

REVENUE: No revenue impact

FISCAL: No fiscal impact

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Action: Do Pass  
Vote: 4 - 0 - 1  
Yeas: Beyer, Prozanski, Walker, Burdick  
Nays: 0  
Exc.: Kruse  
Prepared By: Matt Kalmanson, Counsel  
Meeting Dates: 2/5, 3/8

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**WHAT THE MEASURE DOES:** Allows the state or defendant in a criminal case to serve a subpoena on a foreign or domestic corporation, or limited partnership, for documents, records and other tangible items, in the manner described in the Oregon Rules of Civil Procedure (ORCP) for serving a summons on a corporation or limited partnership.

**ISSUES DISCUSSED:**

- Need to serve subpoenas on out-of-state corporations in financial crime and child exploitation cases
- Constitutional limitations on service of summons
- Mechanics of ORCP 7D(3)
- Current practice for serving corporations and partnerships in criminal matters

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** ORCP 7D(3) allows parties in a civil action to serve subpoenas on foreign or domestic corporations, or limited partnerships, by personally serving the registered agents, officers, directors, general partners or managing agents. The rule also provides a number of alternative methods for service, including mailing the subpoena to the corporation's principal place of business. ORS 136.580 permits the state or defendant in a criminal case to serve a subpoena for documents to be produced to the court. However, ORS 136.595, which describes how to serve a subpoena, does not expressly refer to serving corporations. SB 112 clarifies that the methods described in the civil rules for serving corporations apply in the criminal arena.