

A-Engrossed
Senate Bill 978

Ordered by the Senate June 3
Including Senate Amendments dated June 3

Sponsored by COMMITTEE ON RULES (at the request of AFSCME)

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.

[Prohibits disclosure of public records relating to criminal investigation or prosecution or to confinement of persons convicted of crimes unless personal identifiers have been deleted.]

[Increases punishment for identity theft if personal information transferred relates to specified persons.]

Prohibits disclosure of victim or witness personal identifiers to defendant in criminal proceeding unless trial court orders disclosure. Defines "personal identifiers."

A BILL FOR AN ACT

1
2 Relating to disclosure of information; amending ORS 135.815.

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

4 **SECTION 1.** ORS 135.815 is amended to read:

5 135.815. (1) Except as otherwise provided in ORS 135.855 and 135.873, the district attorney shall
6 disclose to a represented defendant the following material and information within the possession or
7 control of the district attorney:

8 (a) The names and addresses of persons whom the district attorney intends to call as witnesses
9 at any stage of the trial, together with their relevant written or recorded statements or memoranda
10 of any oral statements of such persons.

11 (b) Any written or recorded statements or memoranda of any oral statements made by the de-
12 fendant, or made by a codefendant if the trial is to be a joint one.

13 (c) Any reports or statements of experts, made in connection with the particular case, including
14 results of physical or mental examinations and of scientific tests, experiments or comparisons which
15 the district attorney intends to offer in evidence at the trial.

16 (d) Any books, papers, documents, photographs or tangible objects:

17 (A) Which the district attorney intends to offer in evidence at the trial; or

18 (B) Which were obtained from or belong to the defendant.

19 (e) If actually known to the district attorney, any record of prior criminal convictions of persons
20 whom the district attorney intends to call as witnesses at the trial; and the district attorney shall
21 make a good faith effort to determine if such convictions have occurred.

22 (f) All prior convictions of the defendant known to the state that would affect the determination
23 of the defendant's criminal history for sentencing under rules of the Oregon Criminal Justice Com-
24 mission.

25 (2)(a) If a defendant is not represented by a lawyer, the district attorney shall disclose to the
26 defendant all of the information described in subsection (1) of this section except for the *[addresses*

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 *and telephone numbers*] **personal identifiers** of the victim and any witnesses.

2 (b) Notwithstanding paragraph (a) of this subsection, the district attorney shall disclose the
3 [*addresses and telephone numbers*] **personal identifiers** of the victim and any witnesses if the trial
4 court orders the disclosure. A trial court shall order the district attorney to disclose the [*addresses*
5 *and telephone numbers*] **personal identifiers** of the victim and any witnesses if the trial court finds
6 that:

7 (A) The defendant has requested the information; and

8 (B)(i) The victim or witness is a business or institution and disclosure of the information would
9 not represent a risk of harm to the victim or witness; or

10 (ii) The need for the information cannot reasonably be met by other means.

11 (3)(a) Unless authorized by the trial court to disclose the information, a lawyer representing a
12 defendant, or a representative of the lawyer, may not disclose to the defendant [*the address or tele-*
13 *phone number*] **personal identifiers** of a victim or witness obtained under subsection (1) of this
14 section.

15 (b) The trial court shall order the lawyer, or representative of the lawyer, to disclose to the
16 defendant the [*address and telephone number*] **personal identifiers** of a victim or witness if the court
17 finds that:

18 (A) The defendant's lawyer has requested the district attorney to disclose the information to the
19 defendant;

20 (B) The district attorney has refused to disclose the information to the defendant; and

21 (C) The need for the information cannot reasonably be met by other means.

22 (4) As used in this section:

23 (a) **"Personal identifiers" means a person's address, telephone number, Social Security**
24 **number and date of birth and the identifying number of a person's depository account at a**
25 **financial institution, as defined in ORS 706.008, or credit card account.**

26 [(a)] (b) "Representative of the lawyer" has the meaning given that term in ORS 40.225.

27 [(b)] (c) "Represented defendant" means a defendant who is represented by a lawyer in a crim-
28 inal action.

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