

House Bill 2319

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

Digest: This Act makes changes to who can get veteran discharge papers from county clerks and says that those records will not be released after 25 years. (Flesch Readability Score: 63.3).

Changes who can request veteran discharge papers from county clerks and exempts veterans' discharge papers from the 25-year statute of limitations for public record disclosure.

A BILL FOR AN ACT

1
2 Relating to veterans' personal information; amending ORS 192.390 and 408.425.

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

4 **SECTION 1.** ORS 408.425 is amended to read:

5 408.425. (1) Each county clerk who receives a request to inspect veteran discharge papers that
6 are recorded under ORS 408.420 shall produce the recorded discharge papers for inspection if:

7 (a) The request for inspection is made in writing;

8 (b) The request sets forth the name, address and telephone number of the requester;

9 (c) The request sets forth the name and the date of birth or the last four digits of the Social
10 Security number of the veteran; and

11 (d) The request is made by:

12 (A) The veteran [*or the spouse, legal guardian or personal representative of the veteran*]; **or**

13 [*(B) A county veterans' service officer appointed under ORS 408.410;*]

14 [*(C) A representative of the Department of Veterans' Affairs; or*]

15 [*(D)*] **(B)** A licensed funeral establishment seeking to ascertain if a decedent was a veteran for
16 the purpose of obtaining veteran's burial benefits.

17 (2) This section does not create a cause of action and may not be asserted as the basis of a per
18 se negligence claim.

19 (3) Each county clerk may adopt additional policies in order to protect recorded discharge pa-
20 pers from malicious or unlawful use and policies regarding copying of recorded discharge papers.

21 (4) Each county clerk shall maintain in the records of the county clerk a copy of each request
22 for inspection of recorded discharge information for a period of at least 10 years after the date the
23 request is received by the county clerk.

24 **SECTION 2.** ORS 192.390 is amended to read:

25 192.390. (1) Notwithstanding ORS 192.338, 192.345 and 192.355 and except as otherwise provided
26 in ORS 192.398, public records that are more than 25 years old shall be available for inspection.

27 **(2) This section does not apply to records that are exempt from disclosure pursuant to**
28 **ORS 192.355 (37) or 408.425.**

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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.