

House Bill 2266

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Attorney General Hardy Myers for Department of Justice)

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**.

Modifies definition of "mobile tracking device" for purposes of executing warrant. Provides complete defense to prosecution for intercepting communications under certain circumstances, including good faith reliance on court order.

A BILL FOR AN ACT

1
2 Relating to warrants for mobile tracking devices; creating new provisions; and amending ORS
3 133.617 and 165.671.

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

5 **SECTION 1.** ORS 133.617 is amended to read:

6 133.617. As used in **this section and** ORS 133.545 and 133.619, unless the context requires
7 otherwise[,]:

8 (1) "Mobile tracking device" means an electronic or mechanical device [*which*] **that** permits the
9 tracking of the movement of a person or object. **"Mobile tracking device" does not include:**

10 (a) **A motor vehicle telematics device; or**

11 (b) **A cellular telephone, unless the telephone has been concealed within or secretly af-**
12 **fixed to a vehicle by a law enforcement officer.**

13 (2) **"Motor vehicle telematics" means the transmission of geographic data from systems**
14 **and devices installed in a motor vehicle to a motor vehicle telematics service provider to**
15 **allow tracking of the motor vehicle by the motor vehicle telematics service provider using**
16 **global positioning system satellites and cellular technology.**

17 (3) **"Motor vehicle telematics service provider" means an entity that provides motor ve-**
18 **hicle telematics services to owners of motor vehicles equipped with motor vehicle telematics**
19 **devices.**

20 **SECTION 2.** ORS 165.671 is amended to read:

21 165.671. A good faith reliance on a court order, a legislative authorization or a statutory au-
22 thorization is a complete defense against any civil or criminal action brought under ORS 133.545,
23 133.575, 133.595, 133.617, 133.619, 133.721, 133.724, 133.726, 133.729, 133.731, 133.735, 133.737, 133.739,
24 165.540, **165.543** and 165.657 to 165.673.

25 **SECTION 3. The amendments to ORS 133.617 and 165.671 by sections 1 and 2 of this 2009**
26 **Act apply to warrant applications made on or after the effective date of this 2009 Act.**

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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.