House Bill 2645

Sponsored by Representative EVANS (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.** The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says that a law enforcement unit may not discipline a police officer because the officer's name has been put on a certain list of witnesses kept by the DA. The Act tells DAs to write policies. (Flesch Readability Score: 65.1).

Prohibits a law enforcement unit from disciplining a police officer because the officer's name has been placed on a list maintained by a prosecutor's office of recurring witnesses for whom there is known potential impeachment information, or because the officer's name may otherwise be subject to disclosure pursuant to Brady v. Maryland, 373 U.S. 83 (1963).

Requires a district attorney to develop and adopt a written protocol addressing potential impeachment disclosures.

1 **A BILL FOR AN ACT**

2 Relating to disclosures of impeachment information by prosecutors.

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

4 **SECTION 1. (1) As used in this section and section 2 of this 2025 Act:**

5 **(a) "Law enforcement unit" has the meaning given that term in ORS 181A.355.**

6 **(b) "Police officer" has the meaning given that term in ORS 181A.355.**

7 **(2) A law enforcement unit may not take disciplinary action or any other adverse em-**
8 **ployment action against a police officer solely because:**

9 **(a) The officer's name has been placed on a list maintained by a prosecutor's office of**
10 **recurring witnesses for whom there is known potential impeachment information; or**

11 **(b) The officer's name may otherwise be subject to disclosure pursuant to Brady v.**
12 **Maryland, 373 U.S. 83 (1963).**

13 **(3) This section does not prohibit a law enforcement unit from taking disciplinary action**
14 **or any other adverse employment action against a police officer based on the underlying acts**
15 **or omissions for which the officer's name was placed on a list maintained by a prosecutor's**
16 **office of recurring witnesses for whom there is known potential impeachment information,**
17 **or for which the officer's name is otherwise subject to disclosure pursuant to Brady v.**
18 **Maryland, 373 U.S. 83 (1963), if the actions taken by the law enforcement unit otherwise**
19 **conform to the rules and procedures adopted by the law enforcement unit as determined**
20 **through collective bargaining.**

21 **SECTION 2. (1) Each district attorney shall develop and adopt a written protocol ad-**
22 **dressing potential impeachment disclosures pursuant to Brady v. Maryland, 373 U.S. 83**
23 **(1963), and subsequent case law. The protocol must provide guidance including, but not lim-**
24 **ited to:**

25 **(a) The types of conduct that should be recognized as potentially exculpatory or as cre-**
26 **ating potential impeachment material;**

27 **(b) Provisions for written notice to a police officer when the district attorney proposes**

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   to place the officer on a list of potential impeachment disclosures and an opportunity for the

2   officer to respond in person or in writing;

3   (c) Provisions for written notice to the officer of the district attorney's final decision to

4   place the officer on a list of potential impeachment disclosures;

5   (d) How information about an officer or an officer's conduct should be shared and main-

6   tained; and

7   (e) Under what circumstances an officer's information or name may be removed from a

8   list of potential impeachment disclosures.

9   (2) A district attorney shall consult with agencies representing police officers and local

10   law enforcement units that will be impacted in developing the protocol under this section.

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