

# Senate Bill 1574

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## 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**. The statement includes a measure digest written in compliance with applicable readability standards.

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, 163A.115, 192.672,  
3 243.706, 243.808, 243.809, 802.179 and 807.115; and declaring an emergency.

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

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

6 163A.005. As used in ORS 163A.005 to 163A.235:

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

9 (a) A state other than Oregon;

10 (b) The District of Columbia;

11 (c) The Commonwealth of Puerto Rico;

12 (d) Guam;

13 (e) American Samoa;

14 (f) The Commonwealth of the Northern Mariana Islands; or

15 (g) The United States Virgin Islands.

16 (2) "Attends" means is enrolled on a full-time or part-time basis.

17 (3)(a) "Correctional facility" means any place used for the confinement of persons:

18 (A) Charged with or convicted of a crime or otherwise confined under a court order.

19 (B) Found to be within the jurisdiction of the juvenile court for having committed an act that  
20 if committed by an adult would constitute a crime.

21 (b) "Correctional facility" applies to a state hospital or a secure intensive community inpatient  
22 facility only as to persons detained therein charged with or convicted of a crime, or detained therein  
23 after being found guilty except for insanity under ORS 161.290 to 161.373 or responsible except for

**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 insanity under ORS 419C.411.

2 (4) "Institution of higher education" means a public or private educational institution that pro-  
3 vides a program of post-secondary education.

4 (5) "Sex crime" means:

5 (a) Rape in any degree;

6 (b) Sodomy in any degree;

7 (c) Unlawful sexual penetration in any degree;

8 (d) Sexual abuse in any degree;

9 (e) Incest with a child victim;

10 (f) Using a child in a display of sexually explicit conduct;

11 (g) Encouraging child sexual abuse in any degree;

12 (h) Transporting child pornography into the state;

13 (i) Paying for viewing a child's sexually explicit conduct;

14 (j) Compelling prostitution;

15 (k) Promoting prostitution;

16 (L) Kidnapping in the first degree if the victim was under 18 years of age;

17 (m) Contributing to the sexual delinquency of a minor;

18 (n) Sexual misconduct if the offender is at least 18 years of age;

19 (o) Possession of materials depicting sexually explicit conduct of a child in the first degree;

20 (p) Kidnapping in the second degree if the victim was under 18 years of age, except by a parent  
21 or by a person found to be within the jurisdiction of the juvenile court;

22 (q) Online sexual corruption of a child in any degree if the offender reasonably believed the  
23 child to be more than five years younger than the offender;

24 (r) Luring a minor, if:

25 (A) The offender reasonably believed the minor or, in the case of a police officer or agent of a  
26 police officer posing as a minor, the purported minor to be more than five years younger than the  
27 offender or under 16 years of age; and

28 (B) The court designates in the judgment that the offense is a sex crime;

29 (s) Sexual assault of an animal;

30 (t) Public indecency or private indecency, if the person has a prior conviction for a crime listed  
31 in this subsection;

32 (u) Trafficking in persons as described in ORS 163.266 (1)(b) or (c);

33 (v) Purchasing sex with a minor if the court designates the offense as a sex crime pursuant to  
34 ORS 163.413 (3)(d), or the offense is the defendant's second or subsequent conviction under ORS  
35 163.413 (3)(b)(B);

36 (w) Invasion of personal privacy in the first degree, if the court designates the offense as a sex  
37 crime pursuant to ORS 163.701 (3);

38 (x) Sexual abuse by fraudulent representation;

39 **(y) Abuse of a corpse in the first degree as described in ORS 166.087 (1)(a);**

40 [(y)] **(z)** Any attempt to commit any of the crimes listed in paragraphs (a) to [(x)] **(y)** of this  
41 subsection;

42 [(z)] **(aa)** Burglary, when committed with intent to commit any of the offenses listed in para-  
43 graphs (a) to [(x)] **(y)** of this subsection; or

44 [(aa)] **(bb)** Criminal conspiracy if the offender agrees with one or more persons to engage in or  
45 cause the performance of an offense listed in paragraphs (a) to [(x)] **(y)** of this subsection.

1 (6) "Sex offender" means a person who:

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

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

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

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

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

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

10 (7) "Works" or "carries on a vocation" means full-time or part-time employment for more than  
11 14 days within one calendar year whether financially compensated, volunteered or for the purpose  
12 of governmental or educational benefit.

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

14 163A.115. Notwithstanding any other provision of law:

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

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

17 (b) Is not eligible for relief from the obligation to report as a sex offender or reclassification as  
18 a level two sex offender under ORS 163A.100 (2), pursuant to a petition filed under ORS 163A.125.

