

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	9 - 0 - 0
<b>Yeas:</b>	Barker, Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Matt Kalmanson, Counsel
<b>Meeting Dates:</b>	1/19, 4/12

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**WHAT THE MEASURE DOES:** Permits ex parte orders allowing interception of wire, electronic and oral communications when there is probable cause that (1) the individual committed or is about to commit racketeering, and (2) the location will be used to plan the crime, or is open to the public or owned by the suspect. Allows the electronic interception of oral communications without a court order in certain instances. Prohibits a court from suppressing an unlawfully-intercepted communication in certain instances.

**ISSUES DISCUSSED:**

- Workgroup on electronic interception of communications
- Oregon's wiretapping statutes
- Methods of intercepting electronic communications
- Crimes where interception is necessary to protect safety of officers and gather evidence
- Exclusionary rules

**EFFECT OF COMMITTEE AMENDMENT:** Deletes provision in bill permitting electronic interception orders when officer has probable cause that an individual is about to commit a felony sex offense. Deletes provisions in bill permitting warrantless interceptions of oral communications when the officer is in uniform or discloses that he or she is on official duty, and when the officer or supervised person is a party to the communication and there is a substantial risk of death, serious injury or sexual assault. Deletes provisions in bill prohibiting courts from suppressing intercepted communications or testimony about communications. Authorizes orders permitting electronic interception when: (1) An officer has reasonable suspicion that the person whose communication is to be intercepted is committing, has committed or is about to commit a crime; (2) There is a substantial risk of death, serious physical injury or sexual assault and the interception is necessary to protect the safety of the person who may be endangered; (3) Other investigative procedures have been tried and failed or are unlikely to succeed if tried; and (4) The person suspected of committing the crime and whose oral communication is to be intercepted, if known, is identified. Enacts sunset provision for preceding provision on January 2, 2012.

**BACKGROUND:** There are several statutes that describe when police officers must obtain a judicial order before using electronic surveillance (such as a body wire) to intercept a communication. The laws provide that, in many cases, unlawfully-intercepted communications, and the evidence derived therefrom, may not be used as evidence against a criminal defendant. They also detail the circumstances in which a court order is required to intercept a communication, and when it is not necessary. HB 2134 would expand the circumstances in which law enforcement may lawfully intercept communications.

4/19/2007 4:50:00 PM

*This summary has not been adopted or officially endorsed by action of the committee.*