

**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>	8 - 0 - 1
<b>Yeas:</b>	Barker, Bonamici, Cameron, Flores, Komp, Krieger, Read, Macpherson
<b>Nays:</b>	0
<b>Exc.:</b>	Whisnant
<b>Prepared By:</b>	Bill Taylor, Counsel
<b>Meeting Dates:</b>	4/25

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**WHAT THE MEASURE DOES:** Allows a law enforcement agency to request that a motor vehicle telematic service provider give the location of a motor vehicle if: (1) A search warrant has been issued; (2) The owner of the vehicle consents; (3) The law enforcement agency has reasonable grounds to believe that a life-threatening emergency exists and the location of the vehicle is necessary to: (A) Prevent serious harm; (B) Render aid to injured or ill persons; (C) Locate a missing person; or (4) (a)The law enforcement agency has probable cause to believe that a crime has been, or is being committed; (b) The location of the vehicle is evidence of or information concerning the commission of the offense; and (c) At the time of the request, the circumstances are of such exigency that it would be unreasonable to obtain a warrant. Sets the fine for failure to provide the information as not more than \$1,000.

**ISSUES DISCUSSED:**

- Amount of the fine
- State v. Campbell, 306 Or. 157 (1988)
- Saving lives

**EFFECT OF COMMITTEE AMENDMENT:** Allows a law enforcement agency to request that a motor vehicle telematic service provider give the location of a motor vehicle if: (1) A search warrant has been issued; (2) The owner of the vehicle consents; (3) The law enforcement agency has reasonable grounds to believe that a life-threatening emergency exists and the location of the vehicle is necessary to: (A) Prevent serious harm; (B) Render aid to injured or ill persons; or (C) Locate a missing person; or (4) (a)The law enforcement agency has probable cause to believe that a crime has been, or is being committed; (b) The location of the vehicle is evidence of or information concerning the commission of the offense; and (c) At the time of the request, the circumstances are of such exigency that it would be unreasonable to obtain a warrant. Sets the fine for failure to provide the information as not more than \$1,000.

**BACKGROUND:** Through the use of global positioning system satellites and cellular technology, the location of motor vehicles can be readily determined. What is often more difficult to determine is the legal authority of law enforcement in obtaining from a company that tracks the motor vehicle's location the location of a vehicle even if ascertaining the location of the vehicle would help solve a crime and whether the request would be constitutional.