19 (2) A person who has been convicted or found guilty except for insanity of one of the following  
20 offenses is not eligible for relief from the obligation to report as a sex offender pursuant to a peti-  
21 tion filed under ORS 163A.125 (1):

22 (a) Rape in the first degree;

23 (b) Sodomy in the first degree;

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

25 (d) Kidnapping in the first degree as described in ORS 163.235 (1)(e) or when the victim is under  
26 18 years of age; or

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

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

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

33 802.179. (1) The Department of Transportation, upon request or as required by law, shall disclose  
34 personal information from a motor vehicle record to a government agency for use in carrying out  
35 its governmental functions.

36 (2) The department shall disclose personal information from a motor vehicle record for use in  
37 connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor  
38 vehicle product alterations, recalls or advisories, performance monitoring of motor vehicles and  
39 dealers by motor vehicle manufacturers, and removal of nonowner records from the original owner  
40 records of motor vehicle manufacturers to carry out the purposes of any of the following federal  
41 Acts:

42 (a) The Automobile Information Disclosure Act.

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

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

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

- 1 (e) The Clean Air Act.
- 2 (3)(a) If the department determines that a business is a legitimate business, the department shall  
3 disclose personal information to the business for use in the normal course of business in:
- 4 (A) Verifying the accuracy of personal information submitted to the business; or  
5 (B) Correcting personal information submitted to the business, but only in order to:
- 6 (i) Prevent fraud;  
7 (ii) Pursue legal remedies against the individual who submitted the personal information; or  
8 (iii) Recover a debt from, or satisfy a security interest against, the individual.
- 9 (b) The department shall adopt rules specifying the kind of information that the department will  
10 accept as evidence that a business is a legitimate business.
- 11 (4) The department shall disclose personal information to:
- 12 (a) An attorney, a financial institution as defined in ORS chapter 706 or a collection agency  
13 registered under ORS 697.031 for use in connection with a civil, criminal, administrative or arbi-  
14 tration proceeding in any court, government agency or self-regulatory body. Permissible uses of  
15 personal information under this paragraph include, but are not limited to, service of process, inves-  
16 tigation in anticipation of litigation and the execution and enforcement of judgments and orders.
- 17 (b) A process server acting as an agent for an individual for use in serving documents in con-  
18 nection with an existing civil, criminal, administrative or arbitration proceeding, or a judgment, in  
19 any court, government agency or self-regulatory body. Nothing in this paragraph limits the activities  
20 of a process server when acting as an agent for an attorney, collection agency or like person or for  
21 a government agency.
- 22 (5) The department shall disclose personal information other than names to a researcher for use  
23 in researching health and educational questions and providing statistical reports, as long as the  
24 personal information is not published, redisclosed or used to contact individuals. The department  
25 may disclose information under this subsection only for research sponsored by an educational insti-  
26 tution or a health research institution.
- 27 (6) The department shall disclose personal information to an insurer, an insurance support or-  
28 ganization or a self-insured entity in connection with claims investigation activities, antifraud ac-  
29 tivities, underwriting or rating.
- 30 (7) The department shall disclose personal information regarding ownership or other financial  
31 interests in a vehicle to a person who is required by the state or federal Constitution, a statute or  
32 an ordinance to give notice to another person concerning the vehicle. Personal information disclosed  
33 under this subsection may be used only for giving the required notice. Persons authorized to receive  
34 personal information under this subsection include, but are not limited to:
- 35 (a) Tow companies;  
36 (b) Persons who have or are entitled to have liens on the vehicle; and  
37 (c) Persons taking an action that could affect ownership rights to the vehicle.
- 38 (8) The department shall disclose personal information to any private security professional cer-  
39 tified under ORS 181A.870, to be used for the purpose of determining ownership of vehicles parked  
40 in a place over which the private security professional, acting within the scope of the professional's  
41 employment, exercises control.
- 42 (9) The department shall disclose personal information to the employer of an individual who  
43 holds commercial driving privileges, or the insurer of the employer, to obtain or verify information  
44 about the individual.
- 45 (10) The department shall disclose personal information to the operator of a private toll facility

1 for use in collecting tolls.

2 (11) The department may not disclose personal information for bulk distributors of surveys,  
3 marketing materials or solicitations except as provided in this subsection. The department shall  
4 implement methods and procedures to ensure:

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

7 (b) That the personal information provided by the department will be used, rented or sold solely  
8 for bulk distribution of surveys, marketing materials and solicitations.

