

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	10 - 0 - 0
Yeas:	Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith J., Stiegler, Whisnant, Barker
Nays:	0
Exc.:	0
Prepared By:	Shannon Sivell, Counsel
Meeting Dates:	4/15, 4/21

WHAT THE MEASURE DOES: Deletes the original bill and authorizes the seizure or production of documents in accordance with a subpoena or warrant, from a recipient outside Oregon, regardless of the location where the recipient receives service or where the records are physically located.

ISSUES DISCUSSED:

- Consistent with federal law
- Current gap in Oregon law
- Streamlined procedures
- Subpoenas vs. search warrants
- Amendments

EFFECT OF COMMITTEE AMENDMENT: Deletes the original bill and authorizes the seizure or production of documents in accordance with a subpoena or warrant, from a recipient outside Oregon, regardless of the location where the recipient receives service or where the records are physically located.

BACKGROUND: HB 2502A allows for service of criminal process (subpoenas, orders, or warrants) for the records of a business doing business in Oregon regardless of whether that business is actually located in Oregon. The service can be made by "delivering a copy to the recipient personally or by sending a copy by mail, facsimile transmission or electronic transmission, provided that the copy is sent in a manner reasonably allowing for proof of delivery." A business is entitled to a hearing to move to quash the criminal process. The process is available both to the state and the defense.

The measure also allows the person issuing the process to request that the business authenticate the documents so that there won't be a need for a custodian to lay the foundation for admission of the documents. The party offering the documents must give notice to the opposing party that it intends to offer the documents. The opposing party can challenge the admission of the documents without the custodian.

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