pub-  
29 lished, redisclosed or used to contact individuals. The department may dis-  
30 close information under this subsection only for research sponsored by an  
31 educational institution or a health research institution.

1 (6) The department shall disclose personal information to an insurer, an  
2 insurance support organization or a self-insured entity in connection with  
3 claims investigation activities, antifraud activities, underwriting or rating.

4 (7) The department shall disclose personal information regarding owner-  
5 ship or other financial interests in a vehicle to a person who is required by  
6 the state or federal Constitution, a statute or an ordinance to give notice to  
7 another person concerning the vehicle. Personal information disclosed under  
8 this subsection may be used only for giving the required notice. Persons  
9 authorized to receive personal information under this subsection include, but  
10 are not limited to:

11 (a) Tow companies;

12 (b) Persons who have or are entitled to have liens on the vehicle; and

13 (c) Persons taking an action that could affect ownership rights to the  
14 vehicle.

15 (8) The department shall disclose personal information to any private se-  
16 curity professional certified under ORS 181A.870, to be used for the purpose  
17 of determining ownership of vehicles parked in a place over which the pri-  
18 vate security professional, acting within the scope of the professional's em-  
19 ployment, exercises control.

20 (9) The department shall disclose personal information to the employer  
21 of an individual who holds commercial driving privileges, or the insurer of  
22 the employer, to obtain or verify information about the individual.

23 (10) The department shall disclose personal information to the operator  
24 of a private toll facility for use in collecting tolls.

25 (11) The department may not disclose personal information for bulk dis-  
26 tributors of surveys, marketing materials or solicitations except as provided  
27 in this subsection. The department shall implement methods and procedures  
28 to ensure:

29 (a) That individuals are offered an opportunity to request that personal  
30 information about themselves be disclosed to bulk distributors; and

31 (b) That the personal information provided by the department will be

1 used, rented or sold solely for bulk distribution of surveys, marketing mate-  
2 rials and solicitations.

3 (12) The department shall disclose personal information to a person who  
4 requests the information if the requester provides the department with writ-  
5 ten permission from the individual whose personal information is requested.  
6 The written permission from the individual must be notarized.

7 (13) The department shall disclose personal information to a person who  
8 is in the business of disseminating such information under the following  
9 conditions:

10 (a) In addition to any other requirements under the contract executed  
11 pursuant to paragraph (b) of this subsection, the person requesting the in-  
12 formation must file a performance bond with the department in the amount  
13 of \$25,000. The bond must be executed in favor of the State of Oregon and  
14 its form is subject to approval by the Attorney General.

15 (b) The disseminator shall enter into a contract with the department. A  
16 contract under this paragraph shall contain at least the following provisions:

17 (A) That the disseminator will not reproduce or distribute the personal  
18 information in bulk but only in response to an individual record inquiry.

19 (B) That the disseminator will provide the personal information only to  
20 a person or government agency authorized to receive the information under  
21 this section and only if the person or government agency has been authorized  
22 by the department to receive the information.

23 (C) That the disseminator will have a method of ensuring that the  
24 disseminator can delay for a period of up to two days the giving of personal  
25 information to a requester who is not a subscriber.

26 (14) The department shall disclose personal information to representatives  
27 of the news media for the gathering or dissemination of information related  
28 to the operation of a motor vehicle or to public safety.

29 (15) The department shall disclose personal information as provided in  
30 ORS 802.220 (5).

31 (16) The department shall adopt rules providing for the release of personal



1 information from motor vehicle records to a person who has a financial in-  
2 terest in the vehicle. Rules adopted under this subsection may include, but  
3 need not be limited to, rules establishing procedures for the department to  
4 verify the financial interest of the person making the request for personal  
5 information.

6 (17) The department shall adopt rules providing for the release of personal  
7 information from motor vehicle records to a person who is injured by the  
8 unsafe operation of a vehicle or who owns property that is damaged because  
9 of the unsafe operation of a vehicle.

10 (18) The department shall disclose personal information to a private in-  
11 vestigator licensed by any licensing authority within the State of Oregon,  
12 to be used for any purpose permitted under this section. A licensed private  
13 investigator requesting information must prove to the department that the  
14 person has a corporate surety bond, an irrevocable letter of credit issued by  
15 an insured institution as defined in ORS 706.008 or such other security as  
16 the Department of Public Safety Standards and Training may prescribe by  
17 rule in the minimum amount of \$5,000 or errors and omissions insurance in  
18 the minimum amount of \$5,000.

