

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

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| Action: | Do Pass the A-Engrossed Measure |
| Vote: | 5 - 0 - 0 |
| Yeas: | Beyer, Kruse, Prozanski, Walker, Burdick |
| Nays: | 0 |
| Exc.: | 0 |
| Prepared By: | Matt Kalmanson, Counsel |
| Meeting Dates: | 5/23 |

WHAT THE MEASURE DOES: Permits ex parte orders for 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 in question will be used to plan the crime, or is open to the public or owned by the suspect. Authorizes ex parte orders permitting electronic interception when: (1) there is 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.

ISSUES DISCUSSED:

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

EFFECT OF COMMITTEE AMENDMENT: No amendment.

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 A would expand the circumstances in which law enforcement may lawfully intercept communications.