9 (12) The department shall disclose personal information to a person who requests the informa-  
10 tion if the requester provides the department with written permission from the individual whose  
11 personal information is requested. The written permission from the individual must be notarized.

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

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

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

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

22 (B) That the disseminator will provide the personal information only to a person or government  
23 agency authorized to receive the information under this section and only if the person or govern-  
24 ment agency has been authorized by the department to receive the information.

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

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

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

31 (16) The department shall adopt rules providing for the release of personal information from  
32 motor vehicle records to a person who has a financial interest in the vehicle. Rules adopted under  
33 this subsection may include, but need not be limited to, rules establishing procedures for the de-  
34 partment to verify the financial interest of the person making the request for personal information.

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

38 (18) The department shall disclose personal information to a private investigator licensed by any  
39 licensing authority within the State of Oregon, to be used for any purpose permitted under this  
40 section. A licensed private investigator requesting information must prove to the department that  
41 the person has a corporate surety bond, an irrevocable letter of credit issued by an insured insti-  
42 tution as defined in ORS 706.008 or such other security as the Department of Public Safety Stan-  
43 dards and Training may prescribe by rule in the minimum amount of \$5,000 or errors and omissions  
44 insurance in the minimum amount of \$5,000.

45 (19) The department shall disclose personal information to a procurement organization as de-

1 fined in ORS 97.953 for the purpose of facilitating the making of anatomical gifts under the pro-  
 2 visions of ORS 97.955.

3 **(20) The department, upon request, shall disclose personal information to a humane spe-**  
 4 **cial agent as defined in ORS 181A.345.**

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

6 807.115. (1) The Department of Transportation shall retain a digital image of each photograph  
 7 and signature shown on a driver license under the provisions of ORS 807.110 or an identification  
 8 card under ORS 807.400.

9 (2) The digital images of photographs may not be made available to anyone other than law  
 10 enforcement officials and employees of the department acting in an official capacity.

11 **(3) As used in this section, “law enforcement official” includes a humane special agent**  
 12 **as defined in ORS 181A.345.**

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

14 243.706. (1) A public employer may enter into a written agreement with the exclusive represen-  
 15 tative of an appropriate bargaining unit setting forth a grievance procedure culminating in binding  
 16 arbitration or any other dispute resolution process agreed to by the parties. As a condition of  
 17 enforceability, any arbitration award that orders the reinstatement of a public employee or other-  
 18 wise relieves the public employee of responsibility for misconduct shall comply with public policy  
 19 requirements as clearly defined in statutes or judicial decisions including but not limited to policies  
 20 respecting sexual harassment or sexual misconduct, unjustified and egregious use of physical or  
 21 deadly force and serious criminal misconduct, related to work. In addition, with respect to claims  
 22 that a grievant should be reinstated or otherwise relieved of responsibility for misconduct based  
 23 upon the public employer’s alleged previous differential treatment of employees for the same or  
 24 similar conduct, the arbitration award must conform to the following principles:

25 (a) Some misconduct is so egregious that no employee can reasonably rely on past treatment for  
 26 similar offenses as a justification or defense to discharge or other discipline.

27 (b) Public managers have a right to change disciplinary policies at any time, notwithstanding  
 28 prior practices, if such managers give reasonable advance notice to affected employees and the  
 29 change does not otherwise violate a collective bargaining agreement.

30 (2) In addition to subsection (1) of this section, a public employer may enter into a written  
 31 agreement with the exclusive representative of its employees providing that a labor dispute over  
 32 conditions and terms of a contract may be resolved through binding arbitration.

33 (3) Notwithstanding subsection (1) of this section, when an arbitration proceeding involves al-  
 34 leged misconduct by a sworn law enforcement officer of any law enforcement agency, as those terms  
 35 are defined in ORS [131.930] **243.812**, and the arbitrator makes a finding that misconduct has oc-  
 36 curred consistent with the law enforcement agency’s finding of misconduct or, if applicable, con-  
 37 sistent with a finding of misconduct by a civilian or community oversight board, agency or review  
 38 body, the arbitration award may not order any disciplinary action that differs from the disciplinary  
 39 action imposed by the law enforcement agency or the civilian or community oversight board, agency  
 40 or review body, if the disciplinary action imposed by the law enforcement agency, or the civilian  
 41 or community oversight board, agency or review body was in accordance with the uniform standards  
 42 adopted by the Commission on Statewide Law Enforcement Standards of Conduct and Discipline  
 43 established under ORS 243.812.