19 (19) The department shall disclose personal information to a procurement  
20 organization as defined in ORS 97.953 for the purpose of facilitating the  
21 making of anatomical gifts under the provisions of ORS 97.955.

22 **(20) The department, upon request, shall disclose personal infor-**  
23 **mation to a humane special agent as defined in ORS 181A.345.**

24 **SECTION 4.** ORS 807.115 is amended to read:

25 807.115. (1) The Department of Transportation shall retain a digital image  
26 of each photograph and signature shown on a driver license under the pro-  
27 visions of ORS 807.110 or an identification card under ORS 807.400.

28 (2) The digital images of photographs may not be made available to any-  
29 one other than law enforcement officials and employees of the department  
30 acting in an official capacity.

31 **(3) As used in this section, "law enforcement official" includes a**

1 **humane special agent as defined in ORS 181A.345.**

2 **SECTION 5.** ORS 243.706 is amended to read:

3 243.706. (1) A public employer may enter into a written agreement with  
4 the exclusive representative of an appropriate bargaining unit setting forth  
5 a grievance procedure culminating in binding arbitration or any other dis-  
6 pute resolution process agreed to by the parties. As a condition of  
7 enforceability, any arbitration award that orders the reinstatement of a  
8 public employee or otherwise relieves the public employee of responsibility  
9 for misconduct shall comply with public policy requirements as clearly de-  
10 fined in statutes or judicial decisions including but not limited to policies  
11 respecting sexual harassment or sexual misconduct, unjustified and egregious  
12 use of physical or deadly force and serious criminal misconduct, related to  
13 work. In addition, with respect to claims that a grievant should be reinstated  
14 or otherwise relieved of responsibility for misconduct based upon the public  
15 employer's alleged previous differential treatment of employees for the same  
16 or similar conduct, the arbitration award must conform to the following  
17 principles:

18 (a) Some misconduct is so egregious that no employee can reasonably rely  
19 on past treatment for similar offenses as a justification or defense to dis-  
20 charge or other discipline.

21 (b) Public managers have a right to change disciplinary policies at any  
22 time, notwithstanding prior practices, if such managers give reasonable ad-  
23 vance notice to affected employees and the change does not otherwise violate  
24 a collective bargaining agreement.

25 (2) In addition to subsection (1) of this section, a public employer may  
26 enter into a written agreement with the exclusive representative of its em-  
27 ployees providing that a labor dispute over conditions and terms of a con-  
28 tract may be resolved through binding arbitration.

29 (3) Notwithstanding subsection (1) of this section, when an arbitration  
30 proceeding involves alleged misconduct by a sworn law enforcement officer  
31 of any law enforcement agency, as those terms are defined in ORS [131.930]

1 **243.812**, and the arbitrator makes a finding that misconduct has occurred  
2 consistent with the law enforcement agency's finding of misconduct or, if  
3 applicable, consistent with a finding of misconduct by a civilian or commu-  
4 nity oversight board, agency or review body, the arbitration award may not  
5 order any disciplinary action that differs from the disciplinary action im-  
6 posed by the law enforcement agency or the civilian or community oversight  
7 board, agency or review body, if the disciplinary action imposed by the law  
8 enforcement agency, or the civilian or community oversight board, agency  
9 or review body was in accordance with the uniform standards adopted by the  
10 Commission on Statewide Law Enforcement Standards of Conduct and Dis-  
11 cipline established under ORS 243.812.

12 (4) In an arbitration proceeding under this section, the arbitrators, or a  
13 majority of the arbitrators, may:

14 (a) Issue subpoenas on their own motion or at the request of a party to  
15 the proceeding to:

16 (A) Compel the attendance of a witness properly served by either party;  
17 and

18 (B) Require from either party the production of books, papers and docu-  
19 ments the arbitrators find are relevant to the proceeding;

20 (b) Administer oaths or affirmations to witnesses; and

21 (c) Adjourn a hearing from day to day, or for a longer time, and from  
22 place to place.

