

**Enrolled**  
**Senate Bill 238**

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber, M.D., for Department of Public Safety Standards and Training)

CHAPTER .....

AN ACT

Relating to access to personnel records requested by the Department of Public Safety Standards and Training; amending ORS 181.675; and declaring an emergency.

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

**SECTION 1.** ORS 181.675 is amended to read:

181.675. (1) The Board on Public Safety Standards and Training and the Department of Public Safety Standards and Training may not disclose a photograph of a public safety officer without the written consent of the public safety officer or the public safety officer's employer. This subsection does not apply to the **internal** use by the board or department of a photograph of a public safety officer.

(2) A public **or private** safety agency shall provide the department with access to personnel records of an employee or former employee of the [public safety] agency if:

(a) The department requests access to the records;

(b) The department is conducting an investigation under ORS 181.662 relating to the employee or former employee's qualifications for employment, training or certification as a public safety officer; and

(c) The records are related to the issue being investigated.

(3) A public **or private** safety agency that discloses information under subsection (2) of this section is presumed to be acting in good faith and, unless lack of good faith is shown by a preponderance of the evidence, is immune from civil liability from the disclosure or its consequences. For purposes of this subsection, the presumption of good faith is rebutted upon a showing that the [public safety] agency disclosed the information knowing that the information was false or deliberately misleading or disclosed the information with malicious purpose.

**(4) If a public or private safety agency fails or refuses to comply with a request made pursuant to subsection (2) of this section, the Director of the Department of Public Safety Standards and Training may apply to a court having jurisdiction over the matter for an order to compel compliance.**

**SECTION 2.** This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

**Passed by Senate February 12, 2015**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House May 12, 2015**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M,....., 2015

**Approved:**

.....M,....., 2015

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State