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

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

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

3 (B) Require from either party the production of books, papers and documents the arbitrators find  
4 are relevant to the proceeding;

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

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

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

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

11 (7) If a person fails to comply with a subpoena issued under this section or if a witness refuses  
12 to testify on a matter on which the witness may be lawfully questioned, the party who requested the  
13 subpoena or seeks the testimony may apply to the arbitrators for an order authorizing the party to  
14 apply to the circuit court of any county to enforce the subpoena or compel the testimony. On the  
15 application of the attorney of record for the party or on the application of the arbitrators, or a  
16 majority of the arbitrators, the court may require the person or witness to show cause why the  
17 person or witness should not be punished for contempt of court to the same extent and purpose as  
18 if the proceedings were pending before the court.

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

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

23 (a) Designated by a municipality or a law enforcement agency in performing duties related to  
24 investigating allegations of officer misconduct or reviewing police policies and practices; or

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

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

30 243.808. (1) For purposes of an arbitration proceeding under ORS 243.706 concerning alleged  
31 misconduct by a law enforcement officer:

32 (a) A law enforcement agency or, if applicable, a civilian or community oversight board, agency  
33 or review body, has the burden of proof by a preponderance of the evidence to show that:

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

35 (B) Any disciplinary action taken against the officer was with just cause, as defined in ORS  
36 236.350.

37 (b) In determining the reasonableness of a disciplinary action imposed by a law enforcement  
38 agency or a civilian or community oversight board, agency or review body, including whether the  
39 level of discipline is appropriate, an arbitrator shall uphold the disciplinary action unless the  
40 arbitrator finds that the disciplinary action is arbitrary and capricious.

41 (c) When the imposed disciplinary action is termination of employment, an arbitrator may not  
42 set aside or reduce the imposed disciplinary action if setting aside or reducing the disciplinary  
43 action is inconsistent with the public interest in maintaining community trust, enforcing a higher  
44 standard of conduct for law enforcement officers and ensuring an accountable, fair and just disci-  
45 plinary process.

1 (2)(a) Notwithstanding ORS 243.706 (1), and subject to paragraph (b) of this subsection, in car-  
 2 rying out an arbitration proceeding described under ORS 243.706 (3), the Employment Relations  
 3 Board shall appoint a person from a list of qualified, indifferent and unbiased persons to serve as  
 4 the arbitrator of the proceeding. The board shall submit to each of the parties subject to the pro-  
 5 ceeding the list of persons who may serve as arbitrators.

6 (b) After the board has selected a person from the list to serve as the arbitrator of the pro-  
 7 ceeding, each of the parties subject to the proceeding is entitled to one opportunity to object to the  
 8 board's proposed arbitrator. If a party objects to the proposed arbitrator, the board shall select an  
 9 alternative person to serve as the arbitrator. If the other party objects to the alternative person, the  
 10 board shall make a final selection from the names remaining on the list as to who shall serve as the  
 11 arbitrator of the proceeding.

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

13 (4) As used in this section:

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

16 (A) Designated by a municipality or a law enforcement agency in performing duties related to  
 17 investigating allegations of officer misconduct or reviewing police policies and practices; or

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

22 (b) "Law enforcement agency" and "law enforcement officer" have the meanings given those  
 23 terms in ORS [131.930] **243.812**.

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

25 243.809. (1) For matters concerning alleged misconduct by a law enforcement officer, the fol-  
 26 lowing shall make determinations regarding the alleged misconduct and impose disciplinary action  
 27 in response to such determinations in accordance with the uniform standards adopted by the Com-  
 28 mission on Statewide Law Enforcement Standards of Conduct and Discipline under ORS 243.812:

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

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

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

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

33 (3) As used in this section:

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

36 (A) Designated by a municipality or a law enforcement agency in performing duties related to  
 37 investigating allegations of officer misconduct or reviewing police policies and practices; or

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

42 (b) "Law enforcement agency" and "law enforcement officer" have the meanings given those  
 43 terms in ORS [131.930] **243.812**.

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

45 192.672. (1) A state board or commission may meet through telephone or other electronic means



1 in accordance with ORS 192.610 to 192.705.

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

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

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

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

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

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

19 (c) The requirement to record and publish meetings under this subsection applies to any state  
20 board or commission that is within the executive department, as defined in ORS 174.112, and whose  
21 members are subject to Senate confirmation under ORS 171.562 and 171.565.

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

24 **SECTION 10. The amendments to ORS 163A.005, 163A.115, 243.706, 243.808, 243.809, 802.179**  
25 **and 807.115 by sections 1 to 7 of this 2024 Act become operative on January 1, 2025.**

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

29