23 (5) The arbitrators shall promptly provide a copy of a subpoena issued  
24 under this section to each party to the arbitration proceeding.

25 (6) The arbitrators issuing a subpoena under this section may rule on  
26 objections to the issuance of the subpoena.

27 (7) If a person fails to comply with a subpoena issued under this section  
28 or if a witness refuses to testify on a matter on which the witness may be  
29 lawfully questioned, the party who requested the subpoena or seeks the tes-  
30 timony may apply to the arbitrators for an order authorizing the party to  
31 apply to the circuit court of any county to enforce the subpoena or compel

1 the testimony. On the application of the attorney of record for the party or  
2 on the application of the arbitrators, or a majority of the arbitrators, the  
3 court may require the person or witness to show cause why the person or  
4 witness should not be punished for contempt of court to the same extent and  
5 purpose as if the proceedings were pending before the court.

6 (8) Witnesses appearing pursuant to subpoena, other than parties or offi-  
7 cers or employees of the public employer, shall receive fees and mileage as  
8 prescribed by law for witnesses in ORS 44.415 (2).

9 (9) As used in this section, “civilian or community oversight board,  
10 agency or review body” means a board, an agency or a body:

11 (a) Designated by a municipality or a law enforcement agency in per-  
12 forming duties related to investigating allegations of officer misconduct or  
13 reviewing police policies and practices; or

14 (b) Created to oversee disciplinary matters concerning law enforcement  
15 officers pursuant to a city charter or ordinance for which a measure that  
16 included the question of whether to establish the board, agency or body was  
17 referred to and approved by the people of the city at an election held on or  
18 after July 1, 2020.

19 **SECTION 6.** ORS 243.808 is amended to read:

20 243.808. (1) For purposes of an arbitration proceeding under ORS 243.706  
21 concerning alleged misconduct by a law enforcement officer:

22 (a) A law enforcement agency or, if applicable, a civilian or community  
23 oversight board, agency or review body, has the burden of proof by a pre-  
24 ponderance of the evidence to show that:

25 (A) The officer engaged in the alleged misconduct; and

26 (B) Any disciplinary action taken against the officer was with just cause,  
27 as defined in ORS 236.350.

28 (b) In determining the reasonableness of a disciplinary action imposed by  
29 a law enforcement agency or a civilian or community oversight board,  
30 agency or review body, including whether the level of discipline is appro-  
31 priate, an arbitrator shall uphold the disciplinary action unless the

1 arbitrator finds that the disciplinary action is arbitrary and capricious.

2 (c) When the imposed disciplinary action is termination of employment,  
3 an arbitrator may not set aside or reduce the imposed disciplinary action if  
4 setting aside or reducing the disciplinary action is inconsistent with the  
5 public interest in maintaining community trust, enforcing a higher standard  
6 of conduct for law enforcement officers and ensuring an accountable, fair  
7 and just disciplinary process.

8 (2)(a) Notwithstanding ORS 243.706 (1), and subject to paragraph (b) of  
9 this subsection, in carrying out an arbitration proceeding described under  
10 ORS 243.706 (3), the Employment Relations Board shall appoint a person  
11 from a list of qualified, indifferent and unbiased persons to serve as the  
12 arbitrator of the proceeding. The board shall submit to each of the parties  
13 subject to the proceeding the list of persons who may serve as arbitrators.

14 (b) After the board has selected a person from the list to serve as the  
15 arbitrator of the proceeding, each of the parties subject to the proceeding is  
16 entitled to one opportunity to object to the board's proposed arbitrator. If a  
17 party objects to the proposed arbitrator, the board shall select an alternative  
18 person to serve as the arbitrator. If the other party objects to the alternative  
19 person, the board shall make a final selection from the names remaining on  
20 the list as to who shall serve as the arbitrator of the proceeding.

21 (3) The requirements described in this section are not subject to collective  
22 bargaining.

23 (4) As used in this section:

24 (a) "Civilian or community oversight board, agency or review body"  
25 means a board, an agency or a body:

26 (A) Designated by a municipality or a law enforcement agency in per-  
27 forming duties related to investigating allegations of officer misconduct or  
28 reviewing police policies and practices; or

29 (B) Created to oversee disciplinary matters concerning law enforcement  
30 officers pursuant to a city charter or ordinance for which a measure that  
31 included the question of whether to establish the board, agency or body was

1 referred to and approved by the people of the city at an election held on or  
2 after July 1, 2020.

