

Senate Bill 614

Sponsored by Senator GORSEK (Pre-session 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

1
2 Relating to law enforcement officer recordings; amending ORS 133.741 and 181A.250; and declaring
3 an emergency.

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

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

6 181A.250. (1) No law enforcement agency, as defined in ORS 181A.010, may collect or maintain
7 information about the political, religious or social views, associations or activities of any individual,
8 group, association, organization, corporation, business or partnership unless such information di-
9 rectly relates to an investigation of criminal activities, and there are reasonable grounds to suspect
10 the subject of the information is or may be involved in criminal conduct.

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

15 **SECTION 2.** ORS 133.741 is amended to read:

16 133.741. (1)(a) A law enforcement agency shall establish policies and procedures for the use,
17 storage and retention of video and audio recordings resulting from the operation of video cameras
18 worn upon a law enforcement officer's person that record the officer's interactions with members
19 of the public while the officer is on duty.

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

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

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

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 termination of the officer’s participation in the contact.

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

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

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

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

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

15 (B) **Allow a law enforcement officer to begin recording without developing reasonable**
16 **suspicion or probable cause to believe that a crime or violation has occurred only in cir-**
17 **cumstances where:**

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

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

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

23 (2) As used in this section:

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

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

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

28 (B) A political subdivision, agency, department or bureau of the governments described in sub-
29 paragraph (A) of this paragraph; or

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

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

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