

# Senate Bill 727

Sponsored by Senator ATKINSON

## 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 **as introduced**.

Authorizes public official in charge of search and rescue operation to request and obtain cellular telephone calling records of operation's subject. Releases cellular telephone service provider from civil liability for providing in good faith such records to agency in charge of operation.

## A BILL FOR AN ACT

1  
2 Relating to search and rescue operations.

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

4 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS chapter 401.**

5 **SECTION 2. (1) As used in this section, "cellular telephone service," "end user" and**  
6 **"provider" have the meanings given those terms in ORS 165.575.**

7 **(2) The sheriff of each county, the county emergency program manager performing the**  
8 **sheriff's duties under ORS 401.560 or duly assigned state police personnel may request from**  
9 **a cellular telephone service provider information that is considered necessary to facilitate a**  
10 **search and rescue operation, including, but not limited to, data regarding the location of the**  
11 **subject of a search and rescue operation and the subject's cellular telephone calling records.**

12 **(3)(a) If the cellular telephone service provider refuses to provide information requested**  
13 **under subsection (2) of this section, the sheriff, county emergency program manager or duly**  
14 **assigned state police personnel who made the request may apply to a judge authorized to**  
15 **issue search warrants for an order to obtain the information.**

16 **(b) Upon application supported by an affidavit setting forth facts and circumstances**  
17 **tending to show that the information requested will provide the location of a subject of a**  
18 **search and rescue operation, the judge shall issue the order to obtain the requested infor-**  
19 **mation.**

20 **(4)(a) When the individual who is the subject of a search and rescue operation is found,**  
21 **the agency in charge of the operation shall destroy all information received under this sec-**  
22 **tion relating to subject who is discovered to be living, unless the information is necessary**  
23 **to investigate or prosecute a criminal action relating to the subject's disappearance.**

24 **(b) If the individual who is the subject of a search and rescue operation is found to be**  
25 **no longer living, or if the individual's remains have been discovered and identified, the agency**  
26 **in charge of the operation shall seal the information obtained under this section unless the**  
27 **information is necessary to investigate or prosecute a criminal action relating to the sub-**  
28 **ject's disappearance or death.**

29 **(5) A cellular telephone service provider is not subject to an action for civil damages for**  
30 **providing in good faith confidential or nonpublic information, including nonpublished and**  
31 **nonlisted information of an end user who is the subject of a search and rescue operation, to**

**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.

1 **the agency in charge of the operation.**

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