3 (b) “Law enforcement agency” and “law enforcement officer” have the  
4 meanings given those terms in ORS [131.930] **243.812**.

5 **SECTION 7.** ORS 243.809 is amended to read:

6 243.809. (1) For matters concerning alleged misconduct by a law enforce-  
7 ment officer, the following shall make determinations regarding the alleged  
8 misconduct and impose disciplinary action in response to such determi-  
9 nations in accordance with the uniform standards adopted by the Commis-  
10 sion on Statewide Law Enforcement Standards of Conduct and Discipline  
11 under ORS 243.812:

12 (a) A law enforcement agency located anywhere in this state.

13 (b) An arbitrator who serves in an arbitration proceeding described under  
14 ORS 243.706 (3).

15 (c) A civilian or community oversight board, agency or review body.

16 (2) The requirements described in this section are not subject to collective  
17 bargaining.

18 (3) As used in this section:

19 (a) “Civilian or community oversight board, agency or review body”  
20 means a board, an agency or a body:

21 (A) Designated by a municipality or a law enforcement agency in per-  
22 forming duties related to investigating allegations of officer misconduct or  
23 reviewing police policies and practices; or

24 (B) Created to oversee disciplinary matters concerning law enforcement  
25 officers pursuant to a city charter or ordinance for which a measure that  
26 included the question of whether to establish the board, agency or body was  
27 referred to and approved by the people of the city at an election held on or  
28 after July 1, 2020.

29 (b) “Law enforcement agency” and “law enforcement officer” have the  
30 meanings given those terms in ORS [131.930] **243.812**.

31 **SECTION 8.** ORS 192.672 is amended to read:

1 192.672. (1) A state board or commission may meet through telephone or  
2 other electronic means in accordance with ORS 192.610 to 192.705.

3 (2)(a) Notwithstanding ORS 171.072 or 292.495, a member of a state board  
4 or commission who attends a meeting through telephone or other electronic  
5 means is not entitled to compensation or reimbursement for expenses for at-  
6 tending the meeting.

7 (b) A state board or commission may compensate or reimburse a member,  
8 other than a member who is a member of the Legislative Assembly, who at-  
9 tends a meeting through telephone or other electronic means as provided in  
10 ORS 292.495 at the discretion of the board or commission.

11 (3)(a) A state board or commission that meets through telephone or other  
12 electronic means in accordance with ORS 192.610 to 192.705 shall record and  
13 promptly publish the meeting on a publicly accessible website or hosting  
14 service, so that members of the public may without charge:

15 (A) Observe a recording of the meeting if the meeting was conducted  
16 through videoconferencing technology; or

17 (B) Listen to a recording of the meeting if the meeting was conducted  
18 through teleconferencing technology that did not include video capabilities.

19 (b) The requirement that a meeting be published under this subsection  
20 does not apply to that portion of a state board or commission meeting that  
21 was lawfully held in executive session under ORS 192.660 or other law, **or**  
22 **to hearings of the State Board of Parole and Post-Prison Supervision**  
23 **or the Psychiatric Security Review Board.**

24 (c) The requirement to record and publish meetings under this subsection  
25 applies to any state board or commission that is within the executive de-  
26 partment, as defined in ORS 174.112, and whose members are subject to  
27 Senate confirmation under ORS 171.562 and 171.565.

28 **SECTION 9. The amendments to ORS 192.672 by section 8 of this**  
29 **2024 Act apply to hearings conducted before, on or after the effective**  
30 **date of this 2024 Act.**

31 **SECTION 10. The amendments to ORS 163A.005, 163A.115, 243.706,**

1 **243.808, 243.809, 802.179 and 807.115 by sections 1 to 7 of this 2024 Act**  
2 **become operative on January 1, 2025.**

3 **SECTION 11. This 2024 Act being necessary for the immediate**  
4 **preservation of the public peace, health and safety, an emergency is**  
5 **declared to exist, and this 2024 Act takes effect on its passage.**

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