

HB 3249 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 3/27

WHAT THE MEASURE DOES:

Directs a facility operated by the Department of Corrections to maintain two separate logs reflecting all persons who enter the facility to visit an inmate in the facility. Requires one log to be reserved for recording the names of persons who are lawyers or representatives of the lawyers for an inmate. Provides that an inmates lawyer or representatives of the lawyer visiting an inmate in their professional capacity shall sign in to the designated log provided by the corrections facility after providing appropriate identification. Defines representative of the lawyer. Requires all other visitors to sign a separate log maintained by the corrections facility. Provides that the log designated for legal representatives of an inmate shall remain confidential and shall not be subject to inspection except in circumstances listed in the measure. States that and evidence obtained in violation of House Bill 3249 shall be inadmissible in subsequent criminal or civil proceeding.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

All visitor logs of corrections facilities are currently subject to inspection under public records law. A representative of an inmates lawyer, under ORS 40.225, means one employed to assist the lawyer in the rendition of professional legal services. The statute protects a client's privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client between the client's lawyer or a representative of the lawyer.

House Bill 3249 extends this privilege to include documents recording the visitations between an inmate and their lawyer or a lawyer's representative while in custody at a correctional facility.