82nd OREGON LEGISLATIVE ASSEMBLY--2023 Regular Session

Senate Bill 462
Sponsored by Senator HANSELL (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 as introduced.

Authorizes law enforcement agency to release booking photo upon second or subsequent arrest of person depicted in photo within 12-month period, or when person depicted in photo is missing person.

A BILL FOR AN ACT
Relating to the release of booking photos; amending ORS 133.870.

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

SECTION 1. ORS 133.870 is amended to read:

ORS 133.870. (1) Notwithstanding ORS 192.311 to 192.478, a law enforcement agency may not release a booking photo except as provided in subsection (2) of this section.

(2) A law enforcement agency may release a booking photo described in subsection (1) of this section:

(a) To the person depicted in the booking photo;

(b) To another law enforcement agency, or to a law enforcement officer employed by another law enforcement agency, for a law enforcement purpose or when the person depicted in the booking photo is a missing person;

(c) To the public, if the law enforcement agency determines:

(A) That the person depicted in the booking photo is a missing person; or

(B) That there is a law enforcement purpose for the release, including but not limited to assistance with the apprehension of a fugitive or a suspect in a criminal investigation, or the identification of additional criminal activity;

(d) To a state mental hospital upon the admission to the hospital of the person depicted in the booking photo;

(e) To a party in a criminal proceeding resulting from the arrest during which the booking photo was obtained;

(f) To the victim of the offense for which the person depicted in the booking photo was arrested;

(g) To the court, if the booking photo is part of a pretrial release report or is provided to the court as part of the pretrial release process for the purposes of confirming the identity of a defendant; or

(h) Upon the second or subsequent arrest of the person depicted in the booking photo within a 12-month period; or

[(h)] (i) Upon the conviction of the person depicted in the booking photo, if the conviction results from the arrest during which the booking photo was obtained.

(3) A law enforcement agency releasing a booking photo pursuant to subsection (2)(h) of this section may release the booking photo associated with each arrest within the 12-month

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.

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period.

(3) (4) As used in this section:

(a) “Booking photo” means a photograph of a person taken by a law enforcement agency for identification purposes when the person is booked into custody.

(b) “Law enforcement agency” has the meaning given that term in ORS 131.915.

(c) “Law enforcement officer” means an officer, deputy, member or employee of a law enforcement agency.