

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

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**Action:** Do Pass with Amendments to the A-Eng. Measure (Printed B-Eng.)

**Vote:** 5 - 0 - 0

**Yeas:** Bonamici, Boquist, Dingfelder, Whitsett, Prozanski

**Nays:** 0

**Exc.:** 0

**Prepared By:** Anna Braun, Counsel

**Meeting Dates:** 5/22, 5/28

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**WHAT THE MEASURE DOES:** 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. Declares an emergency, effective upon passage.

**ISSUES DISCUSSED:**

- Execution of search warrants
- Ability to oppose authenticity

**EFFECT OF COMMITTEE AMENDMENT:** Clarifies the reference to courts. (Changes “the” court to “a” court to allow pre-trial subpoenas). Makes other technical changes.

**BACKGROUND:** HB 2502B 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 may challenge the admission of the documents without the custodian.