

A-Engrossed
House Bill 3249

Ordered by the House April 19
Including House Amendments dated April 19

Sponsored by Representatives WILLIAMSON, MCLANE; Representatives BYNUM, GORSEK, GREENLICK, PILUSO, POWER, SANCHEZ, STARK, Senators FAGAN, MONNES ANDERSON

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.

Provides that client has right to privately communicate with lawyer and representative of lawyer. Provides that evidence derived from **privileged** confidential communication is inadmissible in certain proceedings if confidential communication was obtained or disclosed without consent of client.

[Requires local correctional facilities and prisons to maintain one log for lawyers and representatives of lawyers visiting inmates and one log for all other persons visiting inmates. Requires all visitors to sign appropriate log. Provides that, unless exception applies, log for lawyers and representatives of lawyers is confidential, not subject to disclosure as public record and not subject to subpoena. Requires suppression of evidence derived from unlawful disclosure of log for lawyers and representatives of lawyers.]

A BILL FOR AN ACT

1
2 Relating to communications with legal clients.

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

4 **SECTION 1. (1) As used in this section, “client,” “confidential communication,”**
5 **“lawyer” and “representative of the lawyer” have the meanings given those terms in ORS**
6 **40.225.**

7 **(2) A client has a right to privately communicate with the client’s lawyer and represen-**
8 **tatives of the lawyer.**

9 **(3)(a) Any evidence derived from a confidential communication that is privileged under**
10 **ORS 40.225, between a client and the client’s lawyer or a representative of the lawyer, is in-**
11 **admissible in any proceeding to which the client is a party if the confidential communication**
12 **was obtained or disclosed without the consent of the client.**

13 **(b) Paragraph (a) of this subsection does not apply to evidence offered by the client.**
14

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.