Senate Bill 614

Sponsored by Senator GORSEK (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.

Establishes exception, for video cameras worn by law enforcement officer, to prohibition on law enforcement agency collecting or maintaining information about person's political, religious or social views or activities.

Establishes circumstances where law enforcement officer may begin recording from video camera worn by officer without developing reasonable suspicion or probable cause.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to law enforcement officer recordings; amending ORS 133.741 and 181A.250; and declaring an emergency.

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

SECTION 1. ORS 181A.250 is amended to read:

181A.250. (1) No law enforcement agency, as defined in ORS 181A.010, may collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct.

(2) Subsection (1) of this section does not apply to information collected or maintained pursuant to policies and procedures established under ORS 133.741 for the use, storage and retention of video and audio recordings resulting from the operation of video cameras worn upon a law enforcement officer’s person.

SECTION 2. ORS 133.741 is amended to read:

133.741. (1)(a) A law enforcement agency shall establish policies and procedures for the use, storage and retention of video and audio recordings resulting from the operation of video cameras worn upon a law enforcement officer’s person that record the officer’s interactions with members of the public while the officer is on duty.

(b) The policies and procedures described in paragraph (a) of this subsection must include:

(A) A requirement that a recording be retained for at least 180 days but no more than 30 months for a recording not related to a court proceeding or ongoing criminal investigation, or for the same period of time that evidence is retained in the normal course of the court’s business for a recording related to a court proceeding.

(B) A requirement that a camera worn upon a law enforcement officer’s person be set to record continuously, beginning when the officer develops reasonable suspicion or probable cause to believe that a crime or violation has occurred, is occurring or will occur and the law enforcement officer begins to make contact with the person suspected of committing the offense. The policies and procedures must also require that the camera may subsequently cease recording no sooner than the
termination of the officer’s participation in the contact.

(C) A requirement that in any contract with a third party vendor for data storage, recordings from the camera are the property of the law enforcement agency, are not owned by the vendor and cannot be used by the vendor for any purpose inconsistent with the policies and procedures of the law enforcement agency.

(D) A prohibition on the use of facial recognition or other biometric matching technology to analyze recordings obtained through the use of the camera.

(E) A prohibition on the use of any recordings obtained from the camera for any purpose other than a legitimate law enforcement purpose.

(c) Notwithstanding paragraph (b)(B) of this subsection, a law enforcement agency may in its policies and procedures provide for exceptions to the recording requirements of paragraph (b)(B) of this subsection, provided that the exceptions:

(A) Are based on reasonable privacy concerns, exigent circumstances or the safety of law enforcement officers or other persons; or

(B) Allow a law enforcement officer to begin recording without developing reasonable suspicion or probable cause to believe that a crime or violation has occurred only in circumstances where:

(i) A person has initiated an interaction with the officer to provide information to the officer or to request information or services from the officer;

(ii) A person is receiving services from the officer; or

(iii) The officer reasonably believes that the recording may be relevant to investigating allegations of officer misconduct.

(2) As used in this section:

(a) “Law enforcement agency” means an agency employing law enforcement officers to enforce criminal laws.

(b) “Law enforcement officer” means an officer employed to enforce criminal laws by:

(A) This state or a municipal government within this state;

(B) A political subdivision, agency, department or bureau of the governments described in subparagraph (A) of this paragraph; or

(C) A police department established by a university under ORS 352.121 or 353.125.

SECTION 3. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.